


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Environmental Services / Public Works	<b>CEQA:</b> Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended)	<b>Coordination:</b> City Attorney's Office; City Manager's Budget Office, Finance	<b>Dept. Approval:</b> /s/ Kerrie Romanow  /s/ Matt Cano
<b>Council District(s):</b> City-Wide	resulting in no physical changes to the environment.	The Treatment Plant Advisory Committee will consider this item on June 13, 2019	<b>CMO Approval:</b>  6/6/19

**SUBJECT: AMENDMENTS TO THE MASTER CONSULTANT AGREEMENTS WITH CONSOLIDATED ENGINEERING LABS, CONSTRUCTION TESTING SERVICES, INC., AND SIGNET TESTING LABS, INC. FOR SPECIAL INSPECTION AND MATERIALS TESTING SERVICES FOR THE SAN JOSE -SANTA CLARA REGIONAL WASTEWATER FACILITY CAPITAL IMPROVEMENT PROGRAM**

**RECOMMENDATION:**

Approve the Amended and Restated Master Consultant Agreements with Consolidated Engineering Laboratories, Construction Testing Services, Inc., and Signet Testing Labs, Inc. for special inspection and materials testing services to allow for premium pay, reductions in the minimum limits for Professional Liability Errors and Omissions insurance from \$5,000,000 to \$2,000,000 per claim limit, and revisions to the Schedule of Rates and Charges, with no extensions of the term or increases to the maximum total compensation.

**BASIS FOR RECOMMENDATION:**

On June 19, 2018, the City Council approved three master consultant agreements, one with each of Consolidated Engineering Laboratories, Construction Testing Services, Inc., and Signet Testing Labs, Inc., for special inspection and materials testing services for the Capital Improvement Program (CIP) at the San José-Santa Clara Regional Wastewater Facility (RWF).

The original master consultant agreements did not allow for premium pay for work conducted outside of regular business hours. However, construction at the RWF often requires contractors to work outside of regular business hours to complete critical work prior to start of the wet-weather season, coordinate with RWF operations, perform critical unanticipated work due to unforeseen site conditions, and to meet the interface schedules between the numerous projects at the RWF. In these cases, the specialty inspection consultants may be required to provide services beyond and/or outside of regular business hours. The proposed amendment will allow premium pay, as required by the City, and with written approval by the City prior to work being performed.

This amendment also reduces the amount of the minimum limits for Professional Liability Errors and Omissions insurance from \$5,000,000 to \$2,000,000 per claim limit, as approved by the City's Risk Management Office, and makes the insurance requirements consistent with the other agreements at the RWF for special inspection services.

Based on these changes, the City was able to negotiate lower rates with all three consultants, which will result in project cost savings for the RWF CIP.

**COST AND FUNDING SOURCE:**

Services performed by the consultants under Master Consultant Agreements are authorized by service orders. An appropriation is not required for execution of the Amended and Restated Master Consultant Agreements, but is required for each service order under the agreements. These amendments do not change the total compensation or the terms established by the original Master Consultant Agreements.

**FOR QUESTIONS CONTACT:** Michael O'Connell, Deputy Director, Department of Public Works at (408) 975-7333