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Title: Approve the Second Amendment for consultant services with PaleoWest Archaeology, LLC., an Arizona corporation, to increase the fee amount by \$196,037 for a total amended contract amount of \$687,776; and extend the term from December 31, 2020 to June 1, 2021, for paleontological and cultural resource monitoring associated with the construction of the Southwest Recycled Water Distribution System, Projects SW1C2, SW4, SW1D, and PS1 (Council District 3 and Fresno County)

Sponsors: Department of Public Utilities

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Attachments: 1. Attachment 1 - Second Amendment.pdf, 2. Attachment 2 - First Amendment to the Agreement.pdf, 3. Attachment 3 - Original Consultant Agreement.pdf

Date	Ver.	Action By	Action	Result
6/11/2020	1	City Council	approved	

REPORT TO THE CITY COUNCIL

June 11, 2020

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Department of Public Utilities

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

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SUBJECT

Approve the Second Amendment for consultant services with PaleoWest Archaeology, LLC., an Arizona corporation, to increase the fee amount by \$196,037 for a total amended contract amount of \$687,776; and extend the term from December 31, 2020 to June 1, 2021, for paleontological and cultural resource monitoring associated with the construction of the Southwest Recycled Water Distribution System, Projects SW1C2, SW4, SW1D, and PS1 (Council District 3 and Fresno County)

RECOMMENDATIONS

Staff recommends that City Council approve the Second Amendment to the Professional Consultant

Services Agreement with PaleoWest Archaeology (Consultant), to increase contract total and extend the term for the paleontological and cultural monitoring services through completion of the Southwest Recycled Water Distribution System Project; and authorize the Director of Public Utilities, or designee, to sign the Second Amendment on behalf of the City of Fresno (City).

EXECUTIVE SUMMARY

On January 19, 2018, the City entered into an Agreement with the Consultant to perform paleontological and cultural resources monitoring services during the construction of multiple recycled water pipeline projects. Due to multiple cultural discoveries during construction along Project SW4 thru downtown Fresno corridor, full time monitoring reporting was required and utilized a large portion of the contract funding. The Second Amendment to the Agreement is needed to increase the contract budget by \$196,037 and to extend the term to June 1, 2021, so said services may continue through completion of SW4 and SW1D Projects.

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 Department of Public Utilities (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. DPU required the subject services to support and assist the City in complying with federal and state requirements.

On January 19, 2019, the City and Consultant, entered into an Agreement for the Consultant to provide monitoring and reporting services associated with the Southwest Recycled Water Distribution System, Projects SW1C2, SW4, SW1D, and PS1. The Consultant will provide cultural and paleontological resource monitoring services, including but not limited to, worker training, construction monitoring, and daily activity reporting during all applicable construction activities that may impact cultural and paleontological resources. The Agreement includes a total fee not to exceed \$491,739, paid on a time and materials basis, and a Term of Agreement date of October 23, 2019.

On October 24, 2019, the City approved the First Amendment to extend the Agreement to December 31, 2020, due to the delay in redesigning Project SW4, bidding and awarding Projects SW4 and SW1D. With the approval of the Second Amendment, the total fee will increase by \$196,037 for a total contract amount of \$687,776 and will extend the term through June 1, 2021.

Approval of the Second Amendment will allow for the continuance of paleontological and cultural resource monitoring services through construction completion for the SW1D and SW4 Projects. These services include preparation of final technical reports and reporting as required by federal and state guidelines outlined in the State Revolving Fund Loan Agreement.

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

ENVIRONMENTAL FINDINGS

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5), this is not a “project” for the purpose of CEQA, as this is an organizational or administrative action of the government to enforce an existing obligation, and will not result in a direct or indirect physical change in the environment.

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. Funds are available in the State Revolving Fund Loan Fund (40528) for the Southwest Recycled Water Distribution System. Funding for the Second Amendment is included in the Wastewater Management Division’s Fiscal Year 2020 Capital Improvement Budget.

Attachments:

Attachment 1 - Second Amendment to the Agreement

Attachment 2 - First Amendment to the Agreement

Attachment 3 - Original Consultant Agreement