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Title: Approve Seventh Amendment to the Consultant Services Agreement with Provost & Pritchard Engineering Group, for \$201,000 to provide Construction Phase and General Construction Contract Administration Services and a partial redesign for the City of Fresno's Friant-Kern Canal Pipeline Project (Council District 6, and the County of Fresno).

Sponsors: Department of Public Utilities

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12/15/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

December 15, 2016

FROM: THOMAS C. ESQUEDA, Director
Department of Public Utilities

THROUGH: MICHAEL CARBAJAL, Planning Manager
Department of Public Utilities - Water Division

BY: DEJAN PAVIC, Professional Engineer
Department of Public Utilities - Water Division

SUBJECT

Approve Seventh Amendment to the Consultant Services Agreement with Provost & Pritchard Engineering Group, for \$201,000 to provide Construction Phase and General Construction Contract Administration Services and a partial redesign for the City of Fresno's Friant-Kern Canal Pipeline Project (Council District 6, and the County of Fresno).

RECOMMENDATIONS

Staff recommends that City Council:

1. Approve Seventh Amendment to the Consultant Services Agreement with Provost & Pritchard

Engineering Group, for \$201,000 to provide Construction Phase and General Construction Contract Administration Services and a partial redesign for the City of Fresno's Friant-Kern Canal Pipeline Project.

2. Authorize the Director of Public Utilities, or designee, to sign the Amendment on behalf of the City of Fresno.

EXECUTIVE SUMMARY

On April 10, 2007, the Fresno City Council approved an Agreement with Provost & Pritchard Engineering Group (Provost & Pritchard) to provide the following services for the Friant-Kern Canal Raw Water Pipeline (Project):

- Part 1: Alignment Comparison and Schematic Design Phase
- Part 2: Public Participation Assistance Phase
- Part 3: Environmental Services
- Part 4: Right-of-Way Acquisition Phase
- Part 5: Design Development Phase
- Part 6: Construction Document Phase
- Part 7: Bidding Phase
- Part 8: Construction Phase and General Construction Contract Administration

The proposed pipeline will deliver the City's Central Valley Project (CVP) surface water to the Northeast Surface Water Treatment Facility (Facility). Parts 1 through 7 of the agreement are now complete and the general construction contract was awarded by the City Council on April 21, 2016. As the Engineer-of-Record for the Project, Provost and Pritchard is legally required to sign the Notice of Completion to certify that the Project was constructed in general accordance with the project construction documents. As specified in the original Agreement, Part Eight Services are to begin with the award of the general construction contract for the Project, and will terminate when a Notice-of-Completion is filed with the State Water Resources Control Board for the Project. This amendment increases the compensation amount and modifies the scope of work for Part 8 of the agreement that was originally contemplated in 2007, and provides adequate funding for the execution of the Construction Phase and General Construction Contract Administration Services. City staff has negotiated a fee increase in the amount of \$201,000 with Provost and Pritchard to provide Part 8 Services for the Project, including the compensation for a redesign of the Project piping and valves at the Facility.

BACKGROUND

Presently, the City's contract with the United States Bureau of Reclamation (Bureau) for CVP surface water travels nearly 55 miles in open canals from Friant Dam (Millerton Lake) to the City's existing Facility. The Project consists of the construction of a 5.6-mile 60-inch diameter underground raw water pipeline. The new pipeline reroutes the CVP water more directly to the Facility and will eliminate nearly 47 miles from the conveyance distance. The Project will enclose the water delivery and greatly reduce the threat of exposed canal water quality by contamination from environmental debris, accidental, or malicious acts. The pipeline will be constructed in unincorporated Fresno County property and connected to the existing one-mile segment of pipeline constructed by a 2007 project. The water pressure available from the enclosed pipeline will also serve a future hydropower plant to be constructed at the Facility, and reduce its current electric energy costs.

Consultant Service Agreement

On April 10, 2007, the Fresno City Council approved an Agreement with Provost & Pritchard for a Total Fee of \$1,831,500, of which \$166,500 was allocated to contingency to provide the following schedule of services for the Project:

- Part 1: Alignment Comparison and Schematic Design Phase
- Part 2: Public Participation Assistance Phase
- Part 3: Environmental Services
- Part 4: Right-of-Way Acquisition Phase
- Part 5: Design Development Phase
- Part 6: Construction Document Phase
- Part 7: Bidding Phase
- Part 8: Construction Phase and General Construction Contract Administration

Parts 1 through 7 of the agreement are now complete and the general construction contract in the amount of \$15,157,862.00 was awarded by the City Council on April 21, 2016. The Project is currently in construction and it is anticipated to be completed by October 2017. All of the landowners have agreed to the terms for the acquisition of the required easements along the alignment, and escrows have been completed for all easements. The Project schedule has protracted primarily because of environmental mitigation requirements; however, the Water Division has obtained approval from state and federal agencies to utilize the available habitat mitigation bank credits that will meet the requirements of both agencies. The Biological Opinion from the United States Fish and Wildlife Service (Wildlife Service) was issued in November 2015, and the remaining permits for the Project have been obtained. The Water Division was successful in securing a \$1,000,000 grant from the United States Bureau of Reclamation for this Project and the grant agreement was finalized in September 2015 to provide funding that will help offset some of the Project costs.

In accordance with the Agreement, Part Eight Services (Construction Phase and General Construction Contract Administration) began with the award of the general construction contract for the Project, and will terminate when a Notice-of-Completion is filed with the SWRCB for the Project. As the Engineer-of-Record for the Project, Provost and Pritchard is legally required to sign the Notice of Completion to certify that the Project was constructed in general accordance with the Project construction documents.

Previous Amendments to the Consultant Service Agreement

Subsequent to approving the eight-part Consultant Service Agreement with Provost and Pritchard on April 10, 2007, City Council has approved six Amendments to the original Agreement.

On July 22, 2008, City Council approved the First Amendment to the Agreement to include design and construction of the Ancillary Project, which includes the construction of a basin on the site of the Facility, connection of the existing sources of water supply from the Enterprise Canal to the basin, and piping from the existing storage tank on the Facility site to the basin. The First Amendment increased the fee by \$183,700, resulting in a Total Fee amount of \$2,015,200. The contingency was increased from \$166,500 to \$183,200.

On November 16, 2010, City Council approved the Second Amendment to the Agreement to cover

additional work for the Project, including the addition of temporary easements, environmental services, right-of-way acquisition services, and additional services associated with completing design and construction of the Ancillary Project. The value of the Second Amendment was \$44,700, and the costs were funded from available contingency. The total fee remained at \$2,015,200, with a reduction in contingency balance from \$183,200 to \$138,500.

On June 30, 2013, City Council approved the Third Amendment to the Agreement for the modification of existing tasks within the scope, and added additional tasks with new scope for the Project. Additional work for the Project included Part 2, Part 3, Part 4, Part 5, the incorporation of Part 9, and the Ancillary Project. The Third Amendment increased the Total Fee by \$702,544, from \$2,015,200 to \$2,717,744, with a reduction of \$100,000 in contingency from \$138,500 to \$38,500 remaining.

On November 7, 2014, City Council approved the Fourth Amendment to the Agreement. Additional work included Part 2 and Part 9. The value of the Fourth Amendment was \$28,330, and the costs were funded from available contingency. The Total Fee remained at \$2,717,744, with a reduction of \$28,330 in contingency from \$38,500 to \$10,170 remaining.

On September 24, 2015, the City Council approved the Fifth Amendment to the Agreement, amending the scope of work and reducing the total fee by \$3,473. Additional work included Part 2 and Part 4 while utilizing changes to Part 7 and Part 8, which was eliminated from the scope of work for the Agreement. The Fifth Amendment decreased the fee by \$3,473, which was reallocated to the contingency fund, resulting in a contingency balance of \$13,643. The Total Fee was reduced to \$2,704,101, with additional \$13,643 in contingency.

On January 28, 2016, the City Council approved the Sixth Amendment to the Agreement, adding back Part 8 to the scope of work and increasing the Total Fee by \$166,701 to \$2,870,802, with additional \$13,643 remaining in contingency.

The Seventh Amendment to the Consultant Services Agreement has been approved as to form by the City Attorney's Office, and the Consultant's Certificates of Insurance have been approved by the City's Risk Management.

ENVIRONMENTAL FINDINGS

An initial study and Mitigated Negative Declaration was prepared and adopted on June 14, 2012 for this project. A Notice of Determination was subsequently filed with the Fresno County Clerk's Office on June 19, 2012. The City of Fresno Raw Water Pipeline Project Initial Study was prepared in August of 2011, providing an analysis of the proposed alignments and the alternative pipeline alignments.

An analysis has been performed pursuant to California Environmental Quality Act (CEQA) Guidelines §15162 to determine whether subsequent environmental review is required for the Project. Based upon this analysis the following findings are made to support the determination that no subsequent environmental review is required:

1. No substantial changes are proposed in the Project which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case there are no changes to the Project.

2. No substantial changes occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the proposed pipeline alignment has not changed.
3. There is no new information, which was not known and could not have been known at the time of the previous Mitigated Negative Declaration that the Project will have significant effect not discussed in the Mitigated Negative Declaration.

Based upon these findings, it has been determined that no further environmental documentation is required for this Project.

Additionally, the City has been working with several Federal agencies to meet the requirements of the National Environmental Policy Act (NEPA). The Wildlife Service and the Army Corp of Engineers approved the Biological Opinion in November 2015 identifying the mitigations for the effect this Project has on endangered plants and wildlife. Following the Wildlife Service's approval of the BO and endangered species mitigations, the BO was submitted to the Bureau for their review and acceptance. The Bureau issued a Finding of No Significant Impact (FONSI) and gave authorization for the City to begin construction of the Friant-Kern Raw Water Pipeline Project.

LOCAL PREFERENCE

Local preference was not implemented because this action pertains to an amendment of an existing service contract.

FISCAL IMPACT

There is no impact to the General Fund. The award of this construction contract will be funded by the State Revolving Fund Low Interest Loan through the State Water Resources Control Board as part of the construction of the Friant-Kern Canal Pipeline project. Appropriations for this award are included in the Water Division's FY2017 Capital Improvement Program adopted budget within the State Low Interest Loan FKCP Fund (40184). The loan repayments for the low interest loan were included in the water rate model used to create the five-year utility rate plan that was adopted by the City Council on February 26, 2015.

Attachment: Seventh Amendment to Professional Engineering Consultant Services Agreement