


CITY COUNCIL ACTION REQUEST

DEPARTMENT(S) Public Works	CEQA Categorically Exempt, File No. PP18-003. CEQA Guidelines Section 15269. Emergency Projects.	COORDINATION City Attorney's Office; City Manager's Budget Office; and Planning, Building, and Code Enforcement Department	Director Approval /s/ Matt Loesch
COUNCIL DISTRICT(S) 7			CMO Approval  10/18/24

SUBJECT: Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for the Japanese Friendship Garden Koi Pond Pump House Project

RECOMMENDATION

Approve the third amendment to the agreement for consultant services with Sherwood Design Engineers Ltd. to extend the term of the agreement from October 31, 2024 to December 31, 2027, with no change in maximum compensation, for design and construction support on the Japanese Friendship Garden Koi Pond Pump House Project.

BASIS FOR RECOMMENDATION

On October 23, 2018, City Council approved the award of a consultant services agreement (Agreement) with Fall Creek Engineering, Inc., a civil engineering firm, to provide professional engineering services for the Japanese Friendship Garden Koi Pond Pump House Project (Project) related to the repair and relocation of electrical and disinfecting equipment for the koi ponds. The Agreement's maximum compensation was \$605,188 with a term end date of October 31, 2021.

On April 1, 2019, Sherwood Design Engineers, Ltd. acquired the assets of Fall Creek Engineering, Inc. pursuant to an asset purchase agreement and Fall Creek Engineering, Inc. was dissolved on April 1, 2019. On July 12, 2019, the City consented to the assignment of the Agreement to Sherwood Design Engineers, Ltd. This consent to assignment was recorded as the first amendment.

On May 5, 2022, City Council approved a second amendment with Sherwood Design Engineers, Ltd. to extend the term of the Agreement from October 31, 2021 to October 31, 2024. This extension was requested due to the Project having been postponed and impacted due to the COVID-19 pandemic. In addition, Federal Emergency Management Agency's review and approval of the National Environmental Policy Act and the Environmental and Historic Preservation analysis needed to establish federal funding eligibility for the construction of the Project that required more time than anticipated.

The Project was advertised on September 29, 2021, but did not receive any bids during the advertisement period. Following Federal Emergency Management Agency's review and the incorporation of revisions to make the Project more appealing to potential contractors, the Project was advertised again on November 23, 2022, but again, resulted in no bids on the Project. On May 3, 2023, City Council approved a memorandum to procure a contractor through the sole-source process. On September 7, 2023, a cost estimate was received by Golden Bay Construction for \$4,549,028, which exceeded the engineer's estimate by approximately \$2 million. Design alternatives are being explored to reduce the estimated construction costs with the goal of completing the Project within the current budget.

The requested 38-month term extension to this Agreement would allow sufficient time to complete the revised design plans and specifications, bid/award process, construction support, and Federal Emergency Management Agency review for reimbursement processes. No increase in maximum compensation is required.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE

There is no additional funding is needed to approve the term extension.

FOR QUESTIONS CONTACT: Sal Kumar, Deputy Director, Public Works Department, at sal.kumar@sajoseca.gov.