



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 5.e

Meeting Date: November 15, 2021

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Bill Guerin,
Director of Public Works**

City Manager Approval: 

TOPIC: FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH PARK ENGINEERING, INC. FOR ADDITIONAL CONSTRUCTION INSPECTION AND MATERIALS TESTING SERVICES, IN AN ADDITIONAL CONTRACT AMOUNT NOT TO EXCEED \$35,000.

RECOMMENDATION: Adopt a resolution approving and authorizing the City Manager to execute a first amendment to the agreement with Park Engineering, Inc. for additional construction inspection and materials testing services in an amount not to exceed \$35,000, increasing the total not-to-exceed amount under the agreement to \$408,504.

BACKGROUND: The Francisco Boulevard East Sidewalk Improvements project ("Sidewalk Project") is the final phase of a multi-project, long-term vision that will fill a significant bicycle/pedestrian safety gap within a major north-south corridor and will successfully link to other recently constructed bicycle/pedestrian improvements, most notably the pedestrian bridge crossing the San Rafael Canal installed in 2019. Upon completion of the Sidewalk Project, a seamless bicycle/pedestrian facility from Downtown to the Canal Neighborhood will be realized and greatly improve safety and connectivity in East San Rafael.

In May 2020, the City awarded the construction contract to Ghilotti Bros, Inc. and authorized the execution of the professional services agreement for Park Engineering, Inc. to provide construction inspection and materials testing services. The contract was executed between the City and Park on July 12, 2020. On July 6th, 2020, Ghilotti Bros, Inc. began construction with an initial estimated completion 200 days from the Notice to Proceed.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

ANALYSIS: Field work is nearly complete but, to date, the construction effort has experienced a number of delays including utility conflicts with per-plan drainage and electrical work, added storm drain pipe improvements, added signal interconnect work, delay to new PG&E connection, COVID manufacturing impacts to various materials, and delay to the final planting related to the severe drought in Marin County. These impacts total to a need for an approximate 115 working day time extension.

These added working days have moved the estimated completion date to early December 2021 thus necessitating this amendment to the original agreement with Park Engineering, Inc. to ensure that they are able to continue providing construction inspection services for this project.

FISCAL IMPACT: The proposed first amendment will increase the professional services agreement total by \$35,000, for a total not-to-exceed amount of \$408,504. \$35,000 will be appropriated in the Gas Tax Fund 206 and reimbursed by two federal grants from the Active Transportation Program and the Congestion Mitigation and Air Quality Improvement Program.

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

1. Adopt the resolution as presented.
2. Do not adopt the resolution and provide further direction to staff.

RECOMMENDED ACTION: Adopt a resolution approving and authorizing the City Manager to execute a first amendment to the agreement with Park Engineering, Inc. for additional inspection and materials testing services in an amount not to exceed \$35,000.

ATTACHMENT:

1. Resolution
2. First Amendment to the Professional Services Agreement with Park Engineering, Inc. for Professional Services for the Francisco Boulevard East Sidewalk Improvements Project, and corresponding Exhibit A (revised scope of work)

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST
AMENDMENT TO THE AGREEMENT WITH PARK ENGINEERING, INC. FOR
ADDITIONAL CONSTRUCTION INSPECTION AND MATERIALS TESTING
SERVICES, IN AN ADDITIONAL CONTRACT AMOUNT NOT TO EXCEED \$35,000**

WHEREAS, pursuant to City Council Resolution No. 14796, the City of San Rafael and Park Engineering, Inc. entered into a Professional Services Agreement dated June 12, 2020 for inspection and materials testing services associated with the City's project to improve the sidewalk along Francisco Boulevard East, for an amount not to exceed \$373,504 (the "Agreement"); and

WHEREAS, the City requires additional construction inspection and materials testing services from Park Engineering, Inc. to cover the 115 working days that have been added due to change orders and additional testing for unanticipated items; and

WHEREAS, staff received a proposal from Park Engineering, Inc. for the additional required services in a total amount not to exceed \$35,000; and

WHEREAS, staff has reviewed the proposal and found it to be complete and within industry standards; and

WHEREAS, \$35,000 will be appropriated from the Gas Tax Fund 206 and reimbursed by two federal grants from the Active Transportation Program and the Congestion Mitigation and Air Quality Improvement Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES
as follows:

1. The Council hereby approves and authorizes the City Manager to execute a first amendment to the Agreement with Park Engineering, Inc. for additional construction inspection and materials testing services in connection with the Francisco Boulevard East Sidewalk Improvement Project, in the amount of \$35,000 and a revised total contract value not to exceed \$408,504, in the form included with the staff report supporting this resolution, subject to final approval as to form by the City Attorney.

2. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 15th day of November 2021, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
PARK ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR THE
FRANCISCO BOULEVARD EAST SIDEWALK IMPROVEMENTS PROJECT**

THIS FIRST AMENDMENT to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **PARK ENGINEERING, INC.**, (hereinafter “**CONSULTANT**”), is made and entered into as of the _____ day of _____, 2021.

RECITALS

WHEREAS, pursuant to City Council Resolution No. 14796, the **CITY** and **CONSULTANT** entered into a contract dated June 12, 2020 for construction inspection and materials testing services associated with the **CITY’S** project to improve the sidewalk along Francisco Boulevard East, for an amount not to exceed \$373,504 (the “Agreement”); and

WHEREAS, the **CITY** requires additional construction inspection and materials testing services from the **CONSULTANT** to cover the 115 working days that have been added due to change orders and additional testing for unanticipated items, 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 III of the Agreement, entitled “STATEMENT OF WORK” is hereby amended to include the additional services set forth in **CONSULTANT’S** proposal entitled “Revised Scope of Services” dated October 28, 2021, attached to this First Amendment as Exhibit “A” and incorporated herein by reference.
2. Article V of the Agreement, entitled “ALLOWABLE COSTS AND PAYMENTS” is hereby amended to include additional compensation payable to **CONSULTANT** for the services described in Exhibit “A” to this First Amendment, on a time and materials basis in accordance with the “Revised Cost Proposal Summary & Schedule” included in Exhibit “A”, in a

not-to-exceed amount of \$35,000, and to change the total not-to-exceed amount under the Agreement to \$408,504.

- 3. Except as specifically amended herein, all 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:
PARK ENGINEERING, INC.**

JIM SCHUTZ, City Manager

By:_____

Name:_____

Title:_____

ATTEST:

and

LINDSAY LARA, City Clerk

By:_____

Name:_____

Title:_____

APPROVED AS TO FORM:

ROBERT F. EPSTEIN, City Attorney



October 28, 2021

Ms. April Miller, City Engineer
City of San Rafael, Public Works Department
111 Morphew Street
San Rafael, CA 94901

Dear April,

As previously discussed, Park Engineering Inspection Services budget for the City's Francisco Blvd East Sidewalk Improvement Project (City Project #11349) has almost been expended (less than \$2,000 remaining) with work still to be completed.

Our original inspection and materials testing budget was based on information provided by the City for 200-days of an estimated duration, with a small allowance of overtime. Field work is nearly complete but, to date, the construction efforts has experienced a number of delays – utility conflicts with per plan drainage and electrical work, added storm drain pipe improvements, added signal interconnect work, delay to new PG&E connection, COVID manufacturing impacts to various materials, and delay to the final planting related to the severe drought in Marin County. These impacts total to an approximate 115 working day time extension. This extension has expended the original inspection budget prior to completion of the field work and close-out effort on the project files.

As none of the time extension impacts were a result of Park Engineering's effort on the project, enclosed please find an additional budget estimate of \$35,000 for Construction Inspection Services to complete the project through the end of 2021. This estimate includes field time for the remaining storm drain and landscaping work, scheduled to complete in November, as well as hours to complete final payment to the Contractor and overall project files / documentation. There is also a small allowance for an remaining materials testing invoices to be paid.

If there are any questions, or if any additional information is needed, please contact me on my mobile at 510-701-0319 or at spatterson@park-eng.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Patterson".

Steve Patterson, P.E.
Vice President

Attachment

Orinda Office
372 Village Square
Orinda, CA 94563
Tel: 925-257-2508
Fax: 925-401-7030

Emeryville Office
3960 Adeline Street, #3
Emeryville, CA 94608
Tel: 925-257-2508
Fax: 925-401-7030



Please remit to:

Park Engineering
372 Village Square
Orinda, CA 94563

Invoice

City of San Rafael
Department of Public Works
111 Morphew Street
San Rafael, CA 94901

Date: October 28, 2021
PEI Project # 20006
Invoice #: 20006-XX

Attention: April Miller, P.E.

Construction Inspection Services for Francisco Blvd East Sidewalk Improvements
File No. 16.01.241.01 / Project No. 11349

Estimate To Complete

Name	Position/Service	Hours	Rate	Amount
Steve Patterson, P.E.	Construction Manager	120	\$ 189.42	\$ 22,730.40
James Beauchamp	Inspector	100	\$ 127.11	\$ 12,711.00
James Beauchamp	Inspector - Overtime	0	\$ 190.67	\$ -
Subtotal				\$ 35,441.40

Direct Costs:

Name	Service	Amount
AME	Materials Testing and Source Inspection	\$ 1,500.00
Subtotal		\$ 1,500.00

Total Invoice Amount

\$ 36,941.40

Submitted by:

Jaemin Park, P.E.
President

Contract Summary:	
This Invoice	\$ 36,941.40
Previous Invoices	\$ 371,723.54
Total to Date	\$ 408,664.94
Contract Amount	\$ 373,504.00
Budget Remaining	\$ (35,160.94)
Percent Complete	109.41%