



COUNCIL AGENDA: 10/23/18
FILE: 18-1406
ITEM: 2.10

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: October 10, 2018

Approved

Date

10/12/18

COUNCIL DISTRICT: 5 & 7

SUBJECT: AGREEMENT WITH CAL ENGINEERING & GEOLOGY, INC. FOR CONSULTANT AND PROFESSIONAL ENGINEERING SERVICES FOR 8827 – FEMA - KELLEY PARK STORM OUTFALL & ALUM ROCK PARK MINERAL SPRINGS BRIDGE EMBANKMENT PROJECTS (SCSJ88/PW1137; SCSJG01/PW745)

RECOMMENDATION

Approve an agreement with Cal Engineering & Geology, Inc. for engineering consultant services for the Kelley Park Storm Outfall & Alum Rock Park Mineral Springs Bridge Embankment Projects from the date of execution to October 31, 2021, in a maximum total compensation amount of \$659,312.

OUTCOME

Approval of the agreement will enable the City to obtain engineering consultant services for the Kelley Park Storm Outfall & Alum Rock Park Mineral Springs Bridge Embankment Projects (Projects), and provide the City with the ability to advance the Projects to the construction phase.

BACKGROUND

Heavy rains from storm events in early 2017 resulted in significant damages to the Kelley Park storm drain outfall and an embankment adjacent to the bridge at the Alum Rock Park Mineral Springs Trail.

Kelley Park Storm Outfall

The existing storm outfall structure and surrounding embankment, located in Kelley Park, were damaged and had eroded during the flood incident period in February 2017. The existing 66-

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inch corrugated metal pipe outfall dislocated from an existing brick manhole structure; therefore, creating a large void at the side of the existing manhole. The excessive amount of storm water that discharged through the outfall and the rising water levels within Coyote Creek caused additional scouring of the creek bank due to the detachment of the corrugated metal pipe at the manhole. The drainage shed is approximately 553 acres, bounded by Alma Avenue to the West, Tully Road to the East, Senter Road to the North and the Union Pacific Railroad to the South, and discharges through this 66-inch outfall.

Alum Rock Park Mineral Springs Bridge Embankment

Heavy rains from the February 2017 rain storm resulted in saturation of soils causing dislodgement and substantial movement of soils and rock from the bridge embankment along the Upper Penitencia Creek, near the Mineral Springs Trail Bridge in Alum Rock Park. Approximately 20 linear feet of the embankment will need to be re-stabilized and the rock seat wall reconstructed since the embankment eroded due to the creek.

The purpose of the Projects are to rebuild the storm outfall to current design standards, restore the embankment to pre-flood conditions and to mitigate any other damages. Under the recommended agreement the consultant will provide engineering services for the design development through the construction phase in conformance with the Federal Emergency Management Agency's (FEMA's) provisions, City of San José's policies and procedures, and other applicable local, state, and federal laws and regulations. Construction is estimated to begin in summer 2019 with completion in winter 2019.

ANALYSIS

On January 18, 2018, the City issued a Request for Proposals (RFP) for the engineering consultant design services for the Projects. The RFP was successfully advertised to 10,449 registered BidSync users. On February 16, 2018, the City received one proposal from Cal Engineering & Geology, 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 Cree Engineering, Inc. to develop and finalize the consultant agreement.

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 the proposal to be responsive, and a Technical Evaluation Panel, consisting of three City staff subject matter experts, determined Cal Engineering & Geology, Inc. to be

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qualified to provide the engineering consultant services for the Projects. 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 Conceptual to Final Design Project Schedule Cost Benefit Analysis	30
Non-Technical Criteria	
Fee Schedule	15
TOTAL	100

* Due to this project seeking federal reimbursement, Small Business and Local Business preference could not be given. However, please note that Cal Engineering & Geology Inc. is both a Small Business and Local Business.

The final ranking and score was as follows:

Rank	Firm	Expertise	Experience	Approach	Fee Schedule	Total
1	Cal Engineering & Geology, Inc.	8.33	36.00	25.00	15.00	84.33

The proposed maximum total compensation of the agreement is \$659,312, based on consultant's reimbursable actual costs including direct expenses, \$579,803, plus a negotiated fixed fee (profit), \$79,509.

EVALUATION AND FOLLOW-UP

No additional follow-up action with the City Council is expected at this time. The Projects are currently within budget, and the work in the Agreement is expected to be completed in Winter 2019. The agreement term is from the Contract Date to October 31, 2021, which will account for any potential delays.

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 Projects 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 damage assessments, geotechnical investigation, future mitigation, embankment stabilization, and environmental review and permitting work.

PUBLIC OUTREACH

The RFP was issued and was successfully advertised to 10,449 registered BidSync users. Among the businesses and suppliers invited to participate in the RFP process included 1,399 companies that were registered as Small Business Enterprise, 507 registered as Disadvantaged Business Enterprise, 548 registered as Minority-Owned Business Enterprise, and 424 registered as Woman-Owned Business Enterprise.

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This memorandum will be posted on the City's website for the October 23, 2018, City Council meeting.

COORDINATION

The Projects 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

The Projects are 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: **\$ 659,312**

2. COST ELEMENTS OF CONSULTANT AGREEMENT:

Kelley Park Storm Outfall

Professional Services	\$ 263,167
Consultant's Reimbursable Expenses	24,870
Fixed Fee (Profit)	39,475
Subtotal	<u>\$ 327,512</u>

Alum Rock Park Mineral Springs Bridge Embankment

Professional Services	266,896
Consultant's Reimbursable Expenses	24,870
Fixed Fee (Profit)	40,034
Subtotal	<u>\$ 331,800</u>

TOTAL AGREEMENT AMOUNT: \$ 659,312

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3. SOURCE OF FUNDING: 391 – Construction and Conveyance Tax Fund: City-wide Parks Purposes.
4. FISCAL IMPACT: The Projects are funded through the Construction and Conveyance Tax Fund 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. #	Appn. Name	Total Appn.	Amt. for Consultant Agreement	2018-2019 Proposed Capital Budget Page*	Last Budget Action (Date, Ord. No.)
391	406Y	2017 Flood – Alum Rock Park Mineral Springs Bridge Embankment	\$589,000	\$331,800	V-417	6/19/18, Ord. 30124
391	407K	2017 Flood – Kelley Park Outfall	\$1,223,000	\$327,512	V-428	6/19/18, Ord. 30124

*The 2018-2019 Proposed Capital Budget was adopted by the City Council on June 19, 2018

CEQA

Statutorily Exempt, CEQA Guidelines Section 15269 (a), Emergency Projects, 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.