

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY PROVIDING AUTHORIZATION FOR A ONE TIME INCREASE TO CITY MANAGER APPROVAL AUTHORITY ASSOCIATED WITH CONTRACT CHANGE ORDER THIRTY SEVEN (CCO 37), IN AN AMOUNT UP TO \$50,000, AS NECESSARY, IN ORDER TO COMPLETE CHANGE WORK FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 327-657)

CITY OF FOSTER CITY

WHEREAS, as part of the San Francisco Bay Conservation and Development Commission BCDC permit requirements for the Levee Project, the City is required to restore full tidal flows to the O'Neill Slough; and

WHEREAS, the current conditions of the bay trail slope at the Baffin Bridge pose a concern over both public safety and an existing major gas line servicing the Belmont area; and

WHEREAS, it is necessary to remove the temporary sheet piles on either end of the O'Neill Slough to remain compliant with the BCDC permit for the Levee Protection Planning and Improvements Project (CIP 327-657) (Project); and

WHEREAS, the critical change work (the Work) related to CCO 37 includes the removal of the temporary sheet piles at the Baffin and Egress Bridge; slope remediation on the slope adjacent to the Baffin Bridge; the purchase and installation/removal of the protection materials to facilitate heavy equipment across the newly constructed levee improvements in order to perform the sheet pile and slope remediation work; and mobilization/demobilization costs associated with the sheet pile removal and slope remediation; and

WHEREAS, per the BCDC permit, the Work must occur during the in-water work window which falls between June 1 – November 30 of each year. Further, the Work must also comply with the bird nesting restriction that limits construction activities from September 1st - January 31st of each year; and

WHEREAS, it is critical that the work to remediation the slope occur before the in-water work window ends on November 30, 2023; and

WHEREAS, on July 20, 2020, the City Council adopted Resolution No. 2020-76, awarding an agreement to Shimmick Construction Company, Inc. and establishing a contingency in the amount of \$9,000,000 with authorization given to the City Manager to execute contract change orders up to \$250,000; and

WHEREAS, on October 30, 2023, the City Manager executed CCO 37 with Shimmick Construction Inc., in an amount not-to-exceed \$250,000 on a time and materials basis to complete the Work within the allowable work window permitted by BCDC; and

WHEREAS, additional authorization for the City Manager to increase the CCO 37 not-to-exceed amount by an amount up to an additional \$50,000, as necessary, is required to complete the change work within the allowable permit window; and

WHEREAS, a supplemental increase to CCO 37 not-to-exceed amount, would be executed as a subsequent contract change order; and

WHEREAS, funding is available in the approved Project budget to cover the anticipated costs associated with CCO 37; and

WHEREAS, on May 8, 2017, the City Council certified and approved the Final Environmental Impact Report (FEIR) for the Levee Protection Planning and Improvements Project (CIP 327-657) - (State Clearinghouse No. 2016012012); and

WHEREAS, on September 18, 2023, the City Council approved an Addendum to the FEIR, which analyzed the recommendation to remove the existing temporary cofferdams/sheet piles to restore tidal action into the O'Neill Slough, and the Notice of Determination (NOD) was filed with the County; and

WHEREAS, the work to be performed as part of CCO 37 was contemplated as part of the Addendum to the FEIR for the Levee Protection Planning and Improvements Project (CIP 327-657).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby approve authorization for a one time increase to City Manager approval authority, in an amount up to \$50,000, as necessary, to complete the Work for the Levee Protection Planning and Improvements Project (CIP 327-657).

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 6th day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JON FROOMIN, MAYOR

ATTEST:

PRISCILLA SCHAUS, CITY CLERK