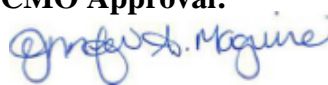


CITY COUNCIL ACTION REQUEST

Department(s): Public Works	CEQA: Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms.	Coordination: City Attorney's Office	Dept. Approval: /s/ Matt Cano
Council District(s): 4 and 5			CMO Approval:  02/26/21

SUBJECT: THIRD AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH SHERWOOD DESIGN ENGINEERS, LTD. FOR THE ALUM ROCK PARK VISITOR CENTER AND SERVICE ROAD SLIDE REPAIR.

RECOMMENDATION:

Approve a Third Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the Alum Rock Park Visitor Center and Service Road Slide Repair, extending the term of the Agreement retroactive from February 01, 2021 to January 31, 2022, with no change in maximum compensation.

BASIS FOR RECOMMENDATION:

In August 14, 2018, Council approved a consultant services agreement (Agreement) with Fall Creek Engineering, Inc., a civil engineer firm, to provide professional engineering services for the Alum Rock Park Visitor Center and Service Road projects (Projects), to restore and stabilize the service road and the slopes behind the Visitor Center and the Mineral Springs Restroom, and mitigate any other damages. The Agreement's maximum compensation is \$480,165, and term is ending on July 31, 2020.

On April 1, 2019, Sherwood Design Engineers, Ltd. (Sherwood) acquired the assets of Fall Creek Engineering, Inc. (FCE) pursuant to an Asset Purchase Agreement (APA) and FCE was dissolved on April 1, 2019. On July 12, 2019, the City consented to the assignment of the Agreement to Sherwood Design Engineers. This consent to assignment is recorded as the first amendment.

On July 24, 2020, the Agreement was extended six months to January 31, 2021 by a City Manager-approved Second Amendment.

The design of the Projects is nearly complete; however, the Projects were postponed due to the COVID-19 pandemic. In addition, Federal Emergency Management Agency (FEMA) review and approval of the National Environmental Policy Act (NEPA) analysis and the Environmental and Historic Preservation (EHP) to establish federal funding eligibility for the construction of the Projects has been taking longer than anticipated. To ensure the completion of the final design of the Projects in a timely manner, it is imperative that Sherwood team remains on the Projects and provide support during bid/award and construction phase of the Projects.

The recommended 12-month term extension to this Agreement would allow sufficient time to complete the remaining NEPA and EHP coordination with the FEMA, final design plans and specifications, bid/award process, construction supports, and FEMA review for reimbursement processes. No increase in maximum compensation is required.

Climate Smart San Jose: The recommendation in this memo has no effect on Climate Smart San Jose energy, water, or mobility goals.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE:

Fund 391 – Construction and Conveyance Tax Fund: City-wide Parks Purposes.

FOR QUESTIONS CONTACT: Michael O'Connell, Deputy Director, Public Works Department, at Michael.oconnell@sanjoseca.gov