



## Legislation Details (With Text)

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**Title:** Action on Amendment No. 1 to the Agreement with Mark Thomas and Company for the Saratoga Creek Trail Project

**Sponsors:**

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**Attachments:** 1. Amendment No.1

Date	Ver.	Action By	Action	Result
12/4/2018	1	Council and Authorities Concurrent Meeting	Approved	

## REPORT TO COUNCIL

### SUBJECT

Action on Amendment No. 1 to the Agreement with Mark Thomas and Company for the Saratoga Creek Trail Project

### BACKGROUND

On November 10, 2015, the City Council approved a design professional services agreement (Agreement) with Mark Thomas and Company (Consultant) for the Saratoga Creek Trail Project between Homeridge Park and Central Park. The project proposes to construct approximately 0.4 miles of bicycle and pedestrian trail adjacent to Saratoga Creek, including an undercrossing at Homestead Road, an undercrossing at Kiely Boulevard, and a pedestrian bridge across Saratoga Creek adjacent to Kiely Boulevard.

The professional services provided by the Consultant under the Agreement include preparing conceptual designs, conducting environmental review and providing California Environmental Quality Act (CEQA) documentation, preparing final plans, specifications, and engineer's estimate for public works bidding and construction, and other related tasks in order to complete the project.

The Consultant has been providing professional services required under the Agreement and has completed the conceptual designs, environmental documentation, and the plans, specifications, and engineer's estimate up to a 70% design level of completion. Work remaining to be completed under the original agreement's scope of services includes securing final approvals and permits from the Santa Clara Valley Water District (SCVWD) and resource agencies (San Francisco Bay Regional Water Quality Control Board (RWQCB), United States Army Corps of Engineers (USACOE), and California Department of Fish and Wildlife (CDFW)), finalizing the plans, specifications, and estimate for construction, and providing support services during bid, award and construction phases.

### DISCUSSION

The Agreement between the City and Consultant terminates on December 31, 2018, and an amendment to the Agreement is needed in order for the Consultant to continue providing the professional services outlined under the Agreement. The item under consideration is Amendment No. 1 to the Agreement with the Consultant to extend the termination date of the Agreement.

In addition, the project has been awarded grant funding through Cycle 2 of the One Bay Area Grant Program. This program includes Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) federal funds. Due to the federal funding, the project must be reviewed through the Caltrans Division of Local Assistance and receive additional environmental review under the National Environmental Policy Act (NEPA). The original Agreement does not include services for the Caltrans local assistance process or an environmental review under NEPA because at the time it was awarded, this funding source was not part of the project. Staff is currently working with the consultant to evaluate the scope of services necessary to satisfy the federal funding requirements of the project, as well as the necessary effort to coordinate with the various permitting agencies. Due to the near term expiration of the original Agreement, staff could not include the scope and cost estimates for the additional work into the amendment at this time. Once the scope and costs are finalized with the consultant, a second amendment will be brought forward to Council early next year to include these additional services.

### **ENVIRONMENTAL REVIEW**

The potential environmental impacts of the project were addressed in a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) prepared for the project adopted by the Council on December 6, 2016.

### **FISCAL IMPACT**

The original Agreement is for a total not-to-exceed amount of \$671,591. There is no fiscal impact associated with Amendment No. 1 as the amount of the agreement remains unchanged.

### **COORDINATION**

This report has been coordinated with the Finance Department and 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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with Mark Thomas and Company for the Saratoga Creek Trail Project

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Amendment No. 1