



MEMORANDUM

TO: City Council

FROM: Bill Robeson, Assistant City Manager/Public Works Director

BY: Shannon Sweeney, City Engineer

SUBJECT: Contract Amendment No. 4 for Consulting Services with Consor Engineers, for Cost Increase and Time Extension Associated with Design, Environmental, and Construction Support Services for the Traffic Way Bridge Replacement Project

DATE: September 24, 2024

RECOMMENDATION:

Authorize the City Manager to approve Amendment No. 4 to the contract for consultant services with Consor Engineers for the following: 1) to extend the contract end date from October 31, 2024 to October 31, 2026; and 2) adjust the not-to-exceed compensation to incorporate the additional services needed to address lengthened project schedule, design changes, right-of way and utility issues, and to include construction support services.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

A total of \$13,822,938 over the next two fiscal years is budgeted for the Traffic Way Bridge Replacement Project (the "Project"). The Highway Bridge Program (HBP) is funding 88.53% (\$12,237,447) of the project, and Measure O-2006 Sales Tax is funding the remaining 11.47% (\$1,585,491) of the project.

An additional \$119,481.03 in design and right-of-way costs and \$181,368.97 in construction support costs for a total of \$300,850 is necessary for the additional services. The HBP is expected to fund 88.53% and the City's share of the \$300,850 amendment would be \$34,507.

BACKGROUND:

On [October 8, 2019](#)¹, the City Council approved a contract for consultant services with Quincy Engineering (now Consor Engineers, or "Consor") for \$1,237,398 for engineering design and environmental work for the Project. The original proposal of \$1,237,398 did

¹ <https://www.arroyogrande.org/AgendaCenter/ViewFile/Item/9056?fileID=15493>

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not include costs for construction support services. Rather, the original proposal stated, “this optional scope of work could be authorized through contract amendment prior to the start of construction after the scope and magnitude of the final project are understood. After award of the construction contract, the team will be available to provide construction support services such as reviewing contractor submittals, reviewing shop plans, reviewing scaffolding plans and calculations, preparing and/or reviewing change orders, and making field observations, at the Resident Engineer’s or City’s request. Upon completion of construction, Quincy would prepare as-built plans based on the construction management team plan markups.”

On [October 11, 2022²](#), the City Council approved an amendment to Quincy Engineering extending the contract by two years from October 31, 2022 to October 31, 2024.

On [September 12, 2023³](#), the City Council approved Amendment No. 3 to increase costs associated with design and environmental services by \$157,800. This increase addressed the following:

- Additional project management due to the two-year project delay.
- Additional analysis of traffic safety issues recommended by the mitigated negative declaration.
- Public outreach associated with the detour plan.
- Additional CEQA documentation to address the traffic calming mitigation measures.
- Additional site sampling and testing.
- Right-of-way acquisition for 12 temporary construction easements identified during preliminary design.

ANALYSIS OF ISSUES:

The existing design and engineering consultant agreement with Consor expires on October 31, 2024. Staff recommends that the contract time be extended through October 31, 2026, to accommodate the construction and project closeout phases of this project.

A contract price amendment is warranted for the following reasons:

1. Additional project management and Caltrans programming coordination.
2. Additional permit compliance.
3. Additional revegetation plans and bid documents.
4. Additional utility coordination.
5. Additional Caltrans encroachment coordination.

² <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=4336>

³ <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=8431>

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- 6. Additional file design.
- 7. Restore bid support.

Amendment No. 4, included as Exhibit 1 in Attachment 1, provides detailed justifications for each of the items listed above. Further competitive selection procedures would be contrary to the public's interest because the consultant has particular knowledge and background relating to the project. If a new consultant were selected, that consultant would need to spend significant time acquiring the same knowledge, adding unnecessary and prohibitive costs to the project.

The length of time to complete negotiations associated with obtaining the last few temporary construction easements and utility agreements increased costs above the budgeted amounts. These lengthy negotiations were unforeseen and not caused by any deficiencies on the part of the design and engineering consultant.

Construction support services were not included in Consor's original proposal because the full scope of the project was not known at that time. The proposed cost for these services is \$181,368.97.

The total requested amendment to the Consor agreement is \$300,850.00.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

- 1. Approve Amendment 4 to Consor;
- 2. Do not approve Amendment 4; or
- 3. Provide other direction to staff.

ADVANTAGES:

Consor has been involved with the Traffic Way Bridge Replacement Project since its inception and has been instrumental in delivering design, environmental, grant, and right-of-way documentation.

Approving this amendment to Consor's Consultant Services agreement will allow Consor to provide engineering and construction support services through the Traffic Way Bridge Replacement Project construction and closeout phases. Their historical perspective and detailed design familiarity will provide a beneficial level of continuity that will help provide a successful completion of this complicated project in a cost-effective manner and in the short time schedule allotted.

DISADVANTAGES:

Amending the contract price increases project costs, for which the City is responsible for paying 11.47% using local funds.

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NEXT STEPS:

The Project design phase is complete. The plans have incorporated the hybrid detour plan recommended by the City Council at its [September 10, 2024](#)⁴ meeting.

Project construction is expected to go out to bid September 26, 2024. By then, the Caltrans encroachment permit is expected to be issued. Work is still underway on the environmental permits. If final permits are not obtained before the project goes out to bid, an addendum will be issued. Expected permit requirements have already been incorporated into the documents.

A Request for Proposals for Construction Management will be issued in the same timeframe as the construction bidding. The goal is to award the construction project and construction management at the December 10, 2024, City Council meeting.

ENVIRONMENTAL REVIEW:

On [September 26, 2023](#)⁵, the City Council adopted a Mitigated Negative Declaration (MND) for the Project (SCH No. 2022060452). The MND analyzed the environmental impacts of the Project in compliance with the California Environmental Quality Act.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

ATTACHMENTS:

1. Amendment No. 4 to Contract for Consultant Services

⁴ <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=12478>

⁵ <https://pub-arroyogrande.escribemeetings.com/filestream.ashx?DocumentId=8662>