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Title: Actions pertaining to the Recycled Water Distribution System Extension to the Martin Luther King Activity Center Project (Bid File 3698) (Council District 3):

1. Adopt Addendum 3 to the Fresno Recycled Water Distribution System, Southwest Quadrant Tiered Mitigated Negative Declaration (State Clearinghouse No. 2014081078)
2. Approve a Cost Reimbursement Agreement between the City of Fresno and the State Center Community College District
3. Approve the Second Amendment to the Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers to increase the design fee by \$58,083, for a total amended not to exceed fee of \$253,053, including the contingency of \$10,000, and to extend the agreement term from July 30, 2021 to February 25, 2022
4. Award a construction contract to Emmett's Excavation, Inc., in the amount of \$2,822,054

Sponsors: Department of Public Utilities

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Addendum 3 to the Tiered MND.pdf, 2. Attachment 2 - Cost Reimbursement Agreement.pdf, 3. Attachment 3- Second Amendment to Agreement.pdf, 4. Attachment 4 - Bid Evaluation and Fiscal Impact Statement.pdf, 5. Attachment 5 - Sample Contract.pdf, 6. Attachment 6 - Vicinity Map.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|----------|--------|
| 3/4/2021 | 1 | City Council | approved | Pass |

REPORT TO THE CITY COUNCIL

March 4, 2021

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

Actions pertaining to the Recycled Water Distribution System Extension to the Martin Luther King Activity Center Project (Bid File 3698) (Council District 3):

1. Adopt Addendum 3 to the Fresno Recycled Water Distribution System, Southwest Quadrant Tiered Mitigated Negative Declaration (State Clearinghouse No. 2014081078)
2. Approve a Cost Reimbursement Agreement between the City of Fresno and the State Center Community College District
3. Approve the Second Amendment to the Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers to increase the design fee by \$58,083, for a total amended not to exceed fee of \$253,053, including the contingency of \$10,000, and to extend the agreement term from July 30, 2021 to February 25, 2022
4. Award a construction contract to Emmett's Excavation, Inc., in the amount of \$2,822,054

RECOMMENDATIONS

Staff recommends that City Council adopt Addendum 3 to the Fresno Recycled Water Distribution System (RWDS), Southwest Quadrant Tiered Mitigated Negative Declaration (MND) for the Recycled Water Distribution System (RWDS) Extension to the Martin Luther King (MLK) Activity Center Project (Project); approve a Cost Reimbursement Agreement between the City of Fresno (City) and State Center Community College District (College District); approve the Second Amendment to the Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers (Consultant) for additional scope of services during construction for an increase in compensation of \$58,083, resulting in a total fee amount increasing from \$194,970 to \$253,053, including the contingency of \$10,000, and to extend the agreement term from July 30, 2021 to February 25, 2022; award a construction contract to Emmett's Excavation, Inc., for the construction of 5,120 linear feet of 24-inch diameter pipe and 656 linear feet of 12-inch diameter pipe, in the amount of \$2,882,054; and authorize the Director of Public Utilities, or designee, to sign and execute all documents on behalf of the City of Fresno (City).

EXECUTIVE SUMMARY

On July 26, 2019, the City entered into an Agreement with the Consultant to obtain professional engineering services for the design and construction support for the Project with a total fee amount of \$131,700, including a contingency of \$2,000. On April 28, 2020, the First Amendment increased the compensation amount by \$55,270 and the contingency amount of \$8,000 resulting in a total fee amount of \$194,970 including a contingency amount of \$10,000 and extended the agreement term to July 30, 2021 for upsizing the recycled water main from 12-inch to 24-inch. The Second Amendment contains additional changes to the scope of services resulting in an overall total fee increase of \$58,083 for environmental monitoring support during construction and extends the agreement term.

The Department of Public Utilities, Wastewater Management Division, seeks to award a construction contract for the Project to Emmett's Excavation, Inc., following a competitive bidding process which identified it as the lowest responsive and responsible bidder in the amount of \$2,822,054 consisting of \$2,792,296 in base bid items and \$29,758 in additive alternate bid items. The Project is necessary to extend the RWDS Segment SW4 in line with the goals and objectives of planning efforts. The scope of work for the Project includes construction of approximately 5,120 linear feet of 24-inch diameter pipe and 656 linear feet of 12-inch diameter pipeline thereby bringing tertiary treated water from the Regional Wastewater Reclamation Facility (Reclamation Facility) to facilities in the vicinity of the MLK Activity Center and providing a future point of connection for the adjacent State Center Community College West Fresno Campus.

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 the Department of Public Utilities, identifies opportunities to assist with compliance of this law by reducing groundwater pumping and replacing groundwater with recycled water for non-potable purposes (i.e. outdoor irrigation, dust control, fountains, etc.). On April 11, 2013, the City Council adopted the Recycled Water Master Plan and associated environmental documents.

The Project will bring recycled water from the City's Reclamation Facility, located at West Jensen and South Cornelia Avenues, to Gaston Middle School, a future College District campus, right-of-way landscaping and residential and commercial development landscaping within the vicinity of the future MLK Activity Center. The scope of work includes the construction of a segment of approximately 5,120 linear feet of 24-inch diameter and 656 linear feet of 12-inch diameter recycled water pipeline connecting to the existing RWDS Segment SW4 at the intersection of Inyo and A Streets as well as the construction of a 6-inch recycled water service to the future satellite College District campus. The construction of the recycled water service is a result of a collaborative effort by which the City will construct the 6-inch service for the College District given its proximity to the Project's footprint thereby taking advantage of the value in construction unit costs brought about by the Project. The costs for reimbursement associated with the construction of the College District's service will be reimbursed to the City by way of the reimbursement cost agreement sought for approval.

The Second Amendment incorporates additional scope of services to perform environmental monitoring services during construction for the Project in compliance to the California Environmental Quality Act (CEQA) document. The existing Consultant Services Agreement does not provide environmental monitoring services during construction. The City Attorney's Office has reviewed the Second Amendment and approved as to form. Upon approval by the City Council, the Agreement will be executed by the Director of Public Utilities, or designee.

Following preparation of plans and specifications, a Notice Inviting Bids was published on November 2, 2020, on the City's Planet Bids website and faxed to ten building exchanges. The plans and specifications were additionally distributed to thirty-one prospective bidders. Five sealed bid proposals were received and publicly opened on December 8, 2020, with bid proposals ranging from \$2,822,054 to \$3,429,945.

Staff has determined that Emmett's Excavation, Inc., is the lowest responsive and responsible bidder with a total amount of \$2,822,054 consisting of \$2,792,296 in base bid items and \$29,758 in additive alternate bid items related to the College District's recycled water service. The bid price is 12% below the Engineer's Estimate of \$3,202,820. The staff determination was posted on the City website on December 22, 2020. The bids will expire within 97 days of bid opening, on March 15, 2021.

ENVIRONMENTAL FINDINGS

On December 18, 2014, the City Council adopted the Tiered MND (State Clearinghouse No. 2014081078). An analysis has been performed pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162 and Section 15164 and Addendum 3 to the MND has been prepared because of refinements to the pipeline routes. It has been determined that all applicable mitigation measures of the MND have been applied to the Project and that the Project will not cause

significant adverse cumulative impacts, growth inducing impacts, or irreversible significant effects beyond those identified. In addition, pursuant to CEQA Guidelines Section 15162, staff has determined that no substantial changes have occurred with respect to the circumstances under which the previous environmental documents were certified and/or adopted and that no new information, which was not known and could not have been known, has become available. As such, none of the conditions set forth in CEQA Guidelines Section 15162 are applicable to this Project. Therefore, it has been determined based upon the evidence on record that the Project will not have significant impact on the environment and that Addendum 3 to the MND is appropriate pursuant to CEQA Guidelines Section 15164.

LOCAL PREFERENCE

Local preference was not implemented since all five bidders were local businesses pursuant to the Fresno Municipal Code Section 4-108(d).

FISCAL IMPACT

There is no impact to the General Fund. This Project is located in Council District 3. This Project is identified in the Wastewater Management Division's five-year Capital Improvement Plan. Funds in the amount of \$3,510,300 for this Project are budgeted in the Fiscal Year 2021 Sewer Enterprise Fund 40501.

Attachments:

- Attachment 1 - Addendum 3 to the Tiered MND
- Attachment 2 - Cost Reimbursement Agreement
- Attachment 3 - Second Amendment
- Attachment 4 - Bid Evaluation and Fiscal Impact Statement
- Attachment 5 - Sample Contract
- Attachment 6 - Vicinity Map