



# CITY OF CARSON

## Legislation Text

File #: 2020-666, Version: 1

### Report to Mayor and City Council

Tuesday, October 06, 2020

Consent

#### SUBJECT:

**CONSIDER APPROVAL OF AMENDMENTS NO. 2 TO CONSULTANT RETAINER AGREEMENTS TO PROVIDE ON-CALL ENGINEERING PROFESSIONAL SERVICES AND ON-CALL ARCHITECTURAL PROFESSIONAL SERVICES TO THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT; AND, CONSIDER RESOLUTION NO. 20-155 AMENDING THE FISCAL YEAR 2020-21 BUDGET IN THE GENERAL FUND IN THE AMOUNT OF \$1,750,000 (CITY COUNCIL)**

#### **I. SUMMARY**

The City of Carson retains the services of three On-Call Engineering Firms (KOA, JMC2, and P.A. Arca), and one On-Call Architectural Firm (Westberg and White) to assist the Public Works Department in developing the necessary plans, specifications and estimates for City's Capital Improvement Program (CIP) projects. Each firm was originally awarded a contract to provide professional services in the amount not-to-exceed \$500,000 over a period of slightly more than two years, from April 2, 2019 to June 30, 2021. Through amendments to each contract (each, "Amendment No. 1"), the contract sum for each of the four contracts was reduced in half, to a not to exceed amount of \$250,000 on or about April 26, 2019.

Since July, the Department has had an Interim Director who has reviewed the number of potential projects and the need for professional services. He has concluded that the amount budgeted for each consulting firm as reflected in each Amendment No. 1 is insufficient to meet the resource needs and timetable of projects, particularly those funded by grants, and is recommending additional allocations to allow the City to utilize their services in order to remain timely with grant obligations.

The recommendations, if adopted, would amend contract provisions of each of the four contracts, respectively, as follows:

1. For KOA, JMC2, and Westberg and White: total compensation for each of the contractors would be increased from \$250,000 over a period exceeding two years to \$750,000 over a period exceeding three years.

2. For P.A. Arca, Inc.: total compensation would be increased from \$250,000 over a period exceeding two years to \$500,000 over a period exceeding three years.

Additionally, Council is being asked to provide direction that project-specific Task Orders over \$25,000 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer. Currently, such Task Orders are approved by the Council, which requires the Task Order to be placed on a regular Council meeting agenda, adding time to the design process.

Note that these are four separate contracts that were originally approved by the City Council during the same meeting. The recommendations below are broken down by contractor, with the City Council given three choices for each contract: amend as proposed, amend in another manner, or take no action.

Finally, the last General Recommendation amends one overall action the City Council took with the approval of each Amendment No. 1: the Amendment No. 1 approval limited the total amount expended in either fiscal year from the sum total of the three contracts for KOA, JMC2, and P.A. Arca to no more than \$375,000 per year from all sources. One accommodation to the “pool” concept is that the total dollar amount awarded to a single contractor can be in excess of the individual contractor limit as long as the combined spending among the three firms is below the overall cap. The Amendment No. 1 approval to Westberg and White also limited the total amount expended in either fiscal year to no more than \$125,000 per year from all sources. This effectively “budgeted” that amount in each of the two fiscal years, for an average of \$125,000 per year per consultant. If the contract amount is increased in each of the contracts as proposed, that overall cap should be increased as well, which is accomplished in Recommendation No. 14. If the Council chooses to AFFIRM the amendment for each of the contractors, however, Recommendation No. 14 would not be necessary.

Staff is requesting that the City Council approve amendment of the existing contract with each firm as proposed including amending the terms for all four consulting firms from a little more than two years to a little more than three years, extending the contracts until June 30, 2022.

## **II. RECOMMENDATION**

TAKE the following actions:

### **KOA Corporation**

1. APPROVE Amendment No. 2 to Consultant Retainer Agreement with KOA Corporation to provide On-Call Engineering Professional Services increasing the not-to-exceed amount from \$250,000.00 to \$750,000.00, and extending the existing term from June 30, 2021 to June 30, 2022 (Exhibit No. 1); and requiring that project-specific Task Orders greater than \$25,000.00 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer.

or

2. DIRECT staff to prepare a different amendment to the Agreement on other terms.

or

3. AFFIRM Amendment No. 1 (Exhibit No. 2) to the Agreement and take no action.

**JMC2 - John M. Cruikshank Consultant Inc.**

4. APPROVE Amendment No. 2 to Consultant Retainer Agreement with John M. Cruikshank Consultant Inc. to provide On-Call Engineering Professional Services increasing the not-to-exceed amount from \$250,000.00 to \$750,000.00, and extending the existing term from June 30, 2021 to June 30, 2022 (Exhibit No. 3); and requiring that project-specific Task Orders greater than \$25,000.00 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer.

or

5. DIRECT staff to prepare a different amendment to the Agreement on other terms.

or

6. AFFIRM Amendment No. 1 (Exhibit No. 4) to the Agreement and take no action.

**P.A. Arca Engineering, Inc.,**

7. APPROVE Amendment No. 2 to Consultant Retainer Agreement with P.A. Arca, Engineering, Inc. to provide On-Call Engineering Professional Services increasing the not-to-exceed amount from \$250,000.00 to \$500,000.00, and extending the existing term from June 30, 2021 to June 30, 2022 (Exhibit No. 5); and requiring that project-specific Task Orders greater than \$25,000.00 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer.

or

8. DIRECT staff to prepare a different amendment to the Agreement on other terms.

or

9. AFFIRM Amendment No. 1 (Exhibit No. 6) to the Agreement and take no action. However, this will limit staff's ability to issue Task Orders in the future.

**Westberg and White, Inc.**

10. Approve amendment No. 2 to Consultant Retainer Agreement with Westberg and White, Inc. to provide On-Call Architectural Professional Services increasing the not-to-exceed amount from \$250,000.00 to \$750,000.00, and extending the existing term from June 30, 2021 to June 30, 2022 (Exhibit No. 7); and requiring that project-specific Task Orders greater than \$25,000.00 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer.

or

11. DIRECT staff to prepare a different amendment to the Agreement on other terms.

or

12. AFFIRM Amendment No. 1 (Exhibit No. 8) to the Agreement and take no action.

### **General Recommendations**

13. AUTHORIZE and DIRECT the Mayor to execute each proposed Amendment No. 2 to the Consultant Retainer Agreements following approval as to form by the City Attorney (pursuant to adoption of Recommendation Nos. 1, 4, 7, and/or 10).

14. AUTHORIZE and DIRECT the City Manager to execute each proposed Amendment No. 2 to the Consultant Retainer Agreements (including amendments resulting in compensation increases exceeding \$25,000) to adjust compensation for on-call engineering professional services as long as the total compensation for all three on-call engineering consultant (KOA, JMC2, and PA ARCA) services shall not exceed the amount budgeted for the entire extended contract term; and to adjust compensation for on-call architectural professional services for each year as long as the total compensation for consultant (Westberg and White, Inc.) services shall not exceed the amount budgeted for the entire extended contract term. Amendments causing on-call engineering consultant services compensation and architectural consultant services compensation to exceed the amount budgeted for the extended contract term, shall require further City Council approval.

15. ADOPT Resolution No. 20-155 "A RESOLUTION OF THE CITY OF CARSON CITY COUNCIL AMENDING THE FISCAL YEAR 2020-21 BUDGET IN THE GENERAL FUND" (Exhibit No. 9)

1.

### **III. ALTERNATIVES**

1. DO NOT APPROVE Amendment No. 2 for any of the four contracts, however, this will limit staff's ability to issue Task Orders in the future.

2. TAKE another action the City Council deems appropriate, consistent with the requirements of the law.

### **IV. BACKGROUND**

The City's 5-Year Capital Improvement Program (CIP) was approved by the City Council on June 19, 2018, and the total estimated cost to complete all funded and unfunded projects is \$45,000,000. Because the process of retaining a consultant for a specific project from the initial conceptual phase to the issuance of the 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 and On-Call Architectural Professional Services will greatly reduce 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 enable 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 the 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 will be 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 capacity. Supplementing staff this way would enable the City to meet grant deadlines.

On April 2, 2019, the City Council approved three contracts with three separate consultants for On-Call Engineering Professional Services, and one contract with one separate consultant for On-Call Architectural Professional Services in the amount of \$500,000 per consultant for over a period of just over two years, until June 30, 2021. On April 26, 2019, the City Council approved Amendment No. 1 to Consultant Retainer Agreements with all four consultants amending the not-to-exceed amount from \$500,000.00 to \$250,000.00 per consultant for a period of over two years, until June 30, 2021.

Given the significant number of infrastructure related projects and the increasing needs for professional services to complete the plans and specifications for these projects, it was determined that the amount budgeted for all four consultants is insufficient and staff is requesting an increase in funding and extension of term, and amendment to the existing contracts with all four consulting firms.

The proposed amendments would amend contract provisions of each of the four consulting firms, respectively, as follows:

(1) For KOA:

- The total compensation would be increased from \$250,000 over a period of more than two years to \$750,000 over a period of more than three years to provide On-Call Engineering Professional Services, from April 2, 2019 through June 30, 2022.

Additionally, Council is being asked to provide direction that project-specific Task Orders over \$25,000 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer.

(2) For JMC2:

- The total compensation would be increased from \$250,000 over a period of more than two years to \$750,000 over a period of more than three years to provide On-Call Engineering Professional Services, from April 2, 2019 through June 30, 2022.

Additionally, Council is being asked to provide direction that project-specific Task Orders over \$25,000 be approved by the City Manager before the Notice to Proceed is issued by

the Contract Officer.

(3) For PA Arca Engineering:

- The total compensation would be increased from \$250,000 over a period of more than two years to \$500,000 over a period of more than three years to provide On-Call Engineering Professional Services, from April 2, 2019 through June 30, 2022.

Additionally, Council is being asked to provide direction that project-specific Task Orders over \$25,000 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer.

(4) For Westberg and White:

- The total compensation would be increased from \$250,000 over a period of more than two years to \$750,000 over a period of more than three years to provide On-Call Architectural Professional Services, from April 2, 2019 through June 30, 2022.

Additionally, Council is being asked to provide direction that project-specific Task Orders over \$25,000 be approved by the City Manager before the Notice to Proceed is issued by the Contract Officer.

Aside from the professional engineering, architectural, surveying, and construction management services, the above firms can also provide additional personnel to temporarily augment staffing levels within Engineering Division, if necessary. This service helps expedite the process of plan reviews, applications or other needs the division may have. Given the recent resignation of one of the engineers in Engineering Division, staff anticipates having to utilize the services of one of these firms to provide temporary help while HR is processing the recruitment for the replacement staff member, by providing a professional engineer to augment the existing staff. A separate task order will be issued to each firm to request proposals and will be reviewed by City staff for consideration.

Below is the list of fee proposals submitted by the consultants for City's on-going projects, with those that have already been awarded so indicated:

CONSULTANT	PROJECT	NEGOTIATED FEE (AWARDED)	ESTIMATED FEE (TO BE AWARDED)
1.KOA	Albertoni St. Striping	\$35,160.00	
	Traffic Signal Improvements at Central and Dimondale	\$38,420.00	

	Sepulveda St. Striping	\$16,825.00	
	Victoria St. Striping	\$24,154.00	
	I-110 Arterial Improvements: Traffic Signal Improvements at 10 different intersections		\$475,000.00
<b>Sub-Total</b>		<b>\$114,559.00</b>	<b>\$475,000.00</b>
2.JMC2	189 <sup>th</sup> St. Pedestrian Bridge	\$34,165.00	
	Dominguez Bike Path Ph. 1 - Preliminary Engineering	\$29,560.00	
	Dominguez Bike Path Ph. 1 Design - Final Design		\$250,000.00
	Dominguez Bike Path Ph. 2 - Final Design	\$219,495.00	
<b>Sub-Total</b>		<b>\$283,220.00</b>	<b>\$250,000.00</b>
3.Westberg and White, Inc.	Foisia Park Prop. 68 Grant Application	\$23,600.00	
	EV Charging Stations at City Hall / Community Center	\$26,500.00	
	Community Center Improvements	\$130,000.00	\$195,645.00
<b>Sub-Total</b>		<b>\$180,100.00</b>	<b>\$195,645.00</b>
4.P.A. Arca Engineering	Traffic Signal Improvements at Tajauta Ave And Del Amo Blvd	\$32,942.25	
<b>Sub-Total</b>		<b>\$32,942.25</b>	
5. To be determined	Staff Augmentation		<b>\$168,000.00</b>
<b>GRAND TOTAL</b>		<b>\$610,821.25</b>	<b>\$1,088,645.00</b>

From the table above, it will be noted that the sum of the negotiated fee and the estimated fee (for new projects) for each consultant exceeds the currently approved \$250,000.00 budget with the exception of P.A. Arca Engineering. Accordingly, staff is seeking Council approval for each Amendment No. 2 to allow staff to move forward with the completion of the projects as planned. Given that P.A. Arca is a local small firm located only a mile away from City Hall that can ideally provide immediate attention to urgent needs including surveying services that is anticipated in the near future, staff recommends amendment to P.A. Arca's contract as well.

These consultant's contracts are exercised on an "on-call" basis. The consultants are typically requested to submit a fee proposal for every service the division needs. Based on the submittals, Engineering selects the most efficient and economical proposal. Under the Agreements, the Contract Officer would then issue a Notice to Proceed on a Task Order and the contractor would commence work. Currently, Task Orders greater than \$25,000 require City Council approval prior to issuance of NTP but staff is requesting Council to direct such Task Orders to require only City Manager approval.

## **V. FISCAL IMPACT**

Funds for this item were not included in the FY 2020/21 budget. If the City Council approves this item as recommended, additional funds in the amount of \$1,750,000 need to be appropriated from the unreserved, undesignated General Fund balance to account no. 101-80-820-100-6004 to cover the cost of the professional services. It should be noted that these consulting firms may be assigned to work on grant related projects that may provide the City the opportunity to get reimbursed by other agencies for the cost of the professional services. When that occurs, the reimbursable funds will be deposited back to the General Fund.

## **VI. EXHIBITS**

1. Amendment No. 2 to Engineering Professional Services Agreement with KOA Corporation (pgs. 9-14)
2. KOA Corporation Engineering Professional Services Agreement (Signed Amendment No. 1) (pgs. 15-18)
3. Amendment No. 2 to Engineering Professional Services Agreement with John M. Cruikshank Consultant Inc. (pgs. 19-24)
4. John M. Cruikshank Consultant Inc. Engineering Professional Services Agreement (Signed Amendment No. 1) (pgs. 25-29)
5. Amendment No. 2 to Engineering Professional Services Agreement with P.A. Arca Engineering, Inc (pgs. 30-35)
6. P.A. Arca Engineering, Inc. Engineering Professional Services Agreement (Signed Amendment No. 1) (pgs. 36-40)
7. Amendment No. 2 to Architectural Professional Services Agreement with Westberg and White, Inc. (pgs. 41-46)
8. Westberg and White, Inc. Architectural Professional Services Agreement (Signed Amendment No. 1) (pgs. 47-51)
9. Resolution No. 20-155 (pgs. 52-53)

1.

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