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**Title:** Approve the First Amendment to the Professional Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers, to increase the fee amount by \$55,270 and the contingency by \$8,000, for a total amended contract amount of \$194,970; to extend the time for performance from July 31, 2020 to July 30, 2021; and to modify the scope of services for the design of the Recycled Water Extension to West Creek Village/Martin Luther King Activity Center (Council District 3 and Fresno County)

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - First Amendment.pdf, 2. Attachment 2 - Original Consultant Agreement.pdf

Date	Ver.	Action By	Action	Result
4/23/2020	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**April 23, 2020**

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**THROUGH:** BROCK D. BUCHE, PE, PLS, Assistant Director - UP&E  
Department of Public Utilities - Utilities Planning & Engineering

**BY:** PATRICIA DIEP, Supervising Engineering Technician  
Department of Public Utilities - Utilities Planning & Engineering

**SUBJECT**

Approve the First Amendment to the Professional Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers, to increase the fee amount by \$55,270 and the contingency by \$8,000, for a total amended contract amount of \$194,970; to extend the time for performance from July 31, 2020 to July 30, 2021; and to modify the scope of services for the design of the Recycled Water Extension to West Creek Village/Martin Luther King Activity Center (Council District 3 and Fresno County)

**RECOMMENDATIONS**

Staff recommends that the City Council (1) approve the First Amendment to the Professional

Consultant Services Agreement (Agreement) with Blair, Church & Flynn Consulting Engineers (Consultant) to increase the total contract amount from \$131,700 to \$194,970; to extend the time for performance from July 31, 2020 to July 30, 2021; to modify the scope of services for the design of the recycled water main pipe to increase the water main pipe size from 12-inches to 24-inches in diameter; and (2) authorize the Director of Public Utilities, or designee, to sign the First Amendment on behalf of the City of Fresno (City).

## **EXECUTIVE SUMMARY**

On July 26, 2019, the City entered into an Agreement with the Consultant to design a 12-inch recycled water main for the total amount of \$131,700. The Department of Public Utilities (DPU) desires to increase the pipe size from 12-inches to 24-inches in diameter to accommodate additional demand for future commercial and residential users along the pipeline. The 24-inch diameter pipe necessitates the inclusion of the design of a cathodic monitoring system since the 24-inch will be ductile iron pipe. The \$8,000 increase in contingency is a result of upsized recycled water main with potential for unaccounted costs resulting in exceedance of consultant design and construction phase services. With this additional design change the City and the Consultant desire to extend the agreement to July 30, 2021.

## **BACKGROUND**

In 2009, the State of California adopted a recycled water policy establishing a mandate to increase the use of recycled water in California by 200,000 acre-feet per year by 2020 and an additional 300,000 acre-feet per year by 2030. The Recycled Water Master Plan prepared by DPU identifies opportunities to assist with compliance of this law by reducing groundwater pumping and replacing potable water with recycled water for non-potable purposes (i.e. outdoor irrigation, dust control, fountains, etc.). On April 11, 2013, the Council adopted the Recycled Water Master Plan and associated environmental documents.

On July 26, 2019, the City and Consultant, entered into an Agreement for consulting engineering services associated with the Recycled Water Extension to Martin Luther King Activity Center for a total contract amount of \$131,700. The Agreement includes a total fee not to exceed \$129,700, a contingency not to exceed \$2,000, and a work completion date of July 31, 2020. With the approval of the First Amendment, the total fee will increase to an amount not to exceed \$184,000 and the contingency will increase to an amount not to exceed \$10,000, for a total contract amount of \$194,970.

The First Amendment also includes a design change to increase the pipe size from 12-inches to 24-inches in diameter; a cathodic monitoring system since the 24-inch diameter pipe will be ductile iron; and extension of the work completion date to July 30, 2021. The increase in the contingency cost is a result of the upsized recycled water main with potential for unaccounted costs resulting in exceedance of consultant design and construction phase services.

The City Attorney's Office has reviewed the First Amendment and approved as to form. Upon approval by the Council, the Agreement will be executed by the Director of Public Utilities.

## **ENVIRONMENTAL FINDINGS**

This approval is not a project for the purposes of CEQA Guidelines Section 15378. This approval

proposes an amendment to an existing consultant services agreement for design of plans. However, this approval does not commit the City to construction of the Recycled Water Extension. Following completion of design services, if the City elects to move forward with construction of the extension, a construction contract will be presented to Council for consideration at a subsequent meeting. Because the City is not committing to construction of the Recycled Water Extension with this approval and is merely approving a contract amendment to facilitate design, this action will not have a direct or reasonably foreseeable indirect effect on the environment. Therefore, the determination that it is not a project within the meaning of CEQA Guidelines Section 15378 is appropriate.

## **LOCAL PREFERENCE**

Local preference does not apply to this action because this is an amendment to an existing agreement.

## **FISCAL IMPACT**

There is no impact to the General Fund. This Project is located in Council District 3 and Fresno County. Funding for the First Amendment is included in the Wastewater Management Division's Fiscal Year 2020 Capital Improvement Budget Sewer Enterprise Fund 40501.

### Attachments:

Attachment 1 - First Amendment to the Agreement

Attachment 2 - Original Consultant Agreement