



TOWN OF FAIRFAX

STAFF REPORT

July 7, 2021

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Approve Amendment No. 9 to the master agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$142,150 for additional design and right-of-way (ROW) services for the Creek Rd. Seismic Retrofit and Bridge Preventive Maintenance Program (BPMP- Canyon, Marin, Spruce) bridge projects

RECOMMENDATION

Approve Amendment No. 9 to the master agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$142,150 for additional design and ROW services for the BPMP (Canyon, Marin, Spruce bridges) and Creek Rd. bridge projects. Please note that the BPMP and Creek Rd. Bridge projects are part of the overall master contract for five bridges (BPMP, Creek, and Meadow Way), the overall contract will increase by \$142,150 from \$2,936,040 to a revised not-to-exceed amount of \$3,078,190.

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: 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.

In October 2015, the Council approved Amendment No. 5 to increase the contract amount by \$164,580 for additional environmental services required for the BPMP Bridges and additional design services for Creek Road Bridge under the BPMP program as requested by Caltrans.

In January 2018, the Council approved Amendment No. 6 to the agreement to increase the contract amount by \$32,738 for additional services to address right of way discrepancies for Meadow Way bridge.

In August 2019, the Council approved Amendment No. 7 to the master agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$105,572 for additional services to redesign the retaining wall for Meadow Way bridge.

In October 2020, the Council approved Amendment No.8 for the amount of \$619,790 for the right-of-way phase, additional design costs through construction drawings, and additional project management/administrative costs for the Meadow Way bridge.

DISCUSSION

In order to address unforeseen issues that have come up with regard to the Creek Rd. and BPMP bridges, we were required to reallocate dollars in the budget to address these issues as described below. This is a fairly common practice as Caltrans will often require the information obtained from the added work in order to approve the additional funding request. In essence, we are “restoring” dollars used for the additional work so we can continue with the environmental studies/analysis required for the federal environmental clearance process (i.e., NEPA).

Below is a brief summary of the added costs (see attachment B for more detail) for the work performed for BPMP and Creek Rd. bridges. The total cost for the proposed services is \$142,150: \$53,650 for BPMP and \$88,500 for Creek Rd.

Additional Scope of Services and Cost for BPMP

The amount of \$53,650 has been authorized by Caltrans to finish NEPA environmental document for the project, recognized as extra work not previously included in the scope of services. The amendment to the CIC contract is for the \$53,650 for the work performed below.

ROW Issues – There are three bridge sites in this project, at Canyon Rd., Marin Rd., and Spruce Rd. The amendment includes the work CIC performed to obtain and review the Assessor's Parcel Maps for the properties adjacent to at all three bridge sites in the program. Based on establishment of tentative property lines and Town's public right-of-way (ROW), CIC has determined the temporary construction easements (TCEs) and/or permanent easements are needed from some property owners.

Cost of services: \$12,920.

Canyon Road Fish Ladder Issues – CIC was involved in streamlining the Biological Assessment (BA) Report for three bridges on San Anselmo Creek, including this bridge, Creek Road Bridge and Meadow Way Bridge. In late 2019, NOAA Fisheries required that repairs design, long-term annual inspections, and a maintenance program for the existing fish ladder under Canyon Road Bridge be addressed as a condition of their project NEPA approval.

After several field meetings with District 4 Local Assistance and Environmental staff, NOAA, and the CIC project team, CIC facilitated a repair, inspection, and maintenance program for the

fish ladder. This amendment is to cover the costs for the meetings, initial assessment of the fish ladder's needs and preparation of an agreement memo and the annual inspections and maintenance document.

Cost of services: \$19,066.

Salary Increases - Salaries and cost of project management have increased due to the length of the Preliminary Engineering (PE) period, prolonged by the various unforeseen issues and scope of work. The salary increase has been applied to half of the overall existing budget, increasing at 4% per year for two years.

Cost of services: \$21,664.

Additional Scope of Services and Cost for Creek Road Bridge

The amount of \$88,500 has been authorized by Caltrans to finish the NEPA environmental document for the project, recognized as extra work not previously included in the scope of services. This amendment to the CIC contract is for \$88,500 for the work performed below.

ROW Issues – CIC has obtained and reviewed the Assessor's Parcel Maps, preliminary titles and other ROW records for the properties adjacent to the bridge in the program. Based on establishment of tentative property lines and the Town's public right-of-way (ROW), CIC has resolved ROW discrepancies at the site and identified the impacts on adjacent private properties. CIC identified the need to acquire permanent easements and/or temporary construction easements (TCE) from affect property owners.

Cost of services: \$25,480.

Extended Archeological Excavation & Survey and Environmental Coordination –

Caltrans District 4 Local Assistance Office (LAO) required that the CIC Team's subconsultant for Cultural Resources conduct an additional shallow-hole exploration at the site for archeological investigation purposes. CIC also met with NOAA and Caltrans District 4 LAO staff in April 2019 to consolidate, as requested by Caltrans, the Biological Assessment (BA) Report for all the bridge projects into a single document.

Cost of services: \$34,054.

Salary Increases - Salaries and cost of project management have increased due to the length of the Preliminary Engineering (PE) period, prolonged by the unforeseen issues and scope of work. The salary increase has been applied to half of the overall existing budget, increasing at 4% per year for two years.

Cost of services: \$12,920.

FISCAL IMPACT

Prior to the authorization of the latest E-76s by Caltrans, the budget was \$421,415 for BPMP and \$787,994 for Creek. These amendments will push the new budgets to \$475,065 and \$876,494 for the two projects, respectively. Of the \$142,150 amendment, \$53,650 requires

11.47% match (\$6,154). The \$88,500 for Creek Rd. does not have a matching requirement and the added costs are 100% federally funded.

The BPMP and Creek Rd. Bridge projects are part of the overall master contract for the five (5) bridges (Creek Rd., BPMP- Spruce, Marin, Canyon, and Meadow Way bridges). As a result, the overall contract will increase by \$142,150 from \$2,936,040 to a revised not-to-exceed amount of \$3,078,190.

The adopted FY20-21 CIP budget for Creek Rd. and BPMP includes the costs for the above services.

ATTACHMENTS

Amendment No.9 to the master contract with proposed scope work

AMENDMENT NO. 9 TO DESIGN PROFESSIONAL SERVICES AGREEMENT

This Amendment No. 9 to Design Professional Services Agreement (this “Amendment No. 9”) is entered into as of July ___, 2021, 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. 9 shall have the meanings assigned to them in the Contract.

B. The parties wish to modify the Contract as provided more particularly below, for additional services to redesign the retaining wall for Meadow Way bridge.

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 added work for Creek Rd. and BPMP bridge projects as described in the attached Exhibit A and the maximum amount payable under the Contract shall be increased by \$142,150 to a total not-to-exceed amount of \$3,078,190.
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. 9 as of the date first written above.

“TOWN”
TOWN OF FAIRFAX

“CONTRACTOR”
CALIFORNIA INFRASTRUCTURE
CONSULTANCY

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

EXHIBIT A

CREEK RD. AND BPMP BRIDGE PROJECTS

SCOPE OF AND AMOUNTS OF EXTRA FEES FOR AMENDMENT No. 9

Additional Scope of Services and Cost for BPMP

The amount of \$53,650 has been authorized by Caltrans to finish NEPA environmental document for the project, recognized as extra work not previously included in the scope of services. This amendment to CIC contract is for the said \$53,650, dollars which have been used from the project's previously authorized budget to address unexpected extra issues that have come up and not budgeted for. Restoring these dollars will enable the above goal of continuing the project and certifying the noted environmental studies and NEPA CE document.

ROW Issues – There are three bridge sites in this project, at Canyon Rd., Marin Rd., and Spruce Road. CIC has obtained and reviewed the Assessor's Parcel Maps for the properties adjacent to at all three bridge sites in the program. Based on establishment of tentative property lines and Town's public right-of-way (ROW), CIC has determined the temporary construction easements (TCEs) and permanent easements needed. No ROW take has been deemed necessary. At Canyon Rd., the properties impacted are #14 Canyon Rd. and two lots in the creek (APNs 003-031-16 & 003-044-03) for access and work on an existing fish ladder and the bridge wingwalls. At Marin Rd, APN 001-104-15, a land already under public easement for transit and utilities, and the property adjacent to the bridge (APN 001-104-02), belonging to #7 Marin Rd., will be disturbed and TCEs and mitigation will be needed. CIC has determined private property disturbances, TCEs or permanent easements will not be expected at Spruce Rd. CIC has already met and discussed with a ROW engineering and surveying subconsultant, as well as a Caltrans-certified ROW appraisal and acquisition subconsultant, to scope the project and determine costs for the needed permanent and temporary easements. The actual work of, and fees for, these subconsultants will be in the full scope of services for a future amendment, for which the costs and scopes have been reviewed, and will be first authorized, by Caltrans in the near future.

CIC item costs to date: \$12,920.

Canyon Road Fish Ladder Issues - CIC was involved in streamlining the Biological Assessment (BA) Report for three bridges on San Anselmo Creek, including this bridge, Creek Road Bridge and Meadow Way Bridge. In late 2019, NOAA Fisheries required that repairs design, long-term annual inspections and a maintenance program for the existing fish ladder under Canyon Road Bridge be addressed as a condition of their project NEPA approval. The repairs design and construction were to be done as part of the project and funded federally, but the brief long-term annual inspections and the light maintenance actions were to be done by the Town of Fairfax.

After several field meetings among the District 4 Local Assistance and Environmental staffs; as well as NOAA, the Town of Fairfax and the project team staffs; CIC facilitated a repair, inspection and maintenance program for the fish ladder acceptable by the Town. Part of the dollars requested in this amendment are for the meetings, initial assessment of the fish ladder's needs and preparation of an agreement memo and the annual inspections and maintenance document. The design work and fees for the repairs design will be in the full scope of services in future amendments, for which the costs and scopes have been reviewed, and will be first authorized, by Caltrans.

CIC item costs to date: \$19,066.

Salary Increases - Salaries and cost of project management have increased due to the length of the Preliminary Engineering (PE) period, prolonged by the various unforeseen issues and scope of work. The salary increase has been applied to half of the overall existing budget, increasing at 4% per year for two years only.

CIC item costs to date: \$21,664.

CIC total costs to date: \$53,650.

Additional Scope of Services and Cost for Creek Road Bridge

The amount of \$88,500 has been authorized by Caltrans to finish the NEPA environmental document for the project, recognized as extra work not previously included in the scope of services. This amendment to CIC contract is for the said \$88,500, dollars already used from the project's previously authorized budget to address unexpected extra issues that have come up and not budgeted for. Restoring these dollars will enable the above goal of continuing the project and certifying the noted environmental studies and NEPA CE document.

ROW Issues – CIC has obtained and reviewed the Assessor's Parcel Maps, preliminary titles and other ROW records for the properties adjacent to the bridge in the program. Based on establishment of tentative property lines and the Town's public right-of-way (ROW), CIC has resolved ROW discrepancies at the site and identified the impacts on adjacent private properties. CIC identified encroachment by the bridge on one residence (Woontner-Iglio) and the need to acquire ROW, permanent easement and a temporary construction easement (TCE) here, as well as TCEs from two other property owners at the site (Guastucci and Marin County). CIC has prepared letters to approach the impacted residents, prepared additional text and posted the information on the project web site.

CIC prepared exhibits for two new subconsultants, one for ROW engineering and surveys, and another a Caltrans-certified subconsultant for ROW acquisitions and easements, met with them to explain the scope of work and received their proposals. The actual work of, and fees for, these subconsultants will be in the full scope of services for a future amendment, for which the costs and scopes have been reviewed, and will be first authorized, by Caltrans in the near future.

CIC item costs to date: \$25,480.

Extended Archeological Excavation & Survey and Environmental Coordination – Environmental leads from Caltrans District 4 Local Assistance Office (LAO) required that the CIC Team's subconsultant for Cultural Resources to conduct an additional shallow-hole exploration at the site for archeological investigation purposes. This work has already been performed by the subconsultant and the extended information has been added to Archeological Survey Report (ASR).

CIC has been involved in streamlining the Biological Assessment (BA) Report for three bridges on San Anselmo Creek, including this bridge. CIC coordinated and met with NOAA and Caltrans District 4 LAO staffs in the field in April 2019 to coordinate the BA Report for 3 HBP projects through a single document.

CIC item costs to date: \$34,054.

Salary Increases - Salaries and cost of project management have increased due to the length of the Preliminary Engineering (PE) period, prolonged by the unforeseen issues and scope of work. The salary

increase has been applied to half of the overall existing budget, increasing at 4% per year for two years only.

CIC item costs to date: \$28,966.

CIC total costs to date: \$88,500.