



Santa Clara Valley Water District

File No.: 21-0732

Agenda Date: 9/14/2021

Item No.: 5.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Amendment No. 5 to Agreement No. A3626A with CDM Smith Inc., to Perform Engineering Design Services During Construction for the Rinconada Water Treatment Plant (RWTP) Interim Site Restoration Project and to Provide Engineering Design Services for the RWTP Reliability Improvement Project Phases 3 - 6, Project No. 93294057, Increasing the Total Not-to-Exceed Fee by \$6,120,110, for a Total Revised Not-to-Exceed Fee of \$35,405,987, and Extending the Agreement Term to October 31, 2023 (Los Gatos) (District 7).

RECOMMENDATION:

Approve Amendment No. 5 to Agreement No. A3626A with CDM Smith, Inc. for Engineering Design Services During Construction for the Rinconada Water Treatment Plant (RWTP) Interim Site Restoration Project and for Engineering Design Services for the RWTP Reliability Improvement Project Phases 3- 6, Project No. 93294057, increasing the total not-to-exceed fee by \$6,120,110 for a total revised not-to-exceed fee of \$35,405,987 and extending the Agreement term to October 31, 2023.

SUMMARY:

CDM Smith, Inc. (Consultant) prepared the original design documents for constructing the Rinconada Water Treatment Plant (RWTP) Reliability Improvement Project. Pursuant to Amendment No. 5 to the Consultant Agreement (Agreement), they will provide design services for the remaining phases of the RWTP Reliability Improvement Project. The Consultant will repackage the original plans and specifications for the remaining construction phases of the Project and prepare them for public bidding. Consultant prepared the design documents and will provide engineering support services during construction for the RWTP Interim Site Restoration Project, which the Board awarded for construction on June 22, 2021, and perform additional design services determined necessary since the original design was completed in 2015.

Project Background

RWTP was constructed in 1967 and is Valley Water's second largest plant. It has capacity to deliver up to 80 million gallons of water each day to retailers who then supply residential and commercial users. The RWTP draws water from the South Bay Aqueduct, the San Luis Reservoir, as well as the Anderson and Calero Reservoirs. There is no backup facility for this supply. Thus, the plant's

operating reliability is critical to meeting the daily water demands of its customers.

On May 26, 2015, the Board awarded a construction contract (Contract) to Balfour Beatty Infrastructure, Inc. (BBII) for the Project to upgrade the plant to improve reliability while meeting stringent standards for water quality, seismic stability, and safety issues. The work was divided into six phases to allow RWTP to remain online throughout construction.

Amendment One to the construction contract was approved by the Board on March 10, 2020. It significantly reduced the scope of work, resulting in BBII completing Phases 1 and 2 of the Project, and eliminating most of Phases 3, 4, 5 and 6. Completion of the remaining phases requires repackaging of the plans and specifications to reflect the current status of the work. This Amendment will allow the Consultant as the Engineer of Record to repackage the plans and specifications, design new plant water pumps and prepare control algorithms for the remaining phases of construction in order for the Project to be advertised for public bidding.

Agreement A3626A Amendment History

On January 22, 2013, the Board approved Agreement A3626A for Project design services between CDM Smith and Valley Water, with a not-to-exceed (NTE) fee of \$15,686,000. The scope of the approved Agreement included completion of the Project design and provision of technical support during the advertisement and bidding period.

On December 23, 2014, the CEO approved Amendment No. 1 to the subject Agreement. This amendment extended the duration of the original Agreement from December 31, 2014, to August 31, 2015 due to delays in the advertisement and award of the Project.

On May 26, 2015, the Board approved Amendment No. 2 to the subject Agreement, which extended the duration of the Agreement from August 31, 2015, to September 22, 2017, and added engineering support services during the first period of construction to its scope. The NTE fee of the Agreement was increased by \$8,409,721 from \$15,686,000 to \$24,095,721.

On October 13, 2015, the CEO approved Amendment No. 3 to the subject Agreement. This amendment provided for partial release of retention funds withheld by the District during the Project's design phase. The NTE fee of the Agreement was not changed.

On August 22, 2017, the Board approved Amendment No. 4 to the subject Agreement, which increased the NTE fee of the Agreement by \$5,190,156 from \$24,095,721 to \$29,285,877. This Amendment also extended the duration of the Agreement from September 22, 2017 to September 30, 2021.

Amendment No. 5 Additional Scope of Services and Time Extension

Approving staff's recommendation to amend the Agreement will allow Consultant, as the Engineer of Record, to continue providing engineering design services for the repackaging of the Project and to perform engineering services during construction of the RWTP Interim Site Restoration Project. Amendment No. 5 would increase the NTE fee by \$6,120,110 resulting in a total NTE fee of

\$35,405,987. This Amendment would also extend the Agreement term from September 30, 2021 to October 31, 2023.

The tasks and not-to-exceed additional fees are summarized below:

- A. \$4,027,104 for work required to repackage the plans and specifications to prepare them for public bidding. This includes project management activities, 70 percent design submittal, and final design bid set.
- B. \$1,091,920 for work required to perform new design services. This includes providing a planning level design for a future aqua ammonia facility, modifications to the plant water pumping system to meet the projected plant water demands, and developing control algorithms for the facilities of construction phases 3-6.
- C. \$444,712 for work required to perform tasks that are necessary due to the repackaging of the Project. This includes providing public outreach assistance, reviewing the previously prepared environmental documents to recommend additional studies/reports that may be needed, provide bid period support services, and provide engineering services during construction of the RWTP Interim Site Restoration Project which is underway.
- D. \$556,374 for supplemental services to provide funds for unanticipated costs.

FINANCIAL IMPACT:

The RWTP Reliability Improvement Project No. 93294057 is included in the Five-Year 2022-26 Capital Improvement Program (CIP) and in the Board-adopted FY 2021-22 Budget. There are adequate funds in the Project's Board-adopted FY 2021-22 Budget to encumber the anticipated expenditures (\$6,120,110) for the Consultant's scope of work as recommended in Amendment No. 5. The Amendment No. 5 to the Consultant Agreement will not increase the total Project cost reflected in the Five-Year 2022-26 CIP. The Project is funded by the Water Utility Enterprise Fund (Fund 61).

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: Amendment No. 5

UNCLASSIFIED MANAGER:

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