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**Title:** Approve the Second Amendment to the Consultant Services Agreement with Silveira Consulting, Inc., to extend the term from December 31, 2020 to June 30, 2021, for professional labor compliance monitoring services associated with the construction of the Southwest Recycled Water Distribution System, Project SW1D (Council District 3 and Fresno County)

**Sponsors:** Department of Public Utilities

**Indexes:**

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

Date	Ver.	Action By	Action	Result
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**REPORT TO THE CITY COUNCIL**

**January 28, 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**

Approve the Second Amendment to the Consultant Services Agreement with Silveira Consulting, Inc., to extend the term from December 31, 2020 to June 30, 2021, for professional labor compliance monitoring services associated with the construction of the Southwest Recycled Water Distribution System, Project SW1D (Council District 3 and Fresno County)

**RECOMMENDATIONS**

Staff recommends that City Council approve the Second Amendment to the Consultant Services Agreement with Silveira Consulting, Inc. (Consultant), to extend the term for the labor compliance monitoring services through completion of the Southwest Recycled Water Distribution System Project

SW1D (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 October 8, 2018, the City entered into an Agreement with the Consultant to perform labor compliance monitoring services during the construction of the Project. Due to the delay in bidding and awarding the construction contract for the Project, the City executed the first amendment to extend the Agreement to December 31, 2020. The second amendment to the agreement is for time extension only to allow for continued labor compliance monitoring services as made necessary by extended construction duration resulting from COVID-19 impacts which ultimately pushed the construction contract completion date out further than anticipated.

## **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 (DPU) identifies opportunities to assist with compliance 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 October 8, 2018, the City and Consultant, entered into an Agreement to provide monitoring services associated with the Project. Under the agreement, the Consultant provides labor compliance monitoring services, including but not limited to, construction monitoring, tracking of contractors' certified payroll records, review of contractors' payment of applicable prevailing wage rates and fringe benefits, preparation of labor compliance files for Project closeout, and presence at the post construction labor compliance audit conducted by the State Water Resource Control Board. The Agreement includes a total fee not to exceed \$25,389.15, paid on a time and materials basis, and a Term of Agreement date of October 1, 2019.

On October 14, 2019, the City approved the First Amendment to extend the Agreement to December 31, 2020, due to the delay in bidding and awarding the Project. The Second Amendment extends the Consultant Services Agreement with the Consultant by six months, with a new termination date of June 30, 2021, to allow for continued labor compliance services throughout the construction activities of the Project.

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. Funding for this contract was previously encumbered and no additional funds are needed for this time extension.

#### **Attachments:**

Attachment 1 - Second Amendment to the Agreement

Attachment 2 - First Amendment to the Agreement

Attachment 3 - Original Consultant Agreement