



DATE: November 6, 2023

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager
Marlene Subhashini, Assistant City Manager

FROM: Andrew Brozyna, Public Works Director
Francine Magno, Senior Civil Engineer

DEPARTMENT: Public Works

SUBJECT: CONTRACT AMENDMENT NO. 2 TO THE AGREEMENT WITH WILSEY HAM IN THE AMOUNT OF \$75,647, AMENDING THE FEE SCHEDULE AND EXTENDING THE CONTRACT TERM TO DECEMBER 31, 2024 FOR ON-CALL SURVEY SUPPORT SERVICES FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 327-657)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing the Mayor to execute Contract Amendment No. 2 (CA #2) with Wilsey Ham in the amount of \$75,647, amending the fee schedule, and extending the contract term to December 31, 2024, for on-call survey support services for the Levee Protection Planning and Improvements Project (Project) (CIP 327-657) and approving a contingency of \$10,000 and authorizing the City Manager to approve expenditures up to the contingency amount. An Environmental Impact Report was Prepared for the Levee Protection Planning and Improvements Project (State Clearinghouse No. 2016012012).

EXECUTIVE SUMMARY

In 2021, the City hired Wilsey Ham as land surveyor professionals to provide a range of land survey services for construction of the Levee Project. In May 2023, the City Council authorized Contract Amendment No. 1 (CA #1) to the Agreement to extend the existing

scope of work to include additional surveying work not included in the original scope. With CA #1, the revised total contract amount was \$83,046.

CA #2 would provide for an additional \$15,647 necessary to complete the final As-Built Top of Wall Verification required by the Federal Emergency Management Agency (FEMA). Further, another \$60,000 is needed for Legal Description/Plat technical review for new easements, license or fee conveyances. Adding a total of \$75,647 to the contract would bring the total contract amount to \$158,693.

The original contract was for the duration of construction that is through January 2024. The remaining services to be provided are anticipated to take longer than the time provided in the agreement, so extending the contract term to December 31, 2024, is also recommended.

Finally, staff is recommending establishing a \$10,000 contingency for CA #2 and authorizing the City Manager to approve expenditures up to the contingency amount. There is adequate funding in the Project budget for both CA #2 and the contingency.

BACKGROUND

On March 31, 2021, the former City Manager executed an agreement with Wilsey Ham, in an amount not-to-exceed \$44,946 for On-Call Survey Support Services for the Project. Specifically, the agreement included the following scope of work: verifying the Contractor's survey control; performing property line staking; verifying top of wall elevations as the project progresses and at the end of the project; and supporting the Construct Management Team and Engineering Consultant on an as-needed basis.

On May 1, 2023, the City Council executed CA #1 in the amount of \$38,100 for additional scope not accounted for as part of the original agreement amount. CA #1 included the following scope of work: verify access point conform elevations and to verify project related easement information and property line information.

ANALYSIS

A final As-Built Top of Wall Verification is required by FEMA to document the top of wall elevations of the levee. An estimate to perform this work was considered as part of the original agreement cost and scope of work. Now that the project is near completion, it has become apparent that it will take more work to complete. The additional work consists of surveying more elevation points than initially estimated. An additional \$15,647 is needed to complete the task.

The project also needs to provide Legal Description/Plat technical review for new easements, licenses or fee conveyances in 15 areas, a new task not anticipated in the original contract or in CA #1. Wilsey Ham is estimating a budget of \$4,000 per area, or a total of \$60,000 in additional scope for these technical reviews. Staff is recommending

that a contingency of \$10,000 be established for CA #2 with authorization given to the City Manager to approve expenditures up to the contingency amount. All work under CA #2 will be performed on a time and materials basis. Since the remaining services to be provided are anticipated to take longer than the time provided in the original agreement, extending the term to December 31, 2024 and amending the Consultant's fee schedule is also recommended.

CEQA

An Environmental Impact Report was prepared for the Levee Protection Planning and Improvements Project (State Clearinghouse No. 2016012012)., The services that will be provided under CA #2 were contemplated as part of the Project that was considered in the EIR.

FISCAL IMPACT

With the execution of CA #2, the revised contract amount will be \$158,693:

On-Call Services Contract	\$ 44,946.00
Contract Amendment No. 1	\$ 38,100.00
Contract Amendment No. 2	\$ 75,647.00
Revised Contract Amount	\$ 158,693.00

In addition, staff recommends that the City Council approve a contingency of \$10,000 for unforeseen circumstances related to the contract work and authorize the City Manager to approve expenditures up to the contingency amount. Funding is available in the approved project budget for CA #2 and the recommended contingency.

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

Facilities and Infrastructure

ATTACHMENTS

Attachment 1 – Resolution

Attachment 2 – Wilsey Ham Contract Amendment No. 2