



## Legislation Text

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### Report to Mayor and City Council

Tuesday, November 21, 2023

Consent

#### **SUBJECT:**

**CONSIDER APPROVAL OF AMENDMENT TO THE ON CALL CONSULTANT AGREEMENT WITH JOHN M. CRUIKSHANK CONSULTANTS INC., TO PROVIDE ON-CALL ENGINEERING PROFESSIONAL SERVICES TO THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT**

#### **I. SUMMARY**

The City of Carson retains the services of On-Call Engineering firm, John M. Cruikshank Consultants Inc. (JMC2), to assist the Public Works Department in developing the necessary plans, specifications and estimates for the City's Capital Improvement Program (CIP) projects. The existing contract with JMC2 to provide professional services has an amount not-to-exceed \$850,000 with the term ending June 30, 2024.

The Department Director has reviewed the number of potential projects and the need for professional services through the end of the fiscal year. It was concluded that the existing amount budgeted for JMC2 is insufficient to meet the resource needs and timetable of projects, particularly for Project No. 1490: Dominguez Channel Bike Path Phase I, and Project No. 1600: Dominguez Channel Bike Path Phase II due to re-alignment and scope of work changes per City and LA County requirements. Staff is requesting additional allocations to allow the City to utilize their services to remain timely with the design completion and grant obligations.

The recommendations, if adopted, would amend contract provisions for JMC2 to increase the total compensation from \$850,000 to \$950,000, and extend the term by one (1) additional year until June 30, 2025.

#### **II. RECOMMENDATION**

TAKE the following actions:

1. WAIVE the formal bidding procedures as defined by the Carson Municipal Code pursuant to the Carson Municipal Code Sections 2611(e) (sole source purchasing).

2. APPROVE Amendment No. 7 to the On-Call Consultant Agreement with JMC2 to provide On-Call Engineering Professional Services increasing the not-to-exceed amount from \$850,000.00 to \$950,000.00 and extending the term by an additional one (1) year until June 30, 2025 (Exhibit No.1).
3. AUTHORIZE the Mayor to execute Amendment No. 7 to the On-Call Consultant Agreement with JMC2 following approval as to form by the City Attorney.

### **III. ALTERNATIVES**

1. DO NOT APPROVE proposed Amendment for the contract, however, this will limit the consultant's ability to complete the tasks assigned.
2. TAKE another action the City Council deems appropriate, consistent with the requirements of the law.

### **IV. BACKGROUND**

The City's 5-Year CIP was approved by the City Council on June 20, 2023, and the total estimated cost to complete all funded projects is approximately \$64M. Because the process of retaining a consultant for a specific project from the initial conceptual phase to the issuance of the Notice to Proceed (NTP) is extremely time consuming, it is beneficial for the city to have on retainer a set of on-call professional engineers and architects that allows these consultants to go through the procurement process only once rather than once for each project. Having On-Call Engineering Professional Services greatly reduces the time required to develop the necessary plans, specifications and estimates by eliminating the need to prepare separate Requests for Proposals (RFPs) for each project under consideration. Using these on-call consultants enables the city to move quickly on projects without the delays caused by having to process separate RFPs/RFQs for each individual project.

The Public Works Department is responsible for studies, as well as design and construction of all public works projects, including those that are grant funded. The use of consultants is not in lieu of using full-time employees, but rather these consultants are utilized to enhance the capacity of the current staff beyond what is typically needed, particularly for larger projects that tend to be beyond the scope of internal staff's capacity. Supplementing staff this way enables the city to complete many more projects in a timely manner and meet grant deadlines.

On May 16, 2023, the City Council approved Amendment No. 6 to the existing On-Call Consultant Agreement with JMC2, extending the term of the agreement until June 30, 2024. Given the significant number of infrastructure related projects and the increasing needs for professional services to complete the plans and specifications for the City's CIP and other miscellaneous projects, it was determined that the amount budgeted for JMC2 is insufficient and staff is requesting an increase in funding and amendment to the existing contract. It was also determined that the amount of time needed to complete the tasks

assigned is insufficient and a one (1) year term extension is necessary.

The proposed amendment would amend contract provisions for JMC2 as follows: total compensation would be increased from \$850,000 to \$950,000 to provide On-Call Engineering Professional Services, and the term would be extended by one (1) year until June 30, 2025.

It should be noted that there have been significant changes in the scope of work for various projects and the projects have taken longer than anticipated. Accordingly, staff is seeking City Council approval for the proposed Amendment to allow staff to continue to utilize the services of JMC2 and allow them to complete the assigned tasks and projects.

#### Sole Source Determination and Procurement

The City Attorney's Office has determined and the City Manager has agreed with such determination that the procurement associated with the amendment meets the Carson Municipal Code Section 2611(e) (sole source purchasing) definition:

*The City Manager may dispense with this Chapter's bidding requirements if he or she finds that the materials, supplies, equipment, or services are unique because of their quality, durability, availability, or fitness for a particular use and are available only from one (1) source, or, if available from more than one (1) source, can be purchased from the manufacturer or service provider for a lower price. If the cost of such sole source purchasing is \$25,000 or greater, then the City Council's approval shall be required.*

Sole source is justified given that JMC2 has already prepared nearly completed design plans for Project No. 1490: Dominguez Channel Bike Path Phase I and Project No. 1600: Dominguez Channel Bike Path Phase II prior to the project re-alignment and scope changing due to City and LA County requirements. The new alignment follows Dominguez Channel between Main Street and Avalon Boulevard, instead of diverting to city streets, making it easier for bicyclists to travel along this segment. The new alignment does not necessarily need additional right of way take from other agency which will help speed up the design process. Additional new scope items also include designing the bike path following the Greenway Guidelines as a requirement of LA County.

The additional scope of work including the completion of design plans for the new alignment is very closely tied to previous design work completed by JMC2. It is cost effective to allow JMC2 to perform the additional design work given their familiarity with the project and their complete knowledge about the project since the planning stage. If another consultant was contracted to perform the additional design work, they would need to repeat work that was already completed by JMC2, which will result in a high cost of design fee.

The City's municipal code also stipulates that certain professional services are selected on the basis of demonstrated competence and on the qualifications necessary for the satisfactory performance of the services required at a fair and reasonable price. In addition to the demonstrated technical competency, JMC2 has provided prices deemed fair and reasonable to the City. Specifically, the hourly rates of the personnel primarily performing the work under this Amendment are at the same hourly rates in other JMC2 contracts with

the City that had undergone the legally required solicitation process.

Finally, in addition to the reasons above, the competitive process was determined to be unnecessary because CMC. 2611(c) provides that professional services may be procured “*after notice to a number of potential offerors adequate to permit reasonable competition consistent with the nature and requirements of the procurement, or pursuant to issuance of a request for proposals or qualifications.*” Due to the new scope being so inextricably tied to the original scope, it is deemed permissible for JMC2 to perform the additional work without considering another consultant.

## V. FISCAL IMPACT

None. Funds for the current contract were included in the adopted FY 2023-2024 budget. If the amendment is approved, the requested \$100,000 will be budgeted appropriately for the 2024-2025 fiscal year.

## VI. EXHIBITS

1. Amendment No. 7 to Professional Services Agreement with JMC2 (pgs. 5-10)
2. Purchasing Waiver - Sole Source (pg. 11)

1.

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