



# Santa Clara Valley Water District

File No.: 17-0861

Agenda Date: 2/27/2018

Item No.: 6.1.

## BOARD AGENDA MEMORANDUM

### SUBJECT:

Amendment Nos. 1 to Consultant Agreements A3932A in the amount of \$882,952 and A3933A in the amount of \$533,170 with Harris and Associates for Construction Management Services for the Permanente Creek Flood Protection Project (Project) - Rancho San Antonio Detention Basin and McKelvey Park Detention Basin, Project No. 26244001 (Cupertino and Mountain View) (District 5).

### RECOMMENDATION:

- A. Approve Amendment No. 1 to Agreement A3932A with Harris and Associates to provide \$882,952 for additional construction management services for the Permanente Creek Flood Protection Project - Rancho San Antonio Detention for a new Not-To-Exceed Fee of \$2,153,362, and extend the Agreement term to March 31, 2019; and
- B. Approve Amendment No. 1 to Agreement A3933A with Harris and Associates to provide \$533,170 for additional construction management services for the Permanente Creek Flood Protection Project - McKelvey Park Detention for a new Not-To-Exceed Fee of \$3,303,021, and extend the Agreement term to February 29, 2020.

### SUMMARY:

Consultant is performing construction management services for the Permanente Flood Protection Project being constructed at Rancho San Antonio County Park in the City of Cupertino and at McKelvey Park in the City of Mountain View. This Project protects approximately 2,200 parcels by implementing flood detention and channel improvement elements. Construction of both Projects began in late 2016 and staff recommends amending both Agreements to provide for additional construction management services and archaeological support as construction progresses.

### Consultant Agreements

On January 26, 2016, the Board of Directors (Board) approved the original Agreements with the Consultant to perform the construction administration, construction management, and inspection-related services for the construction of the Rancho San Antonio Detention for a “not-to-exceed” (NTE) amount of \$1,270,410 and the construction of the McKelvey Park Detention for a NTE amount of \$2,769,851.

Amendment No. 1 is now recommended to provide for additional construction management services and archaeological support, increase the compensation NTE in the amount of \$882,952

for the Rancho San Antonio Detention and \$533,170 for the McKelvey Park Detention, and extend the Agreement terms.

### **Additional Construction Management Services**

During the last two years as the design was being finalized, it became clear after the enactment of these two construction management agreements, that the Project construction schedules were going to be longer than originally forecasted. The original Agreements were also negotiated assuming that one construction manager would be able to manage both Projects. Due to unforeseen impacts, it has become apparent that a dedicated construction manager is required for each Project. The following additional services are provided for in Amendment Nos. 1:

#### Rancho San Antonio Detention Construction Management Agreement Amendment: A3932A

##### *Task 1-Construction Administration*

The Consultant will continue managing their services pursuant to the Agreement and all amendments thereto throughout construction and completion of the Project. Unforeseen impacts requiring additional services include parking lot, septic tank, and irrigation well design changes; utility (i.e., PG&E) relocation delays and archaeological findings. The impacts require coordination between multiple entities (i.e., District, County of Santa Clara Parks Department and the Department of Environmental Health, Midpeninsula Regional Open Space District, Gate of Heaven Cemetery, the Project design services consultant firm Mott MacDonald subconsultant archaeological team CH2M); and extensive negotiations on costs and schedule with the construction contractor. An additional \$406,285 is recommended for this task for the Rancho San Antonio Detention Basin.

##### *Task 3-Inspections, Special, and Specialty Inspections*

The increased scope and budget in this Task is mainly due to the additional work during the construction schedule extension. For Rancho San Antonio Detention Basin, the civil construction period has been extended for one year from December 2017 to December of 2018. The necessary additional budget to complete this task the Rancho San Antonio Detention Project is \$99,141.

##### *Task 4-Supplemental Services*

Unforeseen archaeological finds have been discovered as the detention basin at Rancho San Antonio is being excavated. Therefore, additional funds are necessary for this task to pay for the work of archaeologists to implement a required Treatment and Monitoring Plan for the area. As excavation continues, additional finds are being discovered. At this time, the additional amount for this task is estimated to be \$377,526.

#### McKelvey Park Detention Construction Management Agreement Amendment: A3933A

*Task 1-Construction Administration*

The Consultant will continue managing their services pursuant to the Agreement and all amendments thereto throughout construction and completion of the Project. Unforeseen impacts requiring additional services include utility relocation delays and neighborhood/stakeholder coordination. The impacts require coordination between multiple entities (i.e., District, City of Mountain View Public Works and Building Departments, PG&E, Comcast, and the Project design consultant firm Mott MacDonald), and extensive negotiations on costs and schedule with the construction contractor. An additional \$422,539 is recommended for this task for the McKelvey Park Detention Basin.

*Task 2-Partnering and Claims & Dispute Management*

Additional partnering sessions and claims management services are expected as necessary to help resolve costs associated with the PG&E electrical line relocation's six-month delay and other unanticipated impacts. An additional \$10,631 amount is recommended for this task for the McKelvey Park Detention Basin.

*Task 4-Supplemental Services*

Additional specialty inspections are expected per City of Mountain View building department permit requirements. An additional \$100,000 amount is recommended for this task for the McKelvey Park Detention Basin.

**Next Steps:**

If the Board approves the recommendations, staff will have the necessary resources to continue the construction administration and management of the Rancho San Antonio and McKelvey Park Detention Basins and help to complete the construction of these Projects.

**FINANCIAL IMPACT:**

The total additional cost for Rancho San Antonio Detention and McKelvey Park Detention Construction Management Agreements are \$882,952 and \$533,170, respectively. These amendments will increase the NTE compensation limits for the Rancho San Antonio Detention and McKelvey Park Detention Basins Construction Management Agreements to \$2,153,362 and \$3,303,021, respectively. The Agreements have adequate funds to cover activities through FY 2018 but will need funds to pay for the additional services necessary per the recommended Amendments to both Agreements. Additional funds will be budgeted in FY 2019 to cover these amendments. The main funding source for construction is from the Safe, Clean Water Program.

**CEQA:**

The recommended action does not constitute a project under the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Amendment No. 1 to Agreement A3932A

Attachment 2: Amendment No. 1 to Agreement A3933A

**UNCLASSIFIED MANAGER:**

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