

CITY COUNCIL ACTION REQUEST

Department(s): Public Works	CEQA: Exempt, File No. PP18-003, Flood Recovery	Coordination: CAO, CMO - Budget Office	Dept. Approval: /s/ Matt Cano
Council District(s): Citywide	Projects resulting from late January 2017 storms.		CMO Approval:  4/29/2022

SUBJECT: AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH SHERWOOD DESIGN ENGINEERS, LTD. FOR JFG KOI POND PUMP HOUSE PROJECT

RECOMMENDATION:

Approve the Second Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. to retroactively extend the term of the Agreement from October 31, 2021 to October 31, 2024, with no change in maximum compensation, for design and construction support on the JFG Koi Pond Pump House Project.

BASIS FOR RECOMMENDATION:

On October 23, 2018, City Council approved a consultant services agreement (Agreement) with Fall Creek Engineering, Inc., a civil engineering firm, to provide professional engineering services for the JFG Koi Pond Pump House Project (1') 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 was dissolved on April 1, 2019. On July 12, 2019, the City consented to the assignment of the Agreement to Sherwood Design Engineers. This consent to assignment was recorded as the first amendment.

The design of the Project is complete; however, the Project was postponed and impacted due to the COVID-19 pandemic. In addition, Federal Emergency Management Agency (FEMA) review and approval of the National Environmental Policy Act (NEPA) and the Environmental and Historic Preservation (EHP) analysis – needed to establish federal funding eligibility for the construction of the Project – has been taking longer than anticipated. To ensure the completion of the Project in a timely manner, it is imperative that Sherwood Design Engineers remains on the Project to provide support during the bidding and construction phases of the Project.

The requested 36-month term extension to this Agreement would allow sufficient time to complete the remaining NEPA and EHP coordination with FEMA, finish final design plans and specifications, bid/award process, construction support, and FEMA review for reimbursement processes. No increase in maximum compensation is required.

Climate Smart San José: The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE:

Fund 391 – Construction and Conveyance Tax Fund: City-wide Parks Purposes.

FOR QUESTIONS CONTACT: Katherine Brown, Deputy Director, Public Works Department, at (408) 535-8384