

Action Item

Delta Plan Amendments Contract Amendment Approval

Summary: Staff requests authority to amend the current contract with Stantec Consulting, Inc., by increasing the contract up to \$600,000 for a total not to exceed of \$5,050,000. The additional authorization will be used for support related to recent amendments to the Delta Plan and the ongoing five-year review of the Delta Plan.

Requested Action

Authorize the Executive Officer to amend the current contract with Stantec Consulting, Inc., by increasing the contract up to an additional \$600,000 for continued support related to recent amendments to the Delta Plan and the ongoing five-year review of the Delta Plan. The contract end date will change from June 30, 2018 to December 31, 2018.

The Executive Officer has delegated authority up to \$500,000 to enter into contracts and interagency agreements on the Council's behalf. Because this contract exceeds that amount, it requires Council approval.

Background

Staff is seeking support from Stantec for the following two tasks.

1. Support for Delta Plan Amendment Rulemaking – fulfillment of Administrative Procedures Act/Office of Administrative Law (APA/OAL) requirements

At the April 2018 Council meeting, the Council approved a resolution directing the Executive Officer to initiate rulemaking to repeal Delta Plan policy RR P1 (Cal. Code Regs., tit. 23, § 5012), and replace it with a new Delta Plan policy RR P1 adopted at the meeting. Additionally, the resolution directs the Executive Officer to add new glossary terms associated with Delta Plan policy RR P1; to amend Delta Plan policy G P1 (Cal. Code Regs., tit. 23, § 5002(b)(2)) to clarify that all mitigation measures adopted and incorporated into the Delta Plan apply to covered actions; and to execute all technical changes required by the Office of Administrative Law. To execute Council direction, Council staff seeks to task our consultants to provide support to fulfill the requirements of the Administrative Procedure Act and coordinate and work with the Office of Administrative Law.

2. Support for the Five-Year Review of the Delta Plan

The Delta Reform Act states, "The Council shall review the Delta Plan at least once every five years and may revise it as the Council deems appropriate..." (Water Code section 85300 (c)). As such, Council staff has developed a proposed approach to undertake the review of the Delta Plan in 2018. Council staff seeks to

task our consultants to provide support for the five-year review of the Delta Plan.

Contract Amendment

A substantial amount of work has been performed and executed under the on-call contract with Stantec, including development of the Conveyance, Storage System, and Operation of Both Amendment, and preparation and certification of the Program Environmental Impact Report (PEIR) to support the Delta Plan Amendments. Additionally, current tasks encumbered under the Stantec contract include support to develop the Ecosystem Amendment and future California Environmental Quality Act (CEQA) support of the Ecosystem Amendment. Work completed to date on past or ongoing tasks, combined with the budgets estimated for work to be completed, has resulted in a need to amend the overall contract for additional time and budget.

The proposed contract amendment would support the following activities:

1. Assist with fulfillment of the APA requirements related to the Council's April 2018 action to amend the Delta Plan.
 - a. Assist Council staff to develop an initial statement of reasons and supporting documents, such as cost and financial impact analyses.
 - b. Assist Council staff in public notification and compilation of an administrative record for submittal to the OAL.
 - c. Assist Council staff to develop a final statement of reasons with supporting documentation for a final submittal to OAL.
2. As needed support for the five-year review of the Delta Plan. (This effort is described in additional detail in *Item 9* on today's agenda.)
 - a. Assist in external evaluation of plan implementation efforts
 - b. Assist in development of an executive-level recommendations report

Upon approval, two separate task orders to support Council staff activities described above will be executed. Council staff also recommends extending the master contract period, as fulfillment of APA/OAL requirements may extend beyond the current June 30, 2019 end date. Council staff recommends a new master contract end date of December 31, 2019. The proposed contract amendment also includes addition of a new clause identifying that consultant team staff who have been involved in the Bay Delta Conservation Plan project or derivative projects may not engage in work for the Council related to the Delta Plan, per Water Code section 85214.

Fiscal Information

Funds will be provided from unobligated FY 17-18 Council funds (up to \$600,000). With this proposed amendment, the total amount of the Stantec contract over the next year and half would be up to \$5,050,000.

List of Attachments

None.

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