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Title: Action on an Agreement with Bellecci & Associates, Inc. for Design Professional Services for the Public Right-of-Way ADA Improvements Project [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

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Date	Ver.	Action By	Action	Result
9/29/2020	1	City Council and Authorities Concurrent	Approved	

REPORT TO COUNCIL

SUBJECT

Action on an Agreement with Bellecci & Associates, Inc. for Design Professional Services for the Public Right-of-Way ADA Improvements Project [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

BACKGROUND

The City of Santa Clara and the Santa Clara Stadium Authority were named as defendants in a class action lawsuit (*Nevarez v. 49ers, et al.*) which alleged that Levi's Stadium, its parking lots, and surrounding public pedestrian rights-of-way connecting satellite parking lots to the Stadium entrance, contained defects under the Americans with Disabilities Act (ADA). On July 23, 2020, the U.S. District Court for the Northern District of California granted final approval of a Settlement of this lawsuit, which requires the City to remediate the defects in its various public rights-of-way surrounding the Stadium site, within prescribed timeframes. Currently, the first phase of remediation is expected to be completed in July 2022 and the second phase in January 2023; however, an extension of these deadlines due to the pandemic and its budget impacts is the subject of ongoing discussions among the parties. These timeframes are extremely tight and the City needed to act expeditiously to try and achieve them ahead of any decisions on time extensions. The City and Stadium Authority are not required to contribute financially to the class settlement fund, which is \$24 million. The accessibility barriers are primarily located along Great America Parkway, Tasman Drive, Mission College Boulevard, Centennial Boulevard, Stars and Stripes Drive, Patrick Henry Drive, Old Ironsides Drive, Old Glory Lane, Democracy Way, and Bunker Hill Lane.

The Public Right-of-Way ADA Improvements (Settlement Agreement) Project was established in the FY 2020/21 and FY 2021/22 Adopted Capital Improvement Program Budget. The Public Works Department is leading this project in coordination with the City Attorney's Office due to the involvement of infrastructure in the public right-of-way. The project anticipates infrastructure

modifications including approximately two miles of sidewalk, 50 curb ramps, 50 driveways, 14 traffic signals, two rail crossings, and other miscellaneous barriers.

In order to prepare construction contracts for public works bidding that comply with the Settlement Agreement timeframes and due to the complexity of the improvements and resources required, the City will need to hire a design consultant to provide engineering services for the project. This need was anticipated and was included in the Capital Improvement Program budget for this project.

DISCUSSION

A formal selection process was utilized to solicit proposals from consultants to provide the required design professional services. In late 2019, a Statement of Qualifications (SOQ) was issued to solicit qualifications from consultants in order to establish an on-call Prequalified Consultant List (PCL) to provide engineering design services for ADA improvements in the public right-of-way. Eleven consultants submitted qualifications in response to the SOQ, and based on the terms and evaluation criteria, six firms were placed on the on-call PCL. In June 2020, a Call for Proposals (CFP) was distributed to consultants on the Prequalified Consultant List for this specific project and five consultants submitted proposals.

Proposals were evaluated by a selection panel consisting of staff from the Public Works Department and interviews were held with the two top-ranked proposers. The firms were evaluated based on a number of factors including project specific qualifications, availability of staff resources, project approach, proposed scope of services, project schedule and design completion dates. Following the evaluation and interview process, Bellecci & Associates, Inc. (Bellecci) was the highest ranked proposer based on several factors. Bellecci demonstrated significant experience in successfully performing similar services for various nearby public agencies, and committed experienced, highly qualified, key staff to this project. Bellecci also proposed a project approach and scope of services that committed to completing the project in a timely and efficient manner.

The proposed agreement (Attachment 1) includes a refined scope of services based upon negotiations and the understanding of the work to be performed. The scope of services generally includes project management and coordination, data gathering and land surveying, recommendations for construction bid packaging, environmental review, public outreach, agency coordination and permitting, construction documents (plans, specifications, and estimates) for public works construction bidding, bidding support, and engineering support services during construction. The agreement also includes optional tasks for additional environmental studies related to nesting birds, a post-construction ADA review and certification by a Certified Access Specialist (CASp).

Additional services are included in the project to account for additional infrastructure improvements that may need to be designed in order to satisfy ADA standards for existing barriers not specifically itemized in the Settlement Agreement. The need for these services will only become known as the design and construction progresses, and for this reason these services have been incorporated into the scope of services as optional tasks to be provided only if required and if authorized by the City. The scope of services anticipates that multiple construction contracts and associated construction bid document packages will be prepared for the project.

Staff recommends entering into the Agreement for Design Professional Services with Bellecci & Associates, Inc. for the Public Right-of-Way ADA Improvements (Settlement Agreement) Project. Approval of this agreement will provide the design professional services necessary to complete the design of the project and proceed to construction in a timely manner. Construction of the project is

anticipated to occur from mid-2021 through 2023. The agreement includes prevailing wage requirements.

ENVIRONMENTAL REVIEW

This action is for design professional services and the action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") Guidelines section 15378 as the action being considered does not commit the City to undertake the project and future discretionary approvals are required by the City to approve the project for construction. The agreement includes environmental review services for the improvements being considered, and the consultant will evaluate the proposed work in accordance to CEQA as part of the design and approval process. However, it is expected that the CEQA determination for this project will be a categorical exemption pursuant to CEQA Guidelines section 15301(c) Existing Facilities.

FISCAL IMPACT

The proposed agreement is for a total not-to-exceed amount of \$917,534. This amount includes \$797,856 for basic services, and \$119,678 for additional services. Funds for the agreement are available in the FY 2020/21 and FY 2021/22 Adopted Capital Improvement Program Budget in the Public Right-of-Way ADA Improvements (Settlement Agreement) Project.

COORDINATION

This report has been coordinated with the Finance Department and the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

1. Approve and authorize the City Manager to execute an agreement with Bellecci & Associates, Inc., for the Public Right-of-Way ADA Improvements (Settlement Agreement) Project in the amount not-to-exceed \$917,534; and
2. Authorize the City Manager to make minor, non-substantive modifications, including time extensions, to the agreement, if needed.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Agreement