



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: February 8, 2021

Approved

Date

2/21/2021

SUBJECT: MASTER CONSULTANT AGREEMENTS WITH BKF ENGINEERS AND NICHOLS CONSULTING ENGINEERS FOR PLANNING, DESIGN, AND CONSTRUCTION SUPPORT OF STORM INFRASTRUCTURE IMPROVEMENTS, INCLUDING THE CHARCOT STORM DRAIN IMPROVEMENT PROJECT

RECOMMENDATION

Approve Master Agreements with BKF Engineers and Nichols Consulting Engineers (NCE) to support the planning, design, and construction of the City's storm infrastructure improvements, including the Charcot Storm Drain Improvement project from the date of execution through February 28, 2026, with each agreement not to exceed \$5,000,000.

OUTCOME

The approval of the master agreements with BKF Engineers and NCE will enable the City to obtain the consultant services necessary to provide a full complement of multidisciplinary engineering, consultant, and professional services for various City of San José storm infrastructure improvement projects, including the Charcot Storm Drain Improvement project.

BACKGROUND

As part of the Measure T Infrastructure Bond that was approved by voters in November 2018, staff completed a comprehensive storm sewer hydraulic analysis to properly mitigate the drainage deficiencies in the Charcot sub-drainage area in North San Jose. The report recommends that the most cost-effective flood protection alternative is to divert flow from Charcot area to the Guadalupe River by way of Rincon II pump station. This alternative will eliminate the need to build a large new pump station in Charcot Avenue. Due to the proposed

project's scale and complexity, multi-discipline engineering consultant services to support staff are essential to successfully deliver the project.

In addition to the design and construction of the Charcot Storm Drain Improvement project, several high priority storm sewer CIP projects were identified in the City's Storm Masterplan report that was updated in April 2019. Due to limited staff resources and expertise, staff anticipate that additional engineering consultant support for these storm drainage infrastructure improvement programs will be necessary in the next five years. Among them includes storm drain improvements at Stockton Avenue and Cinnabar Street area, storm pump station rehabilitation and replacement projects, and citywide outfall improvement program.

ANALYSIS

In August 2020, the City issued a Request for Qualifications (RFQ) seeking qualified Consultants to provide as-needed Consultant Services to support the City's storm drainage infrastructure improvement program, including the implementation of Charcot Storm Drain Improvement Project. The services include project planning support, public outreach, and comprehensive multidisciplinary professional services for engineering and design, and construction support.

The City received responsive Statements of Qualifications (SOQs) by the September 3, 2020 submittal deadline from the following firms:

- AECOM Technical Services, Inc.
- BKF Engineers
- HMH Engineers
- NCE
- Schaaf & Wheeler Consulting Civil Engineers
- WRECO
- Woodard & Curran

A Technical Evaluation Panel (TEP) was formed with individuals from the Department of Public Works and the Environmental Service Departments to evaluate the SOQs following procedures outlined in the RFQ. Each TEP member evaluated the SOQs using a consistent scoring matrix based on the firm's expertise, experience, and approach. These firms were evaluated and ranked based on their previous experience with planning and implementation of storm drainage infrastructure program and projects.

The TEP reviewed the SOQs and the City posted the Notice of Final Rankings with the below scores on October 20, 2020.

Chapter 4.12 of the San José Municipal Code provides a preference for Local and Small Businesses in the procurement of goods and services, and this was included in the evaluation ranking.

Consultant	SOQ Score	Local Business Enterprise Score	Small Business Enterprise Score	Total
BKF Engineers	71.03	5	0	76.03
NCE	73.67	0	0	73.67
Schaaf & Wheeler	62.92	5	5	72.92
Woodard & Curran	66.83	5	0	71.83
AECOM	63.42	5	0	68.42
WRECO	52.07	5	0	57.07
HMH Engineers	51.21	5	0	56.21

Award Recommendation

BKF Engineers and NCE demonstrated possessing qualifications and experience and expertise to provide the needed services for the City, with higher scores and ranked number one and two in the consultant selection process. Staff recommends executing master consultant agreements with BKF Engineers and NCE in order to give the City the necessary capacity to implement the Charcot Storm Drain Improvement project and support the City's various storm infrastructure improvement programs.

The Master Consultant Agreements will be administered with individual Service Orders. Each service order will specify the scope of services that these firms must perform and the compensation to which the consultant would be entitled upon delivery of all specified services. Funding will not be encumbered or expended unless a funding source is clearly identified before the issuance of each service order.

Among the likely projects or programs these master agreements would be used for includes the Storm Drain Improvements for the Charcot Area, Storm Pump Station Rehabilitation Program, Citywide Outfall Improvements Program, and other potential high priority projects such as the Stockton-Cinnabar-Taylor Storm Improvements. Consultant services up to \$10M worth of coverage would include Project Planning, Project Management, Feasibility Studies, Public Outreach, CEQA, Environmental and Permitting, Site Investigation, Topographic Survey, Geotechnical Investigation, Final Design, and Construction Engineering and Construction Management Support.

The Department of Public Works will issue service orders to the various consultants in accordance with its written Issuance of Service Orders Policy.

The Master Consultant Agreements will have a separate aggregate maximum compensation limit of \$5,000,000 for each agreement and shall expire on February 28, 2026 unless compensation level is reached earlier.

CONCLUSION

Staff recommends the award and execution of the Master Consultant Agreements to support the City's storm drainage infrastructure improvement programs and implementation of the design and construction of Charcot Storm Drain Improvement project. This includes comprehensive multidisciplinary professional services for engineering, design, and construction support services. The award of these Master Consultant Agreements will be in line with the City's goals of comprehensive stormwater management and flood prevention, including the voters-approved Measure T – Disaster Preparedness, Public Safety, and Infrastructure Bond Measure.

EVALUATION AND FOLLOW-UP

These master agreements will allow consultants to provide support to the City to implement the design and construction of Charcot Storm Drain Improvement project and support the City's various storm drainage infrastructure improvement programs. No additional City Council follow-up action is expected at this time.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum is consistent with major strategies, goals, and policies of the Envision San José 2040 General Plan, and aligns with the direction the City is moving with Climate Smart San José initiatives.

POLICY ALTERNATIVES

Alternative #1: Award one master consultant agreement to the top firm instead of two master agreements to the top two firms.

Pros: Administration would be simpler with only one agreement.

Cons: One consultant will not have enough resources to support the planning, design, and construction of the City's storm infrastructure improvements, including the Charcot Storm Drain Improvement project.

Reason for not recommending: Due to the extent of the scope of work and the required schedule to plan and implement the City's storm infrastructure improvements, including the Charcot Storm Drain Improvement project, one master agreement with the top firm will be insufficient to support the City's work.

Alternative #2: Do not award the master consultant agreements and direct City staff to provide the required services with in-house resources.

Pros: This project would give staff an opportunity to gain experiences in storm infrastructure improvements planning and implementation.

Cons: PW has limited in-house capacity and expertise to perform the work. Shifting existing staff resources to the project at this time would delay the project and adversely affect the City's effort in planning and implementation of the storm infrastructure improvements, including the Charcot Storm Drain Improvement project.

Reason for not recommending: Current staff is fully utilized. Also, staff does not have sufficient experience and expertise to perform some of the highly technical and complex work. This project requires consultant staffing, services, and the consultant's specialized experience and expertise to support the City's planning and implementation of the storm infrastructure improvements, including the Charcot Storm Drain Improvement project.

PUBLIC OUTREACH

Procurement staff used Biddingo to conduct outreach to local and small business enterprises. Chapter 4.12 of the San Jose Municipal Code defines a "local business enterprise" as one with a legitimate business presence in Santa Clara County and "small business enterprise" as a local business enterprise with 35 or fewer employees. Procurement staff sent notifications to 9,494 vendors, and documents were downloaded by 54 vendors, approximately 16 of which were located within Santa Clara County. BKF Engineers is a local enterprise; NCE is not.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

FISCAL/POLICY ALIGNMENT

This action aligns with the City's flood protection policies and regulations, San José voters-approved Measure T – Disaster Preparedness, Public Safety, and Infrastructure Bond Measure, and the City's implementation of goals, policies, and actions from the Envision San José 2040 General Plan.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Agreement with BKF (not-to-exceed)	\$5,000,000
Agreement with NCE (not-to-exceed)	\$5,000,000
TOTAL	\$10,000,000

Funding for Master Agreements is not encumbered or expended until the issuance of each service order with appropriate funding sources clearly identified.

2. COST ELEMENTS OF AGREEMENTS (estimated):

Project Planning, Project Management, Feasibility Studies, Public Outreach, CEQA, Environmental and Permitting	\$1,500,000
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Site Investigation, Topographic Survey, Geotechnical Investigation, and Final Design	\$7,000,000
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Construction Engineering and Construction Management Support	\$1,500,000
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3. SOURCE OF FUNDING:

469 - Storm Sewer Capital Fund (APPN 5150 - Storm Pump Station Rehabilitation and Replacement, APPN 4245- Citywide Outfall Improvements, and APPN 416I - Stockton-Cinnabar & Stockton-Taylor Storm Drain System)

498 - Public Safety and Infrastructure Bond Fund – Storm Sewer (APPN 414T - Measure T – Storm Drain Improvements at Charcot Ave)

4. FISCAL IMPACT: The approval of Master Agreements for these consultant services will have no impacts to operation and maintenance costs.

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the contracts recommended as part of this memorandum, including program planning, project planning, project design and construction support service costs.

Fund #	Appn #	Appn Name	Total Appn	2021-2025 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
498	414T	Measure T – Storm Drain Improvements at Charcot Ave	\$1,760,000	V-97	10/20/2020, Ord. No. 30494
469	5150	Storm Pump Station Rehabilitation and Replacement	\$3,060,000	V-102	6/23/2020, Ord. No. 30437
469	4245	Citywide Outfall Improvements	\$4,200,000	V-99	6/23/2020, Ord. No. 30437
469	416I	Stockton-Cinnabar & Stockton-Taylor Storm Drain System	\$980,000	V-98	6/23/2020, Ord. No. 30437

CEQA

Not a Project, File No. PP17-002 – Consultant services for design, study, inspection, or other professional services with no commitment to future action.

Not a Project, File No. PP17-003 - Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

/s/

MATT CANO
Director of Public Works

For questions, please contact Michael O’Connell, Deputy Director, Public Works Department at michael.oconnell@sanjoseca.gov.