



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: June 08, 2021

**DATE:** May 21, 2021

**TO:** Board of County Commissioners

**FROM:** Jen Heeran, P.E., Sr. Licensed Engineer, Engineering and Capital Projects  
Community Services Department, 328-3603, [jheeran@washoecounty.us](mailto:jheeran@washoecounty.us)  
Bill Wardell, Project Manager,  
Community Services Department, 328-3636, [wardell@washoecounty.us](mailto:wardell@washoecounty.us)

**THROUGH:** Dwayne Smith, P.E., Division Director, Engineering and Capital Projects,  
Community Services Department, 328-2043, [desmith@washoecounty.us](mailto:desmith@washoecounty.us)

**SUBJECT:** Recommendation to: (1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Lower Wood Creek Water Quality Improvement Phase I Project, PWP-WA-2021-130 [staff recommends Burdick Excavating Co. Inc., in the amount of \$2,133,964 (base bid of \$1,865,038 plus bid alternatives of \$268,926)]; (2) approve bid alternate #1 in the amount of \$159,898.00 for the Lower Wood Creek culvert crossing at Southwood Blvd; (3) approve deductive bid alternate #2 in the amount of \$38,692 to remove the 3-inch mill and fill for the full roadway section; (4) approve bid alternate #3 in the amount of \$30 per square foot for 4,914 square feet of block shoulder treatment in a total amount of \$147,720.00; (5) approve a separate project contingency fund in the amount of \$200,000. This project is funded by grants from the Nevada Division of State Lands and the Nevada Division of Environmental Protection, Tahoe Regional Planning Agency (TRPA) Mitigation Funds paid through new development fees, and Washoe County in-kind funding through matching staff time. (Commission District 1.)

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### SUMMARY

Lower Wood Creek Phase I Water Quality Improvement Project (WQIP) is the next project on Washoe County's Lake Tahoe Total Maximum Daily Load (TMDL) priority list and is being implemented in accordance with Washoe County's Interlocal Agreement (ILA) with Nevada Division of Environmental Protection (NDEP). Washoe County also participates in the Tahoe Regional Planning Agency (TRPA) Environmental Improvement Program (EIP) in the Lake Tahoe Basin, and this is the next project on Washoe County's 5-year list of EIP water quality improvement projects (EIP No. 01.01.01.0111).

The Nevada Division of State Lands (NDSL) has awarded funding to Washoe County in the amount of \$1,285,000 for the project through the NDSL Water Quality and Erosion Control Grants Program. In November 2018, NDSL amended the agreement with a second round of funding in the amount of \$880,000, for a total award of \$2,165,000.

AGENDA ITEM # \_\_\_\_\_

In accordance with the NDSL grant guidelines, Washoe County must provide a minimum match of 25% of the total project funding. As part of the match, the County will use TRPA Mitigation Funds in the amount of \$606,500 (21%), which was approved for release by the TRPA Board on February 28, 2018. The remaining match funding will be provided as in-kind staff match in the amount of \$115,500 (4%) and will include Washoe County's indirect cost rate in calculating the amount of the in-kind match.

Sealed bids were opened on May 21, 2021. The list of sealed bids received for the project is as follows:

<b>Lower Wood Creek WQIP – Phase I</b>		
<b>Bidder</b>		<b>Amount</b>
Burdick Excavating Co Inc.	Base Bid	\$1,865,038.00
	Additive Bid Alternate #1	\$159,898
	Deductive Bid Alternate #2	-\$38,692
	Additive Bid Alternate #3	\$30 per SF (\$147,720)
<b>Total Bid Award</b>		<b>\$2,133,964</b>
Aspen Developers Corp.		\$3,821,281.00
	Additive Bid Alternate #1	\$345,200
	Deductive Bid Alternate #2	-\$207,495
	Additive Bid Alternate #3	\$25 per SF
Engineer's Estimate		\$1,743,464.25

Staff is recommending the two additive and one deductive bid alternatives be included with the project award. Recognizing the quickly changing bid environment, these bid alternatives were carefully developed in the event the lowest bid exceeded the funding limitations. If that had occurred, the identified bid alternatives were planned to be included in the next project award which is anticipated for the summer of 2022.

Staff has verified in the system for award management (SAM) that no bidder is excluded from receiving federal government contracts as a result of being debarred; thus, none of the bidders is prohibited by NRS 338.017(2) from being awarded a public works contract.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

### **PREVIOUS ACTION**

March 27, 2018 – The Board of County Commissioners (Board) approved the grant funding from NDSL and NDEP with matching funds from the TRPA mitigation fund.

February 28, 2018 – The Tahoe Regional Planning Agency Governing Board approved the release of Washoe County Water Quality Mitigation Funds in the amount of \$606,500. The funds released includes \$125,000 from Water Quality and SEZ interest funds to be used for project planning and design, and \$481,500 from Water Quality and SEZ principal funds for project implementation.

November 14, 2017 – The Board approved disbursement of funds [\$45,911.23] to Nevada Tahoe Conservation District to be used as match for 319(h) funds for catchment registration in accordance with obligations and commitments contained in an Interlocal Agreement with the Nevada Division

of Environmental Protection, utilizing Washoe County's Tahoe Regional Planning Agency Water Quality Mitigation funds in support of the work. These funds will be used for continued implementation of the Lake Clarity Crediting Program and towards the pollutant load reduction milestones required to meet the Lake Tahoe Total Maximum Daily Load approved by the United States Environmental Protection Agency.

October 11, 2016 - The Board approved an update to an ILA between Washoe County and NDEP, which was originally approved in July 2013. The ILA affirms Washoe County's commitment to participate in an urban stormwater pollutant reduction program at Lake Tahoe. The ILA is a cooperative implementation of water quality improvement actions as opposed to a regulatory permit. The ILA explicitly requires the County to implement pollutant control projects and pursue external funding sources for the projects. The current Agreement is valid through 2021.

## **BACKGROUND**

Washoe County Community Services Department (CSD) continues its efforts to meet the Lake Tahoe TMDL requirements established by the United States Environmental Protection Agency (EPA). The goal of the TMDL is to reduce the pollutant load in urban stormwater runoff that reaches Lake Tahoe. Within Nevada, the TMDL is implemented through an agreement approach, and in 2016, Washoe County updated an ILA with NDEP to comply with obligations and commitments towards achieving the identified load reduction milestones and associated credit targets. Specifically, one of the requirements of the ILA is to maintain a five-year list of priority pollutant control projects to reduce sediment loading and to implement those projects. Additionally, the County commits to "oversee and coordinate financing for all aspects of pollutant control implementation including planning and design, construction, and activities related to Crediting Program participation. The County, as an implementing entity, will pursue self-funded and external funding sources to implement the [projects]."

In further efforts to improve the water quality and transparency of Lake Tahoe, Washoe County has participated in the TRPA EIP in the Lake Tahoe Basin since the inception of the program. This has been done through the implementation of erosion control and water quality improvement projects and enhanced road maintenance practices within the County right-of-way to improve the water quality of urban storm runoff discharging to Lake Tahoe.

The possibility exists for the County to pursue future federal funding for this project. If awarded, any and all federal funds will be applied only to the construction phase of the project.

## **FISCAL IMPACT**

Budget authority for this agreement, including base bid, alternates 1 through 3 and contingency is available in the FY21 budget in the Capital Improvements Fund (402) in the Lower Wood Creek Phase I Water Quality Improvement Project (PW920598).

## **RECOMMENDATION**

It is recommended the Board of County Commissioners: (1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Lower Wood Creek Water Quality Improvement Phase I Project, PWP-WA-2021-130 [staff recommends Burdick Excavating Co. Inc., in the amount of \$2,133,964 (base bid of \$1,865,038 plus bid alternatives of \$268,926)]; (2) approve bid alternate #1 in the amount of \$159,898.00 for the Lower Wood Creek culvert crossing at Southwood Blvd; (3) approve deductive bid alternate #2 in the amount of \$38,692 to remove the 3-inch mill and fill for the full roadway section; (4) approve bid alternate #3 in the amount of

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### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to (1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Lower Wood Creek Water Quality Improvement Phase I Project, PWP-WA-2021-130 [staff recommends Burdick Excavating Co. Inc., in the amount of \$2,133,964 (base bid of \$1,865,038 plus bid alternatives of \$268,926)]; (2) approve bid alternate #1 in the amount of \$159,898.00 for the Lower Wood Creek culvert crossing at Southwood Blvd; (3) approve deductive bid alternate #2 in the amount of \$38,692 to remove the 3-inch mill and fill for the full roadway section; (4) approve bid alternate #3 in the amount of \$30 per square foot for 4,914 square feet of block shoulder treatment in a total amount of \$147,720.00; (5) approve a separate project contingency fund in the amount of \$200,000. This project is funded by grants from the Nevada Division of State Lands and the Nevada Division of Environmental Protection, Tahoe Regional Planning Agency (TRPA) Mitigation Funds paid through new development fees, and Washoe County in-kind funding through matching staff time."