


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Airport	<b>CEQA:</b> Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.	<b>Coordination:</b> City Attorney's Office, City Manager's Budget Office	<b>Dept. Approval:</b> John Aitken /s/
<b>Council District(s):</b> 6			<b>CMO Approval:</b>  5/10/23

**SUBJECT: SECOND AMENDMENT TO MASTER CITY OF SAN JOSE CONSULTANT AGREEMENT BETWEEN THE CITY OF SAN JOSÉ AND JVIATION, INC., A WOOLPERT COMPANY (JVIATION) FOR AIRPORT ON-CALL PROFESSIONAL CONSULTING SERVICES**

**RECOMMENDATION:**

Approve a Second Amendment to the Master City of San José Consultant Agreement between the City of San José and Jviation, Inc., a Woolpert Company, for on-call professional consulting services, extending the expiration of the current term from August 27, 2023 to June 30, 2025, with no additional compensation.

**BASIS FOR RECOMMENDATION:**

In June 2018, City Council approved a Master Agreement with the architectural/ engineering firm of Jviation, Inc., a Woolpert Company (Jviation) to provide professional consulting services on an as-needed basis for San José Mineta International Airport (Airport) for a maximum term of five years upon execution. The type of professional consulting services provided were on-call general design, engineering, planning, construction management, and support consultant services for Airport capital projects. The maximum compensation for services for the entire term of the Master Agreement was \$6 million.

In January 2022, City Council approved the First Amendment to the Master Agreement to decrease the maximum compensation by \$2,300,000 to a maximum total compensation amount not to exceed \$3,700,000. The reason for this reduction was to reallocate these funds to the other Airport on-call consultant, Kimley-Horn & Associates (KHA), to increase the contract capacity for KHA. This action increased the contract capacity for KHA by \$2,300,000 and enabled them to complete design and bid support services for the Airport's New Taxiway Victor Project, positioning the Airport favorably for grant funding.

Despite the decrease in capacity for Jviation by \$2,300,000, a \$1,200,000 capacity remained in the Master Agreement to complete the capital improvement program projects that are in process and currently assigned to Jviation. One of the projects currently being managed by Jviation is the Airport Accessibility Upgrades Phase 3A (ADA Phase 3A) project, which received federal grant funding in January 2023. The project schedule is 625 calendar days and is scheduled to complete on September 17, 2024. Although the City executed new Master Consultant Agreements for the same type of professional services in January 2023 with expiration in January 2030, Jviation was not one of the selected consultants. The extension of the term of Jviation's Master Agreement is requested to provide construction administration services for ADA Phase 3A until project completion. The extension is limited to the ADA Phase 3A project, and no additional services or projects will be authorized during the extension period.

San José Municipal Code Section 4.12.210 requires that the City engage in a competitive procurement on all professional services contracts, including consultant agreements, with a payment amount exceeding \$10,000.

City Council may make a determination that an unusual or unique situation exists that makes the application of the requirements for competitive procurement of the services included in the consultant agreement amendment contrary to the public interest. Staff recommends that City Council determine that it is not practicable to engage in a new competitive procurement because a continuation of the consultant's services is critical to accomplishing the services required to complete the ADA Phase 3A project . It is also not practical to transfer services to another on-call consultant prior to completion of the ADA Phase 3A project.

The extension will provide certainty in the interpretation and execution of the construction documents by the contractor and reduce the risk of added cost and liability to the Airport for design errors and omissions that could result from transitioning these services to another consultant.

Commission Recommendation/Input:

No commission recommendation or input is associated with this action.

**COST AND FUNDING SOURCE:**

No cost or funding changes are associated with this action.

**FOR QUESTIONS CONTACT:** Matthew Kazmierczak, Manager of Strategy and Policy, (408) 392-3640