



CITY COUNCIL STAFF REPORT



May 24, 2022

ITEM TITLE

Contract Amendment: Approve a Fourth Amendment to the On-Call Civil Engineering Consultant Agreement with Kimley Horn and Associates, Inc.

Report Number: 22-0131

Location: No specific geographic location.

Department: Engineering

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. Notwithstanding the foregoing, the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

Recommended Action

Adopt a resolution approving an amendment to the On-Call Civil Engineering Consulting agreement between the City and Kimley Horn and Associates, Inc. to a total maximum compensation of \$3,900,000.

SUMMARY

Kimley Horn and Associates, Inc. was awarded an on-call consultant contract on September 19, 2017 per Council Resolution 2017-078. The agreement was amended on July 19, 2019 to increase the annual not-to-exceed amount for the second term from \$500,000 to \$750,000. On March 16, 2021, a Second Amendment was executed to increase the annual term not-to-exceed amount from \$500,000 to \$1,300,000 for a total not-to-exceed of \$3,050,000. A Third Amendment was administrative and allowed for an extension of the Contract duration through October 31, 2022.

For projects initiated prior October 31, 2021 staff anticipates it will incur costs greater than the total agreement not-to-exceed amount. For continuity and efficiency of services and staff, this Fourth Amendment is being recommended to increase the not-to-exceed total contract amount from \$3,050,000 to \$3,900,000, which includes the total project completion costs plus a 20% contingency, on outstanding projects.

Several City Departments continue to use KHA and their specialty subconsultants to augment city staff in the delivery of a wide variety of projects.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because the activity consists of a funding / administrative activity which does not result in a physical change in the environment; therefor, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Although environmental review is not necessary at this time, once projects have been defined, environmental review will be required and a CEQA determination completed prior to commencement of the projects. In addition, notwithstanding the foregoing, the Director of Development Services has also determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the CEQA State Guidelines. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

With the passage of Measure P and the Road Repair and Accountability Act of 2017(SB1), city staff recognized the need for additional design resources to deliver the expanded Capital Improvement Program and solicited for on-call consultants to assist in project development. On September 19, 2017, the City Council adopted Council Resolution 2017-078, which approved agreements with several civil engineering firms, including Kimley Horn and Associates, Inc. (KHA) for civil engineering consulting services for various capital improvement program projects and other City projects. The agreement allowed for two optional annual extensions starting November 1, 2019, both of which were mutually extended. In addition to the extensions three amendments were executed.

The original contract consisted of two 12-month terms and additional terms or extensions with not to exceed amounts of \$500,000 each term. The First Amendment executed on July 19, 2019, increased the annual not-to-exceed amount for the second term of the Original Agreement from \$500,000 to \$750,000. The Second Amendment executed on March 16, 2021, to add additional required services, add subconsultants, increase the annual and total not-to-exceed amount during the Second Option term. The Third Amendment was administrative and extended the length of the contract duration through October 31, 2022, to complete the in-progress Projects.

The projects initiated in the agreement prior to the third amendment, are anticipated to incur costs greater than the total not-to-exceed amount. For continuity and efficiency of services and staff, staff is recommending this fourth amendment to increase the not-to-exceed total contract amount from \$3,050,000 to \$3,900,000, which includes a 20% contingency. The Amendment and not-to-exceed amounts include updated subconsultant labor rates.

Over the past four years, several City Departments have used KHA to augment city staff in the delivery of a wide variety of projects. In addition to the anticipated Measure P related increase in design needs, there were several significant projects (CVEATC Bridge Repair, CV Bridge Shelter, Telegraph Canyon Channel) that necessitated the use of the design consultant and their specialty subconsultants to meet delivery schedules. The primary need to increase the contract limit continues to be the mitigation of peak/specialty design workload.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code §87100, et seq.)

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There is no current-year fiscal impact. Approval of the resolution allows for the use of the contract services up to the not-to-exceed amount. Funding is determined separately on a project basis.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact. Approval of the resolution allows for the use of the contract services up to the not-to-exceed amount. Funding is determined separately on a project basis.

ATTACHMENTS

Attachment 1 – Proposed Fourth Amendment

Attachment 2 – Original Agreement with Approved Amendments

Staff Contact: William Valle, Director of Engineering and Capital Projects/City Engineer and Beth Gentry, Senior Civil Engineer