



Santa Clara Valley Water District

File No.: 20-0339

Agenda Date: 4/28/2020
Item No.: 5.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Standard On-Call Consultant Agreements for On-Call Construction Scheduling and Claims Analysis Services with CPM Associates, Inc. for a Not-to-Exceed Fee of \$1,000,000, and with PMA Consultants, LLC for a Not-to-Exceed Fee of \$500,000.

RECOMMENDATION:

- A. Approve the On-Call Consultant Agreement with CPM Associates, Inc., for On-Call Construction Scheduling and Claims Analysis Services for a not-to-exceed fee of \$1,000,000; and
- B. Approve the On-Call Consultant Agreement with PMA Consultants, LLC, for On-Call Construction Scheduling and Claims Analysis Services for a not-to-exceed fee of \$500,000.

SUMMARY:

Santa Clara Valley Water District (Valley Water) delivers many capital projects and programs to meet its mission and goals for water supply, flood protection, and watershed stewardship. Valley Water's engineering and Construction Services staff provide specialized technical support for construction of this work.

Valley Water continues to undertake a very large Capital Improvement Program consisting of numerous complex projects. Close attention to project schedules and timely resolution of disputes are important to successful project delivery. The proposed on-call consultant services would augment Valley Water staff by providing construction scheduling and claims analysis services, as needed. Consultants would benefit the District by providing advanced specialized expertise in these specific areas, which often take significant time and analysis, and multiple communications with contractors to hopefully reach a negotiated outcome. Having the consultants on-call would allow for dedicated review and analysis on complex issues in a timely manner, while staff continues with contract compliance efforts to keep projects moving forward in an efficient manner.

Staff is projecting a continued demand for construction scheduling and claims analysis services over the next three to five years in view of Valley Water's robust CIP and planned public works projects, some of which are extremely complex. In order to meet this ongoing demand, staff administered a consultant selection process and negotiated agreements with the two highest ranked firms. The top-ranked consultant, CPM Associates, Inc. (CPM), will provide as-needed construction scheduling and claims analysis services for up to \$1,000,000 in fees, for an initial three-year term. The second-

ranked firm, PMA Consultants, LLC (PMA), will provide as-needed consulting services for up to \$500,000 in fees, for an initial three-year term in the event that CPM has a conflict of interest with performing services on a particular project. Additionally, if funds from CPM's agreement are fully utilized prior to completion of the three-year term of the agreement, Valley Water may request PMA perform services, provided there is no conflict of interest in performing such services.

Requests for construction scheduling and claims analysis consultant services may include one or more of the following tasks: Review of Baseline Project Schedule, Review Updates to Detailed Progress Schedules, Review Time Impact Analyses, Provide Disputes Analysis and Management, and Negotiations and Dispute Resolution support.

Consultant Selection Process:

On May 20, 2019 staff published a Request for Proposals (RFP) for On-Call Construction Scheduling and Claims Management Services (RFP #5014) and distributed to approximately 197 firms on the Valley Water's self-registered list for expertise CM1-Construction Management, and posted it on Valley Water's Contract Administration System (CAS) internet portal. Public notices were also published in the Silicon Valley Business Journal and the Small Business Exchange.

The RFP was advertised for a four-and-a-half-week period. Eight proposals were received by the submittal deadline of June 20, 2019.

A Consultant Review Board (CRB), consisting of three subject matter experts from Valley Water and one external subject matter expert from the Santa Clara Valley Transportation Authority (VTA), evaluated and ranked the written proposals and oral interviews. Based on the combined written and oral rating scores, the CRB recommended that staff undertake contract negotiations with CPM and PMA, the two highest ranked firms. In August 2019 staff initiated agreement negotiations with CPM and PMA.

Consultant Agreement and Scope of Services:

Each of the recommended consultant agreements with CPM and PMA includes the required tasks and budget in the following areas:

- 1) Project Management;
- 2) Review Baseline Project Schedule;
- 3) Review Updates to Detailed Progress Schedules;
- 4) Review Time Impact Analyses;
- 5) Provide Dispute Analysis and Management;
- 6) Provide Services in Support of Negotiations and Dispute Resolution; and
- 7) Supplemental Services.

FINANCIAL IMPACT:

The not-to-exceed fees for the CPM and PMA agreements are \$1,000,000, and \$500,000, respectively during their three-year terms. No funds will be encumbered at this time for these

agreements. Individual operations and capital projects will budget for these services as needed. Task Orders will be approved for work on specific projects and funded by the adopted budget of those projects.

CEQA:

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

ATTACHMENTS:

Attachment 1: Agreement, CPM Associates, Inc.
Attachment 2: Agreement, PMA Consultants, LLC.

UNCLASSIFIED MANAGER:

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