



Agenda Report

19-315

Agenda Date: 5/7/2019

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 2 to the Agreement with Mark Thomas and Company, Inc. for the Saratoga Creek Trail (Homeridge Park to Central Park) Project

BACKGROUND

The purpose of the Saratoga Creek Trail (Homeridge Park to Central Park) Project (Project) is to connect Homeridge Park and Central Park via a trail. 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.

A Request for Proposals was advertised for consultant services, and on November 10, 2015, Council approved a contract with Mark Thomas and Company, Inc. (Consultant) to provide design services for the Project (Agreement). The Agreement includes preparing conceptual designs; conducting environmental review; providing California Environmental Quality Act documentation; preparing final plans, specifications, and an engineer's estimate for public works bidding and construction; and completing other related tasks in order to finalize the Project. On December 4, 2018, the Council approved Amendment No. 1 to the Agreement, which extended the term. At the time of this approval, staff reported that a future amendment would be brought forward for the Council's consideration in order to incorporate additional professional services into the Agreement that are required by the Consultant in order to complete the Project.

The Consultant has been providing professional services required under the Agreement and has completed the conceptual designs, the environmental documentation under CEQA, and has prepared 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 various resource agencies including the San Francisco Bay Regional Water Quality Control Board, United States Army Corps of Engineers, and California Department of Fish and Wildlife; finalizing the plans, specifications and estimate for construction; and providing support services during bid, award and construction phases.

DISCUSSION

Since approval of the original Agreement the Project has evolved, which has led to additional efforts involving federal grant funding, coordination with the SCVWD, and structural design related to retaining walls.

Federal Grant Funding

When the Project was originally approved it did not include any grant funding. During the early stages

of design, the City became aware of an opportunity to apply for federal funding and was ultimately awarded approximately \$3.7 million in grant funding through Cycle 2 of the One Bay Area Grant Program which includes Congestion Mitigation and Air Quality Improvement federal funds. Due to the federal funding, there are additional requirements including the need to have the project reviewed through the Caltrans Division of Local Assistance and receive additional environmental review under the National Environmental Policy Act. The original Agreement does not include services for the CDLA process or an environmental review under NEPA because at the time it was awarded, this funding source was not part of the Project. Amendment No. 2 includes the scope of services and associated fees necessary for the Consultant to satisfy the Caltrans Local Assistance Procedures Manual requirements and the NEPA review associated with the federal grant. This includes completing various documentation and certifications as required by the LAPM, and completing tasks for NEPA review, such as a preliminary environmental study and field review, various technical studies, and an Environmental Assessment.

Additional SCVWD Coordination

The project requires coordination with the SCVWD to obtain the necessary project approvals and permits. To date the Project has not secured the necessary approvals from the SCVWD for construction. The original scope of work included some compensation for this effort; however, due to the complexity of the Project, the coordination with the SCVWD has been much more involved and intensive than originally anticipated. This increased effort includes more coordination, meetings, hydraulic modeling, and time to develop alternative trail layout concepts. Amendment No. 2 includes the necessary compensation to cover these costs.

Additional Structural Analysis

During the early stages of coordination on the project with the SCVWD, the trail alignment was discussed in great detail and several alternative layout concepts were developed. The SCVWD reviewed those concepts and was not in favor of the alignments and as a result other additional options had to be developed. These additional options included structural elements that required more analysis and detailing than what was included in the original scope of work. Amendment No. 2 includes additional scope of services and fees in order for the Consultant to prepare the structural analysis and detailing of eight structural retaining walls including soldier piles, cantilevers, and ground anchors.

Staff evaluated and negotiated the scope of services and fees contemplated under Amendment No. 2 with the Consultant in order to satisfy the federal funding requirements; provide the additional efforts required to obtain SCVWD approvals; and provide the additional structural analysis required to design the Project. Staff evaluated the compensation and determined it reasonable considering the work to be completed and therefore recommends approval of Amendment No. 2 with an additional amount of \$500,744, increasing total compensation from \$671,591 to \$1,172,335, so that the Project can continue to move forward with the design and obtain the necessary reviews and approvals for construction.

Based on additional design work, modifications stemming from the SCVWD review, and rising construction costs, staff will be reevaluating engineer's estimate for the project as the project progresses. Staff anticipates that additional monies will be required to complete the project, but that exact amount will not be known until bid opening. Any necessary budget amendments will be presented to the Council for consideration at the time of construction contract award.

ENVIRONMENTAL REVIEW

The potential environmental impacts of the project under CEQA were addressed in a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project adopted by the Council on December 6, 2016. As a result of receiving federal funding, the project will require additional environmental review under the National Environmental Policy Act.

FISCAL IMPACT

The original agreement is for a total not-to-exceed amount of \$671,591. Amendment No. 2 adds \$500,744, bringing the Agreement to a total not-to-exceed amount of \$1,172,335 (\$1,064,850 for basic services, \$1,000 for reimbursable expenses, and \$106,485 for additional services). Funds are available in the Capital Improvement Project budget in the Saratoga Creek Trail (Homeridge Park to Central Park) project. Approximately 70% of the current project budget is funded by the grant.

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>> 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. 2 to the Agreement with Mark Thomas and Company, Inc. for the Saratoga Creek Trail (Homeridge Park to Central Park) Project.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Amendment No. 2