



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: November 16, 2020

Approved

Date

11/20/20

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

RECOMMENDATION

Approve the first amendment to the agreement for professional engineering services with Cal Engineering & Geology, Inc. (CEG) for the San José Family Camp Project, increasing the total compensation by \$128,000 for a total agreement amount of \$673,222 and extending the term of the agreement from December 31, 2020 to December 31, 2022.

OUTCOME

Approval of the first amendment to the subject agreement will allow CEG to continue to provide professional engineering services on the design and construction of the repairs and necessary Americans with Disabilities Act (ADA) upgrades to the San José Family Camp Project (Project). Approval of the first amendment will also enable the design to continue and to maintain the schedule for this project in conformance with Federal Emergency Management Agency's (FEMA) provisions.

BACKGROUND

The San José Family Camp facility is located on federal US Forest Service land in the Sierra Mountains, between the town of Groveland and Yosemite National Park in Tuolumne County. It is operated and maintained by the City of San José. Heavy rains from the storm events in February 2017 caused significant damage to San José Family Camp, resulting in flooding and damage to various areas of the camp. This project will repair the rock revetment wall within the beach and swim area and the playground. A wooden play structure known as "The Fort" was damaged beyond repair, along with a concrete retaining wall adjacent to "The Fort."

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The Consultant, along with City staff, visited the site in June 2018 to assess the damage caused by the floods. In October 2018, Cal Engineering and Geology, Inc. entered into a contract with the City for professional engineering services to include project 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.

In December 2019, the Consultant submitted interim plans and specifications for review by City Staff. A review of these plans by city staff indicated a need to focus on ADA upgrades that would be required if the base repairs to the site were performed, as triggered by the California Building Code (CBC). In particular, the current scope of retaining wall repairs would trigger access upgrades at the play structure area, and at the recreational areas on both sides of the pool where wall repairs occur. Those upgrades would include accessible parking, restrooms, drinking fountains, telephones, signs serving the area, and the accessible routes that interconnect these elements. Remediating the current non-accessible elements stated above would improve public health and safety and create a facility that is more accessible to a larger population.

ANALYSIS

On October 16, 2018, the Director of Public Works approved an agreement with CEG for 8721-FEMA- San José Family Camp in the amount of \$545,222. To date, CEG has spent \$227,300 with a remaining contract amount of \$317,922.

CEG has consulted with a certified access specialist (CASp) to provide final direction for the ADA requirements. CEG has also provided City staff with additional hard and soft cost ranges for the upgrades. The additional amount estimated for CEG and their respective subconsultants to perform engineering services for the ADA upgrades is \$128,000. The estimated additional construction costs to include ADA upgrades is approximately \$300,000.

The City is currently working with California Governor's Office of Emergency Services (Cal OES) and FEMA on obtaining a final obligation amount (agreed upon project cost) for the original scope of work outlined above, but first must close out the project with the City's insurance carrier. The additional upgrades needed to comply with the CBC are currently under evaluation with the insurance carrier. Typically, code required upgrades are covered in full by insurance, if for any reason there are disputes on the total costs for these upgrades, the City will seek reimbursement from FEMA and Cal OES for the remaining funds.

Staff recommends amending the October 18, 2018 consultant agreement with CEG to increase the total compensation by \$128,000 and extending the term to December 31, 2022.

CONCLUSION

Amending the consultant agreement with CEG by extending the agreement to December 31, 2022, increasing the contract amount by \$128,000 will allow repairs to the San José Family Camp project to include necessary ADA requirement upgrades. Permitting the Consultant to complete the project design and acquire the necessary permits will provide the basis for a future construction contract to restore these areas of the camp and ensure the safety of the public. The current estimate for the construction contract is \$1,750,000.

EVALUATION AND FOLLOW-UP

Amending the consultant agreement will allow a more in-depth assessment of San José Family Camp site by an ADA consultant to ensure the repair project follows the current CBC Chapter 11 B code for accessibility.

CLIMATE SMART SAN JOSE

The recommendation in this memo aligns with one or more Climate Smart San José energy, water, or mobility goals. It facilitates job creation within City limits because the Consultant has staff working in their San José office.

POLICY ALTERNATIVES

Alternative #1: Direct City staff to oversee the ADA access upgrades using in-house resources

Pros: City Staff would have the opportunity to gain a deeper understanding of accessible requirements and obtain the proper credentials to review and approve accessible design work from the Consultant.

Cons: Currently, the City lacks in-house technical and design expertise to support the additional ADA accessibility upgrade requirements.

Reason for not recommending: This Project requires the use of design professionals with knowledge of the CBC codes requirements and a design professional with CASp expertise. Additional time and costs for City Staff to acquire the credentials would not meet the project schedule and the pressing need for the repairs and maintaining camp operations.

PUBLIC OUTREACH

The RFP for selecting an engineering consultant to facilitate the design of the repairs was issued and was successfully advertised to 6,511 registered BidSync users in March 2018. The selection of CEG in May 2018 concluded the outreach process for the RFP. The businesses and suppliers

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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.

This memorandum will be posted on the City's Council Agenda website for the December 1, 2020 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/AMENDMENT:

1. Original Consultant Contract Amount	\$545,222
2. Increase Consultant Agreement	<u>\$128,000</u>
3. Total Project Costs	\$673,222

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

1. Cal Engineering & Geology, Inc.- Project Management	\$25,000
2. Wood Rogers- Civil and Structural Design, Land Survey	\$50,000
3. Horizon Water and Environment- Environmental Permitting	\$35,000
4. The Taylor Group- ADA CASp Specialist	\$18,000

TOTAL AGREEMENT/CONTRACT AMOUNT	\$128,000
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3. **SOURCE OF FUNDING:** 391 – Construction and Conveyance Tax Fund: City-wide Parks Purposes. At this time, staff is seeking to amend the agreement to support the increased cost of the consultant and professional engineering services contract. Upon completion of the construction documents, it is anticipated that additional funding will be requested through a future City Council memorandum or budget process for the completion of the project.
4. **FISCAL IMPACT:** This Project is funded through the Construction and Conveyance Tax Fund: City-wide Parks Purpose 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.

Fund #	Appn. #	Appropriation Name	Total Appn.	Rec. Budget Action	Amt. for Contract	2020-2021 Proposed* Capital Budget Page	Last Budget Action (Date, Ord. No.)
391	407E	2017 Flood – Family Camp Playground Shade Structure, Retaining Wall and Slope Stabilization	\$1,153,000	N/A	\$128,000	V-271	10/20/2020 30494

* The 2020-2021 Adopted Budget was approved on June 16, 2020 and adopted on June 23, 2020 by the City Council.

CEQA

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment

/s/
MATT CANO
Director of Public Works

For questions, please contact Michael.OConnell@sanjoseca.gov.