



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Cano

**SUBJECT:** SEE BELOW

**DATE:** October 3, 2018

Approved

Date

10-3-18

**SUBJECT: AGREEMENT WITH CAL ENGINEERING & GEOLOGY, INC. FOR CONSULTANT AND PROFESSIONAL ENGINEERING SERVICES FOR 8721 - FEMA - SAN JOSE FAMILY CAMP PROJECT (SCSJG89/PW1138)**

## RECOMMENDATION

Approve an agreement with Cal Engineering & Geology, Inc. for engineering consultant services for the San José Family Camp Project from the date of execution to December 31, 2020, for a maximum total compensation amount of \$545,222.

## OUTCOME

Approval of the agreement will enable the City to obtain engineering consultant services for the Project, and provide the City with the ability to advance the Project to the construction phase. Approval of this agreement will not result in any physical changes to the environment, as the City Council will need to take additional actions before construction of the Project commence.

## BACKGROUND

Heavy rains from the storm events in February 2017 caused significant damage to San José Family Camp located in the Sierra Mountains between the town of Groveland and Yosemite National Park in Tuolumne County.

Excessive rains and high velocity flows on the Middle Fork of the Tuolumne River led to overtopping of the river banks and caused portions of the San José Family camp grounds to flood. Damages within the facilities include platform tents, the rock revetment wall within the beach and "pool" area, and the playground area with a structure known as "The Fort".

The purpose of the Project is to restore and stabilize the rock revetment wall located at the "pool" area, construct a new concrete retaining wall adjacent to "The Fort" play area and

Tuolumne River, and replace the damaged two-story play structure in “The Fort” play area with a shade structure. This Agreement will allow the consultant to provide engineering services for the Project including planning, environmental review and permitting, design, preparation of construction contract documents, construction support, and project close out in conformance with Federal Emergency Management Agency’s (FEMA) provisions, City of San José’s standard procedures, and other applicable local, state, and federal laws and regulations.

The completion of the Project will help maintain the safe operations of San José Family Camp and ensure the safety of the public in accessing and using both “The Fort” and beach/pool area.

City Interim Measures: While consultant services are being procured to plan and design the permanent measures, City staff have temporarily stabilized the rock revetment wall with rock slope protection at the toe of the embankment to minimize further erosion of the embankment and dam abutment. Additionally, in order to reopen “The Fort” play area, City staff has moved the perimeter fence around the play area further up slope encroaching less on the required fall distances required for the play area. An existing two-story play structure located at the northwest corner of the fenced play area was subsequently removed and all that remains is the wood deck that was once the floor of the fort and part of a two-foot concrete masonry unit wall along the northwest corner.

## ANALYSIS

On February 14, 2018, the City issued a Request for Proposals (RFP) for the engineering consultant services for the Project. The RFP was successfully advertised to 6,511 registered BidSync users. On March 29, 2018, the City received one proposal from Cal Engineering & Geology, Inc., a small and local business.

Upon completion of the RFP evaluation, staff worked closely with the City Attorney’s Office, FEMA, California Governor’s Office of Emergency Services (CalOES) and Cal Engineering & Geology, Inc. to develop and finalize the consultant agreement. This process took longer than anticipated because of the coordination to ensure terms and conditions of the agreement were satisfactory to all parties mentioned above and met FEMA requirements.

City staff solicited feedback from consultant firms who viewed and/or downloaded the RFP on why they did not decide to submit a proposal. The reasons consultants did not submit proposals included: a) the level of effort to prepare a thoughtful proposal was too great in relation to the potential contract amount; b) consultants preferred to serve as a sub rather than a prime due to the breadth of disciplines needed for the project; and c) consultants did not have the needed expertise or experience to perform the work.

City staff found Cal Engineering & Geology’s proposal to be responsive, and a Technical Evaluation Panel consisting of three City staff subject matter experts determined Cal Engineering & Geology, Inc. to be qualified to provide the engineering consultant services for the Project.

Each panel member evaluated the proposal using a consistent scoring matrix based on the following evaluation criteria: firm experience, key staff expertise and experience, project approach, and fee schedule. FEMA regulations do not allow for small and or local business preference to be utilized as an evaluation criteria.

<b>Evaluation Criteria</b>	<b>Possible Points</b>
<b>Submittal Requirements</b>	Pass/Fail
<b>Minimum Qualifications</b>	Pass/Fail
<b>Technical Evaluation Criteria</b>	
Expertise – Key Personnel Resumes Organization Chart	10
Experience – Design Projects FEMA/Federally Funded Projects Construction Management Support	45
Approach – Future Hazard Mitigation Measures Project Estimates Conceptional to Final Design Project Schedule Cost Benefit Analysis	30
<b>Non-Technical Criteria</b>	
Fee Schedule	15
<b>TOTAL</b>	<b>100</b>

The final ranking and score was as follows:

Rank	Firm	Expertise	Experience	Approach	Fee Schedule	Total
1	Cal Engineering & Geology	8.83	39	27	15	89.83

The proposed maximum total compensation of the agreement is \$545,222, based on consultant's reimbursable actual costs plus a negotiated fixed fee (profit).

## **EVALUATION AND FOLLOW-UP**

This Project is currently within budget, and the work in the Agreement is expected to be completed in December 2020. Since the current action is for award of a consultant agreement for consultant and professional engineering services only, staff will return to City Council with a construction contract award recommendation after the final design and bidding phases of the Projects are complete.

## **POLICY ALTERNATIVES**

### ***Alternative #1: Direct City staff to perform the work using in-house resources***

**Pros:** City staff would have the opportunity to work on a unique project that is multi-disciplinary, requiring environmental expertise and geotechnical and structural engineering disciplines.

**Cons:** Lack of in-house technical and design expertise to support this project.

**Reason for not recommending:** This complex Project requires the use of design professionals with experience and expertise that is not available among City Staff, including performing localized rock revetment wall damage assessments, geotechnical investigation, cultural historic investigation, and environment review and permitting work.

## **PUBLIC OUTREACH**

The RFP was issued and was successfully advertised to 6,511 registered BidSync users. The businesses and suppliers invited to participate in the RFP process included 202 companies that were registered as Small Business Enterprise, 348 registered as Disadvantaged Business Enterprise, 393 registered as Minority-Owned Business Enterprise, and 250 registered as Woman-Owned Business Enterprise.

Other Project public outreach efforts will be carried out by City staff with assistance from the consultant during the Project planning and design, environmental review and permitting, and construction phases. This will include the necessary meetings with the public and other stakeholders interested in the Project.

This memorandum will be posted on the City's website for the October 16, 2018, City Council meeting.

**COORDINATION**

This Project and the Agreement have been coordinated with the City Attorney's Office, the City Manager's Budget Office, the Department of Parks, Recreation and Neighborhood Services, the Department of Planning, Building and Code Enforcement, FEMA, and the California Governor's Office of Emergency Services (Cal OES).

**COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

**FISCAL/POLICY ALIGNMENT**

This Project is consistent with the City's General Plan, the City Council-approved budget strategy for City-wide parks, and the budget strategy principle of focusing on protecting our core services.

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: **\$545,222**
  
2. COST ELEMENTS OF CONSULTANT AGREEMENT:

Professional Services	\$478,122
Fixed Fee	\$67,100

**TOTAL AGREEMENT AMOUNT: \$545,222**
  
3. SOURCE OF FUNDING: 391 – Construction and Conveyance Tax Fund: City-wide Parks Purposes.
  
4. FISCAL IMPACT: This Project is funded through the Construction and Conveyance Tax Fund and will have no impact on the operation and maintenance costs of City-wide Parks.

**BUDGET REFERENCE**

The table below identifies the fund and appropriations to fund the consultant agreement recommended as part of this memorandum.

HONORABLE MAYOR AND CITY COUNCIL

October 3, 2018

**Subject: Agreement- Cal Engineering & Geology, Inc. for the San José Family Camp Project**

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Fund #	Appn. #	Appropriation Name	Total Appn.	Amt. for Consultant Agreement	2018-2019 Proposed Capital Budget Page*	Last Budget Action (Date, Ord. No.)
391	407E	2017 Flood - Family Camp Playground Shade Structure, Retaining Wall and Slope Stabilization	\$661,000	\$545,222	V-422	6/19/18, Ord. 30124

\*The 2018-2019 Proposed Capital Budget was adopted by the City Council on June 19, 2018.

**CEQA**

Exempt, File No. PP18-003, CEQA Guidelines Section 15269 (a), Emergency Projects.

/s/  
MATT CANO  
Director of Public Works

For questions, please contact Michael O'Connell, Deputy Director, Department of Public Works, at (408) 535-8300.