



COUNCIL AGENDA: 08/14/18
FILE: 18-1045
ITEM: 2.7

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: July 23, 2018

Approved

Date

8/2/18

COUNCIL DISTRICT: 4 & 5

**SUBJECT: AGREEMENT WITH FALL CREEK ENGINEERING, INC. FOR
CONSULTANT AND PROFESSIONAL ENGINEERING SERVICES FOR
THE ALUM ROCK PARK VISITOR CENTER AND SERVICE ROAD
PROJECT (SCSJE87-8768; SCSJC93-8728)**

RECOMMENDATION

Approve an Agreement with Fall Creek Engineering, Inc. to provide consultant and professional engineering services for the Alum Rock Park Visitor Center and Service Road Projects (Projects) from the date of execution to July 31, 2020, in a maximum total compensation amount of \$480,165, subject the appropriation of funds.

OUTCOME

Approval of the agreement will enable the City to obtain consultant and professional engineering services for the Projects, and provide the City with the ability to advance the Projects 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 Projects commence.

BACKGROUND

Heavy rains from the storm events in early 2017 caused significant damage to the Alum Rock Park Service Road, part of the Alum Rock Park Visitor Center and part of the Mineral Springs Restroom, all of which are located in Alum Rock Park. The severe storms caused the slope downhill from the Service Road to slide down bringing dirt and debris toward the Visitor Center below and pushing the existing storage shed against the roof overhang of the Visitor Center building. While the Visitor Center building did not experience structural damage, the adjacent storage shed was severely damaged.

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The Service Road, a one-lane asphalt paved roadway located directly above Visitor Center, is the only access road for larger maintenance and emergency response vehicles within the Park. The Service Road experienced edge pavement failures along the downslope side. The observed failure slope section between the Service Road and Visitor Center is approximately 50 feet long and 20 feet wide downhill from the pavement edge. This section of localized landslide, unless properly restored and re-stabilized, will continue to pose further risks of structurally compromising the Service Road and affecting the safe operations of the Visitor Center.

The Mineral Springs Restroom, located approximately 1,500 feet northeast from the Visitor Center, also sustained damage due to an upslope failure which brought a significant amount of mud, debris and large boulders down the hillside. The debris buried the back of the restroom building, damaged the backwall windows and roof tiles, and impeded the access around the restroom.

The purpose of the Project is to restore and stabilize the service road and the slopes behind the Visitor Center and the Mineral Springs Restroom, and mitigate any other damage. 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 Project completion will help maintain the safe operations of Alum Rock Park and ensure the safety of the public in accessing and using the Visitor Center and the Mineral Spring Restroom.

City Interim Measures: While consultant services are being procured to plan/design for the more permanent measures, City staff has temporarily stabilized the slope between the Service Road and Visitor Center and implemented other safety measures to allow short-term opening of the Visitor Center. City staff is also proceeding separately to reconstruct and repair the Mineral Spring Restroom building and the storage shed at the Visitor Center.

ANALYSIS

On December 22, 2017, the City issued a Request for Proposals (RFP) for the engineering consultant design services for the Projects. The RFP was successfully advertised to 6,511 registered BidSync users. On January 19, 2018, the City received one proposal from Fall Creek Engineering, Inc. 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 Fall Creek Engineering 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.

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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 Fall Creek Engineering's bid to be responsive and responsible, and a Technical Evaluation Panel consisting of three City staff subject matter experts determined Fall Creek Engineering to be qualified to provide the engineering consultant design 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.

Evaluation Criteria	Possible Points
Submittal Requirements	Pass/Fail
Minimum Qualifications	Pass/Fail
Technical Evaluation Criteria	
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
Non-Technical Criteria	
Fee Schedule	15
TOTAL	100

The final ranking and score was as follows:

Rank	Firm	Expertise	Experience	Approach	Fee Schedule	Total
1	Fall Creek Engineering	9	38	25.67	15	87.67

The proposed maximum total compensation of the agreement is \$480,165, based on consultant's reimbursable actual costs plus a negotiated fixed fee (profit).

EVALUATION AND FOLLOW-UP

No additional follow-up action with the City Council is expected at this time. This Project is currently within budget, and the work in the Agreement is expected to be completed in July 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 Project are complete.

POLICY ALTERNATIVES

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

Pros: Staff would have 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 landslide damage assessments, geotechnical investigation, landslide mitigation, hillside stabilization, 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 project planning and design, environmental review and permitting, and construction. This includes necessary meetings with the public and other stakeholders interested in the Project.

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This memorandum will be posted on the City's website for the August 14, 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: **\$480,165**
2. COST ELEMENTS OF CONSULTANT AGREEMENT:

Professional Services	\$420,015
Consultant's Reimbursable Expenses	\$21,144
Fixed Fee (Profit)	\$39,006
- TOTAL AGREEMENT AMOUNT: \$480,165**
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.

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BUDGET REFERENCE

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

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Consultant Agreement	2018-2019 Proposed Capital Budget Page	Last Budget Action (Date, Ord. No.)
391	407A	2017 Flood – Alum Rock Park Service Road Repairs and Reconstruction	\$3,260,000	\$445,165	V-419	6/19/18, Ord. 30124
391	406Z	2017 Flood – Alum Rock Park Mineral Springs Restroom	\$189,000	\$35,000	V-418	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.

/s/

MATT CANO

Director of Public Works

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