



TOWN OF FAIRFAX

STAFF REPORT

October 7, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Approve contract amendment No. 5 with the California Infrastructure Consultancy for additional environmental services required for the Bridge Preventive Maintenance Program (BPMP) Bridges and additional design services for Creek Road Bridge under the BPMP program as requested by Caltrans

RECOMMENDATION

- 1) Authorize the Town Manager to execute Amendment No. 5 to the agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$164,580 for a total not to exceed amount of \$2,177,940 for additional environmental services required for the BPMP Bridges as requested by Caltrans and additional design services for Creek Road Bridge under the BPMP program as requested by Caltrans.
- 2) Appropriate \$69,580 to Fund 51-871 (BPMP Bridges) and \$95,000 to Fund 51-873 (Creek Rd. Bridge).

BACKGROUND

In October 2013, the Council awarded a contract to CIC to provide preliminary engineering, community outreach, environmental, and design services for five bridges in Fairfax. The project has progressed with community workshops conducted for all five bridges: Creek, Meadow, Marin, Spruce, and Canyon Road bridges. Contract Amendment No. 1 added \$140,000 to fund the Phase I work for the Meadow Way Bridge. Amendment No. 2 increased the contract by \$27,250 for additional work.

In September 2014, the Council approved contract Amendment No. 3 to increase the agreement by \$737,110 to allow CIC to begin the environmental and design work for the Spruce, Canyon, and Marin Road bridges (BPMP program) and Creek Road bridge seismic retrofit project.

In September 2015, the Council approved Amendment No. 4 to increase the contract by \$770,000 to allow CIC to complete unfinished reports/studies for Phase I and continue with the Phase II environmental and design process for Meadow Way Bridge.

DISCUSSION

Caltrans has requested that for the BPMP Bridges (Marin, Spruce, and Canyon) that the Town prepare three Natural Environment Study (NES) documents, one for each bridge, instead of one document for the entire BPMP project as initially envisioned for the project. Caltrans made this requirement after the project was underway. The NES documents describe the existing biological environment and how the project alternatives affect that. It serves as the technical basis for statements made in the environmental documents concerning plants, animals, and natural communities occurring in the biological study area. The additional costs to prepare three separate NES documents is \$69,580.

For the Creek Road Bridge, the new dollars are designing BPMP improvements for the Creek Road Bridge to be concurrent with the seismic retrofit design. These proposed BPMP

improvements were not previously included as part of the Fairfax BPMP project nor the Creek Road Bridge's seismic retrofit project. It was added at Caltrans's suggestion since it extends the life expectancy of the bridge and combines it with the seismic retrofit project providing for more cost efficiencies during both design and construction. The additional cost for design is \$95,000.

We do not anticipate any more funding requests to Caltrans for environmental or design services. The BPMP, Meadow Way, and Creek Road Bridges are funded through final, camera-ready bid packages as they stand today. The one caveat is that any unforeseen right-of-way issues, easements and property-related issues associated with the Creek Road and/or Meadow Way Bridges may require additional future requests to Caltrans.

FISCAL IMPACT

The Caltrans-approved increases for Fairfax BPMP and Creek Road Bridge are \$69,580 and \$95,000, respectively, totaling \$164,580. Of this amount, the Town's share is 11.47% of the BPMP's increase or \$7,972. There is no matching requirement for the Creek Road Bridge. The \$7,972 will be allocated from Fund 51- Capital Projects reserves. The balance of the funding comes from the federal grant for bridges administered by Caltrans.

ATTACHMENTS

Contract Amendment No.5

AMENDMENT NO. 5 TO DESIGN PROFESSIONAL SERVICES AGREEMENT

This Amendment No. 5 to Design Professional Services Agreement (this "Amendment No. 5") is entered into as of October __, 2015, by and between the TOWN OF FAIRFAX (the "Town") and CALIFORNIA INFRASTRUCTURE CONSULTANCY (the "Contractor"), with reference to the following facts:

RECITALS

A. Town and Contractor previously entered into that certain Design Professional Services Agreement dated as of September 4, 2013 (the "Contract"). Capitalized terms used in this Amendment No. 5 shall have the meanings assigned to them in the Contract.

B. The parties wish to modify the Contract as provided more particularly below.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by this reference, Town and Contractor hereby agree as follows:

1. Contractor shall complete the additional work for the BPMP and Creek Road Bridges described more particularly on Exhibit A hereto (the "Additional Work for BPMP and Creek Road Bridges") and the maximum amount payable under the Contract shall be increased by \$164,580.00 to a total not to exceed \$2,177,940.
2. Except as specifically modified herein, all of the other remaining provisions of the Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Town and Contractor have executed this Amendment No. 3 as of the date first written above.

"TOWN"
TOWN OF FAIRFAX

"CONTRACTOR"
CALIFORNIA INFRASTRUCTURE
CONSULTANCY

By: _____

By: _____

Name: _____

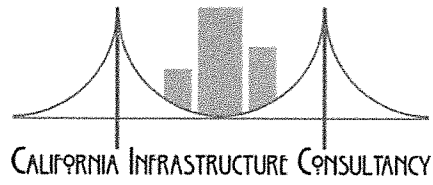
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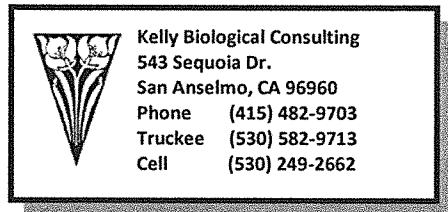
FAIRFAX BPMP

MULTIPLE NES SCOPE OF SERVICES



Scope and Fee Summary by Firm:

Firm	Role	Fee
WRA, Inc.	Conduct Biological Studies (fauna)	\$24,062
Kelly Biological Consulting	Conduct Biological Studies (plants)	\$36,442
CIC, Inc.	Lead Firm, Project Management, QA/QC	\$9,076
Total		\$69,580



TO: Nader Tamannaie, P.E., California Infrastructure Consultancy, Inc.

FROM: Micki Kelly, PWS, Kelly Biological Consulting

DATE: January 30, 2015

RE: Scope /Budget Amendment for Fairfax BPMP Project (Fed ID #BPMP5277(026)) based on Caltrans NES Recommendations

Caltrans has recommended that the Town of Fairfax separate the NES/BA related documents for the three BPMP bridges (per various emails from Caltrans to the team and the Town in December 2014 and January 2015). Our original scope included only one NES and one BA for all bridges because the BPMP project has one Federal ID number. It is likely that the project will require an NES and BA for Canyon Road and a separate NES and BA for Marin Road. No work is anticipated in the creek bed or banks at Spruce Road, therefore this scope amendment assumes that an NES MI (or memo as described on Caltrans website) will be sufficient for Spruce and no BA will be required.

Kelly Biological Consulting will require additional budget to address this change in scope. Table 1 breaks down the task and hours. Please note that Micki Kelly’s rate has been updated to show her 2015 rate \$133/hour. Ms. Kelly’s 2016 rate for this project will be higher.

Table 1. Additional Tasks and Hours Required

Explanation of the Additional Work Required for Various Tasks	Micki Kelly, Principal Biologist Additional Hours
Project Management and Organization <ul style="list-style-type: none"> Additional work will be required to manage the project such as determining costs and schedule changes required by the larger number of NES and BA documents. 	16
Biological Studies <ul style="list-style-type: none"> 2 NESs and 1 NESMI will be required instead of 1 NES. Additional time will be needed to write and edit the documents as well as coordinate with WRA wildlife and fish biologists. 	140
<ul style="list-style-type: none"> 2-3 BAs will be required instead of 1. Additional time will be needed to edit BAs and coordinate with WRA. 	36
<ul style="list-style-type: none"> At the Marin Road bridge maintenance requirements have been determined by engineers, it is likely that dewatering will be needed. This requires more time to address issues potential fish handling in the NES and BA. 	18
<ul style="list-style-type: none"> Each NES and BA will be reviewed by the Town and Caltrans. Therefore, if each document is reviewed once, there will be multiple documents going through the editing process, which requires additional effort an editing time to ensure that there is not conflict among the documents. 1 NES and 1 BA is much simpler. 	24
<ul style="list-style-type: none"> Additional time will be needed to support Caltrans in coordinating with NMFS and possibly USFWS. The project may require fish handling which was not part of the original BPMP approach. 	24
Permitting <ul style="list-style-type: none"> There will be 1 Corps, 1 RWQCB, and 1 CDFW permit, but multiple NESs and BAs. This will require additional time to explain to each of the permitting agencies and to respond the complications that will arise. In particular, it will likely complicate the CDFW, given that CDFW relies on NMFS input. NMFS review will be tracking differently for each bridge, while CDFW will be reviewing only one lumped project. 	16
Additional Hours Required	274
Additional Budget Required based on Micki Kelly’s 2015 rate of \$133. Please note that Ms. Kelly’s 2016 rate will be higher.	\$36,442

This scope and budget are based on the following assumptions, which are considered part of the contract for this work. I have included explanations for each assumption.

BMP details and texts as well as stormwater plans (SWPPP or similar) will be provided by the project engineers. It is assumed that they will be thorough and meet all agencies requirements.

Any hydrologic or geomorphic analysis of impacts to the stream channel based on project designs, including any fish passage analysis required by NMFS, will be provided by the project engineer.

BPMP bridges will require only 1 Corps permit, 1 RWQCB certification/waiver, and 1 CDFW 1600 authorization that will apply to all three BPMP bridges. The budget assumes cost efficiencies associated with consolidating the permits. If the bridge permitting tracks on different schedules, or requires separate permits, additional cost may be incurred.

The Corps will require only a Nationwide Permit. Given the anticipated impacts, it is unlikely that an individual permit will be required, however the Corps has the prerogative to require an individual permit if they feel it is appropriate.

No Corps wetland mitigation plan will be required. Based on field visits, the only impacts will be to "other waters" not wetlands. Typically, "other waters" do not require a mitigation plan. The primary mitigation will likely be impact avoidance by adjusting construction methods to avoid impacts (such as working in dry season and minimizing equipment use in the creeks).

No off-site mitigation will be required. Impact acreage will be small and self-mitigating. The agencies are expected to determine that no additional mitigation is required. However, they have the authority to require it if they choose.

There will be no changes to plans or project description that require rewriting permit applications, NES, or related documents after the Final documents have been prepared. Any changes that will require modifications to the permit applications, NES, etc. will require additional budget to update the applications and related documents.

For each permit application, NES, etc. there will be only one review by Fairfax and one by Caltrans. Additional reviews and edits can result in cost overruns.

A maximum of 16 hours is included to assist Caltrans with NMFS and/or USFWS consultation. Caltrans will be the NEPA lead and therefore be responsible for coordination/informal consultation with National Marine Fisheries. Caltrans will be also responsible for coordination/informal consultation with US Fish and Wildlife Service (if needed). Kelly Biological will be available to assist Caltrans up to a maximum of 16 hours.

It is assume only informal consultation will be required and that no compensatory mitigation from NMFS/USFWS will be necessary. If mitigation is required, additional coordination time with agency staff will be done under a future scope and budget.

The budget assumes a total of 10 hours for meetings and conference calls. (Note -Permit fees have not been included not included in Kelly Biological Consulting Budgets.)



Town of Fairfax BPMP Project (Fed ID #BPMP5277(026))

CHANGE ORDER No. 1 (Phase 2)

Prepared for:
Nader Tamannaie
California Infrastructure Consultancy
930 Alhambra Boulevard, Suite 220
Sacramento CA 95816

February 9, 2015

WRA Project No. 22304, Phase 3A, Task 6

PURPOSE OF CHANGE ORDER

WRA, Inc. (WRA) has been retained by California Infrastructure Consultancy ("CIC") to assist Kelly Biological Consulting with the preparation of Biological Resources reports for the Town of Fairfax BPMP Project (Fed ID #BPMP5277(026)). Specifically, WRA has been retained to provide fish and wildlife services required to prepare a Natural Environment Study (NES) and Biological Assessment (BA) pursuant to the National Environmental Policy Act (NEPA) and Caltrans Local Assistance Guidelines for the BPMP project.

As described in a January 30, 2015 scope/budget amendment for the project by Kelly Biological Consulting, Caltrans has recommended that the Town of Fairfax separate the NES/BA related documents for the three BPMP bridges (per various emails from Caltrans to the team and the Town in December 2014 and January 2015). WRA's original scope included only one NES and one BA for all bridges because the BPMP project has one Federal ID number. It is likely that the project will require an NES and BA for Canyon Road and a separate NES and BA for Marin Road. No work is anticipated in the creek bed or banks at Spruce Road; therefore, this scope amendment assumes that an NES MI (or memo as described on Caltrans website) will be sufficient for Spruce Road and no BA will be required. WRA will require additional budget to address this change in scope.

ADDITIONAL WORK PRODUCTS/SCOPE OF WORK

The following additional scope of work is proposed by WRA and is separate from the scope/budget amendment recently submitted by Kelly Biological Consulting on January 30, 2015.

Project Management and Organization.

- Additional work will be required to manage the project such as determining costs and schedule changes required by the larger number of NES and BA documents.

Biological Studies.

- 2 NESs and 1 NESMI will be required instead of 1 NES. Additional time will be needed to write and edit the documents as well as coordinate with Kelly Biological Consulting.
- 2-3 BAs will be required instead of 1. Additional time will be needed to edit BAs and coordinate with Kelly Biological Consulting.
- As the Marin Road bridge maintenance requirements have been determined by engineers, it is likely that dewatering will be needed. This requires more time to address potential issues related to fish handling in the NES and BA.
- Each NES and BA will be reviewed by the Town and Caltrans. Therefore, if each document is reviewed once, there will be multiple documents going through the editing process, which requires additional effort and editing time to ensure that there is not conflict among the documents.
- Additional time will be needed to support Caltrans in coordinating with NMFS and possibly USFWS. The project may require fish handling which was not part of the original BPMP approach.

ESTIMATED COST

As shown in the attached cost table, the estimated cost for the additional scope of work is **\$24,060**. These costs are based on assumptions provided in the scope of work. Estimated costs are subject to change based on specific conditions that arise during the conduct of this work.

ASSUMPTIONS

This scope and budget are based on the following assumptions, which are considered part of the contract for this work. Explanations are included for each assumption.

BMP details and texts as well as stormwater plans (SWPPP or similar) will be provided by the project engineers. It is assumed that they will be thorough and meet all agencies requirements.

Any hydrologic or geomorphic analysis of impacts to the stream channel based on project designs, including any fish passage analysis required by NMFS, will be provided by the project engineer.

No off-site mitigation will be required. Impact acreage will be small and self-mitigating. The agencies are expected to determine that no additional mitigation is required. However, they have the authority to require it if they choose.

There will be no changes to plans or project description that require rewriting NES, BA, or related documents after the Final documents have been prepared. Any changes that will require modifications to the NES, BA, etc. will require additional budget to update the applications and related documents.

For each NES, BA, etc. there will be only one review by Fairfax and one by Caltrans. Additional reviews and edits can result in cost overruns.

It is assumed only informal consultation will be required and that no compensatory mitigation from NMFS/USFWS will be necessary. If mitigation is required, additional coordination time with agency staff will be done under a future scope and budget.

	\$ 175.00	\$ 117.00	\$ 132.00	\$ 132.00	\$ 132.00	\$ 117.00	\$ 99.00	\$ 165.00	\$ 119.00	\$ 67.00	Total Hours	Total Cost
	Geoff Reilly	Jonathan Hidalgo	Dan Chase	Rob Scheil	Tricia Valcarcel	Nick Brinton	Dana Riggs	Derek Chan	Erin Lannon			
Project Management and Organization												
• Additional work will be required to manage the project such as determining costs and schedule changes required by the larger number of NES and BA documents.	2		4	2			2				10	\$ 1,472.00
Biological Studies												
2 NESs and 1 NESM1 will be required instead of 1 NES. Additional time will be needed to write and edit the documents as well as coordinate with WRA wildlife and fish biologists.			14	4	16	46	2	12	1		95	\$ 10,627.00
2-3 BAs will be required instead of 1. Additional time will be needed to edit BAs and coordinate with Kelly Biological Consulting.	2	3	2	2	4	24	2	6			45	\$ 5,117.00
As the Marin Road bridge maintenance requirements have been determined by engineers, it is likely that dewatering will be needed. This requires more time to address potential issues related to fish handling in the NES and BA.			1	1	2	5	2	6			17	\$ 2,037.00
Each NES and BA will be reviewed by the Town and Caltrans. Therefore, if each document is reviewed once, there will be multiple documents going through the editing process, which requires additional effort and editing time to ensure that there is not conflict among the documents.	2	3	2	1	2	10	2				22	\$ 2,651.00
Additional time will be needed to support Caltrans in coordinating with NMFS and possibly USFWS. The project may require fish handling which was not part of the original BPMP approach.	2	3	2	1	2	5	2				17	\$ 2,156.00
Total Project Hours	8	9	25	11	26	90	12	24	1		206	\$ 24,060.00
Total Project Dollars	\$ 1,400.00	\$ 1,053.00	\$ 3,300.00	\$ 1,452.00	\$ 3,042.00	\$ 8,910.00	\$ 1,980.00	\$ 2,856.00	\$ 67.00		206	\$ 24,060.00

**Town of Fairfax
Highway Bridge Program
Creek Raod Bridge PE Phase BPMP
Scope and Cost**

Develop preliminary preventive maintenance design for Creek Road Bridge during the current environmental studies for seismic retrofit of the bridge. The preventive maintenance work will include repairs of concrete structural members having exposed reinforcement, spalls, cracks and delamination; as well as removal of bridge deck asphalt and sealing it with methacrylate, and replacement of all five deck joint seals. Perform final Creek Road Bridge's BPMP design, including independent structural check, after acceptance of the environmental documents. Combine plans, specifications and estimates (PS&E) with those for seismic retrofit of the bridge to advertise as one project.

Scope	Rate	\$210	\$160	\$150	\$120	\$120	\$42	Total
Task	Staff	NT	MM	DV	JC	Assist Engr	Admin	
Task 1	Project Management	32					10	\$7,140
Task 10-2	PS&E	16	80	120	166	54	2	\$60,644
Task 11	Bid Support	4		2			1	\$1,182
Task 12	Design Serv. During Const.	16	4	16	32		2	\$10,324
	Total Hours	68	84	138	198	54	15	557
	Total Fee	\$14,280	\$13,440	\$20,700	\$23,760	\$6,480	\$630	\$79,290

Consultant Fees Summary

<u>Firm</u>	<u>Role</u>	<u>Fee</u>	<u>Comment</u>
CIC	Structural P&Q, Project Management	\$79,000	See above table
MGE & WJE	Structural Independent Check, specs	\$16,000	20% of P&Q hrs per MTD 1-4 plus specs
	Total	\$95,000	

Creek Road Bridge

Total Plan Sheet Count (Includes seismic retrofit)

- 1 Title Sheet
- 2 Water Pollution & Erosion Control Plan
- 3 Utility Plan
- 4 Construction Area Signs
- 5 Traffic handling plan
- 6 Plant Restoration Plan No. 1
- 7 Plant Restoration Plan No. 2
- 8 Bridge General Plan
- 9 Index to Plans
- 10 Seismic Anchor Slab Details No. 1
- 11 Seismic Anchor Slab Details No. 2
- 12 Seismic Anchor Slab Details No. 3
- 13 Bent Retrofit Detail No. 1
- 14 Bent Retrofit Detail No. 2
- 15 Restrainer Details No. 1
- 16 Restrainer Details No. 2
- 17 Waffle Slab Details No. 1
- 18 Miscellaneous Details
- 19 Limits of Pymment for Excavation & backfill
- 20 Deck Poleyster Overlay Details
- 21 Joint Seal Repair Details No. 1
- 22 Joint Seal Repair Details No. 2
- 23 Spall and Crack Repair Details No. 1
- 24 Spall and Crack Repair Details No. 2
- 25 Spall and Crack Repair Details No. 3
- 26 Log of Test Borings