

Memorandum

Date: October 24, 2024
To: Board of Directors
From: Kellyx Nelson
Re: Recommendation to contract with L.D. Giacomini Enterprises, Inc. to construct the repair of Schenly Creek crossing on Old Haul Road in Pescadero Creek County Park.

Staff recommends the board of directors approves contracting with L.D. Giacomini Enterprises, Inc. for an amount not to exceed \$570,000 to repair an actively failing crossing at Schenly Creek on Old Haul Road in Pescadero Creek County Park

The project will prevent harmful sedimentation impacts on critical habitat for coho salmon in Pescadero Creek and ensure that San Mateo County Parks (Parks) and CAL FIRE have reliable, safe access to the park and surrounding areas for maintenance, management and fire protection. Additionally, implementation of this project will facilitate safe construction access for future forest health projects that the RCD and Parks are planning in Pescadero Creek County Park. Construction is planned for fall of 2025. Funding for the project is a combination of NOAA Transformational Habitat Restoration and Coastal Resilience Grant (\$170,000), Nonpoint Source Program 319(h) Grant (\$200,000) and San Mateo County Parks (\$200,000).

The RCD's procurement policy (adopted May 18, 2023, found on our website [here](#)) establishes the RCD's requirements for subawards and the procurement of services, construction contracts and materials and supplies. It is consistent with the California Public Contracting Code (§1100-22355). This construction contract is greater than \$200,000 but the Sole Source exception to competitive procurement in section 5.2.1 of the policy applies for the following reason:

Storm impacts since 2022 have damaged and accelerated degradation of numerous stream crossings along Old Haul Road in Pescadero Creek County Park. Like the failing Schenly Creek crossing, many of these are Humboldt log crossings from the 1940s that were already in poor shape. The RCD has repaired three of these large crossings on Old Haul Road and we now know that they pose unique challenges due a combination of factors.:

- Highly constrained construction access and excavation in steep, heavily-forested terrain
- Presence of sensitive habitats and threatened and endangered species
- Very short construction work window (6 weeks in September and October) set by permits and on-site conditions
- Unpredictable and significant quantities, depth and types of unstable fills in the crossings

Experience from the past Humboldt crossing repairs has also shown that information from site testing (e.g. drilling) of the fill material is too unreliable to be useful for accurately predicting construction parameters and conditions at depth. For these types of repairs it is essential that the project engineer has the appropriate professional expertise as well as demonstrated experience with making field-based adjustments to the construction specifications based on actual site conditions as they become apparent. As such, the RCD has already contracted with Tim Best (Certified Engineering Geologist) as project engineer.

It is equally necessary that the contractor has the appropriate equipment and crew capacity as well as proven success implementing these specific projects per field-adapted specifications provided by the engineer, on time, in a manner protective of the sensitive resources, safe for workers, and within budget.

At this time, L.D. Giacomini Enterprises, Inc is the sole contractor with the specialized skills and experience described above, and therefore meets the requirements for an exception to competitive procurement requirements under 5.2.1(b) of the RCD's procurement policy.

Per the procurement policy adopted in May of 2023, an explanation of the applicable exception(s) shall be documented in writing and approved prior to entering into contract, by the Board of Directors for procurements for an amount over \$200,000.