



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Eugelyn Lopez, Junior Engineer
April Miller, Public Works Director**

City Manager Approval: 

TOPIC: FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR FINAL DESIGN OF THE GRAND AVENUE CYCLE TRACK PROJECT

SUBJECT: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE GRAND AVENUE CYCLE TRACK PROJECT, IN AN ADDITIONAL AMOUNT OF \$86,150, INCREASING THE TOTAL NOT TO EXCEED AMOUNT OF THE AGREEMENT TO \$161,040.

RECOMMENDATION:

Authorize the City Manager to negotiate and enter into a first amendment to the Professional Services Agreement with Kimley-Horn & Associates, Inc. for engineering design services in an additional amount of \$86,150, increasing the total not-to-exceed amount of the agreement to \$161,040.

BACKGROUND:

The Grand Avenue cycle track project will install a two-way, protected Class IV, path for cyclists and pedestrians along the east side of Grand Ave, between 2nd and 4th Street. On September 21, 2022, the City Manager awarded a professional services agreement to Kimley-Horn & Associates, Inc. in the amount of \$74,890 to prepare final design and construction ready documents for a new two-way cycle track along the east side of Grand Ave between 2nd and 4th Street.

ANALYSIS:

Kimley-Horn is the civil design consultant for the Grand Avenue Cycle Track Project and has prepared a plan for the two-way cycle track between 2nd and 4th Streets along Grand Avenue. This project requires additional consulting services for two additional scopes of work by the consultant: (1) additional design work including pedestrian streetlighting design and (2) additional final construction document services.

FISCAL IMPACT: The additional consultant fee of \$86,150 will be paid from the Gas Tax Fund (Fund #206). Funding to support this contract amendment is available within existing FY 2023-24 budget appropriations under account 206-44-21001-9270.

OPTIONS: The City Council has the following options to consider relating to this matter:

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

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1. Approve the staff recommendation.
2. Do not approve the staff recommendation and provide further direction to staff.

ATTACHMENT:

1. Amendment and corresponding Exhibit A & B

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
KIMLEY-HORN AND ASSOCIATES, INC. FOR FINAL DESIGN OF THE GRAND
AVENUE CYCLE TRACK BETWEEN 2ND AND 4TH STREET**

THIS FIRST AMENDMENT to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **KIMLEY-HORN AND ASSOCIATES, INC.** (hereinafter “**CONSULTANT**”), is made and entered into as of the

_____.

RECITALS

WHEREAS, the **CITY** and **CONSULTANT** entered into a Professional Services Agreement dated September 21, 2022 to perform professional services in connection with **CITY’S** Final Design of the Grand Avenue Cycle Track Project, for an amount not to exceed \$74,890 (the “**Agreement**”); and

WHEREAS, **CITY** requires additional professional services from the **CONSULTANT**, and the **CONSULTANT** is willing to provide such services.

AMENDMENT TO AGREEMENT

NOW, THEREFORE, the parties hereby agree to amend the Agreement as follows:

1. Article II of the Agreement, entitled “**DUTIES OF CONSULTANT**” is hereby amended to include the additional services set forth in **CONSULTANT’S** proposals dated August 23, 2023, and August 22, 2023, attached to this First Amendment as Exhibit A and Exhibit B, and incorporated herein by reference.
2. Article IV of the Agreement, entitled “**COMPENSATION**” is hereby amended to include additional compensation payable to **CONSULTANT** for the services described in Exhibit A and Exhibit B to this First Amendment, on a time and materials basis in accordance with the Exhibit A and Exhibit B, in a not-to-exceed amount of \$40,850 and \$45,300 respectively, and to change the total not-to-exceed amount under the Agreement to \$161,040.
3. Except as specifically amended herein, all of the other provisions, terms and obligations of the Agreement between the parties shall remain valid and shall be in full force.

IN WITNESS WHEREOF, the parties have executed this First Amendment on the day, month, and year first above written.

CITY OF SAN RAFAEL

CONSULTANT

CRISTINE ALILOVICH, City Manager

By: 
By: [Kwasi Akwabi \(Apr 5, 2024 06:01 PDT\)](#)

Name: Kwasi Akwabi

Title: Vice President

ATTEST:

[If Contractor is a corporation, add signature of second corporate officer]

LINDSAY LARA, City Clerk

By: 
By: [Kevin Aguigui \(Apr 5, 2024 08:48 PDT\)](#)

APPROVED AS TO FORM:

Name: Kevin Aguigui

Title: Vice President

GENEVIEVE COYLE, Assistant City Attorney



Exhibit A

August 23, 2023 (via email)

Ms. Joanna Kwok
Senior Civil Engineer
Department of Public Works, City of San Rafael
111 Morphew Street
San Rafael, CA 94901

Re: Grand Avenue Cycle Track Project – Request for Change Order for Additional Services

Dear Joanna:

As previously discussed via phone and email, Kimley-Horn and Associates, Inc. (Kimley-Horn) is requesting a change order related to effort expended for the additional design changes after the 95% Package and effort to support the City prior to the construction advertisement period. The following is a brief summary of design services that were requested by the City and completed by Kimley-Horn that were not part of the original contract dated September 21st, 2022.

- Design of pedestrian street lighting system along Grand Avenue (2nd St to 4th St), technical specifications preparation, and bid alternate estimate preparation
- Design of landscaping planter strip between 3rd St and 4th St, technical specifications preparation, and estimate preparation
- Design of curb ramps (field fit) at Grand Avenue and 4th St.
- Design and details for the modifications of an existing retaining wall between 912 Grand Avenue and 450 3rd St parcels
- Design of storm drain modifications for existing 920 Grand Avenue outflow infrastructure
- Preparation of custom bicycle route wayfinding signage
- Conduct additional design and coordination meetings with City project team

We also request additional budget to prepare design revisions for the driveway entrance on the east side of Grand Avenue between Second St. and Third St. Kimley-Horn will revise the driveway width and add signage and striping at the driveway to facilitate a right-out only movement from the Valero parcel.

Kimley-Horn also understands additional design revisions may be requested by the City prior to construction commencing. We request an additional budget of \$7,010 to perform these design revisions, as needed. The services will be performed only with City authorization and be billed on a time-and-materials basis.

The total fee is \$40,850 for the work described above and a breakdown of the effort is as follows:

Staff	Hours	Rate	Total
Analyst II	96	\$165	\$15,840
Analyst III	68	\$190	\$12,920
Professional I	32	\$215	\$6,880 \$6,880
Sr Professional I	6	\$295	\$1,770
Project Manager (Prof I)	16	\$215	\$3,440
Total			\$40,850



If you have any questions, please do not hesitate to call me at (510) 250-2110.

Sincerely,

Kimley-Horn

Brendan Pittman, P.E., T.E.
Project Manager

August 22, 2023 (via email)

Ms. Joanna Kwok
Senior Civil Engineer
Department of Public Works, City of San Rafael
111 Morphew Street
San Rafael, CA 94901

Re: *Proposal to Provide Design Services During Construction for the Grand Avenue Cycle Track Project*

Dear Joanna:

We are excited to provide a Scope of Services and Fee to provide engineering services during construction to support the City of San Rafael (City) as it works to deliver roadway modifications as part of the Grand Avenue City Track Project. Our Scope of Services follows our understanding of the work that is involved to support the City as it administers the construction phase of a new two-way cycle track along the east side of Grand Avenue between 2nd Street and 4th Street.

Scope of Services:

Project Understanding

As part of this project, Final construction documents (design plans, technical specifications, and Engineers Opinion of Probable Construction Cost) were developed by Kimley-Horn for the Grand Avenue Cycle Track Project. The construction documents included the following design elements:

- Roadway modifications (new sidewalk, curb and gutter, and curb ramps)
- Drainage modifications
- Traffic signal modifications at three (3) locations on Grand Avenue
- Landscaping improvements (removal and planting of trees)
- Pedestrian scale street light improvements
- Pavement rehabilitation
- Pavement delineation and signage modifications

Kimley-Horn understands the City is currently in the process of obtaining a construction contractor to build this Project and is seeking professional services support to assist during the construction phase. For the purposes of this scope, we have assumed a construction phase to begin in September 2023 and end in Summer 2024 (approximately 9 month construction period).

Based on our previous phone conversations, our Project Understanding, Scope of Services, Schedule, and Fee Proposal are as follows.

Scope of Services

Task 1: *Project Management*



This task includes general project administration, including management of project staff, quality control, and project accounting. A brief monthly description of services will be prepared and submitted with our standard invoicing. It is assumed that the project duration is nine (9) months.

Task 1 Deliverables:

- Monthly invoices and progress reports

Task 2: Design Services During Construction

Kimley-Horn team will provide design support during project construction by responding to contractor inquiries and preparing design modifications for construction contract change orders as applicable. Kimley-Horn assumes a total effort of 180 hours for budgeting purposes and will be performed on a time and materials basis. Effort in excess of 180 hours will be billed at a time and materials basis at our then current hourly rates, and only after written authorization from the City. It is assumed that support during construction will occur over nine months. Kimley-Horn will have no responsibility for any contractor's means, methods, techniques, sequence, schedule, or safety practices, nor shall Kimley-Horn have any authority or responsibility to stop or direct the work of any contractor.

Design Services During Construction Services may include, as budget allows:

1. Attend and prepare information for an internal handoff meeting to discuss possible construction issues and items of special consideration for the construction management team.
2. Attend the pre-construction meeting.
3. Attend construction progress meetings as directed by the City.
4. Review and response to appropriate RFIs, which may include revisions and clarifications of design details and specifications.
5. Review and response to material and equipment submittals.
6. Review and response to proposed substitutions, if any, for conformance to the construction documents.
7. Review and response to proposed changes to the contract (Request for Quotations and Contract Change Orders).
8. Participate in up to one meeting for the final punch list walk through. We will observe the construction and provide recommendations for the City to consider for generating the final punch list.
9. Prepare Record Drawings based upon red-lines provided by the contractor and field reviews performed by the City construction management team. Kimley-Horn will not inspect the contractor's work. If requested, Kimley-Horn will periodically observe and bring any possible discrepancies with the construction documents to the City's construction management team.
10. Review and provide comment on construction Contractor's temporary traffic control plans.
11. Participate in coordination calls/meetings as they relate to the other City projects under construction that may affect this project.

Task 2 Deliverables:

- Construction meeting attendance, if applicable
- Responses to RFIs, submittals, requests for substitutions, and change orders; and revised details, plans, or specifications
- Record drawings prepared in AutoCAD and provided to the City in AutoCAD and PDF formats,

Kimley»»Horn

as budget allows

Schedule

Kimley-Horn will provide our services as noted in the Scope of Services as expeditiously as practicable to meet the mutually agreed upon schedule.

Fee and Billing

Kimley-Horn will provide the professional services outline in the Scope of Services on a labor fee plus expense basis not to exceed \$45,300. This fee includes administrative labor costs and direct expense (travel, tolls, meals, etc.) incurred in performing these services. The table below includes the break-down of cost per task.

Task Number	Description	Cost
1.0	Project Management	\$7,320
2.0	Design Services During Construction	\$37,580
	Total Cost	\$44,900
	Expenses:	\$400
	Total:	\$45,300

We note that any services other than those set forth in the Scope of Services will constitute additional services. Additional services shall be performed only with your authorization and be billed on a time-and-materials basis. Thank you for the opportunity to provide our professional services to the City of San Rafael. Please contact me at (510) 250-2110 (office) or via email at brendan.pittman@kimley-horn.com should you have any question or need any clarifications.

Kimley-Horn and Associates, INC.



Brendan Pittman, PE, TE
Project Manager