



Staff Report

TO: City Council
FROM: Robert L. Vestal, Director of Public Works
DATE: October 1, 2024
SUBJECT: Amended and Restated Agreement with Moffatt Nichol for the Pennsylvania Avenue Grade Separation Project (CIP 2017-012)

Description Award an amended and restated professional services agreement to Moffatt Nichol to complete the environmental documentation for the Pennsylvania Avenue Grade Separation Project (CIP 2017-012). Strategic Plan Target #2- Infrastructure/Projects/Traffic; Priority Level 1; Goal #4 – Develop Penn Grade Separation.

Background and Analysis:

On December 19, 2017, the City approved a Professional Services Agreement with Moffatt Nichol (M&N) in the amount not to exceed \$295,523 for environmental documentation services that covered the following three projects along Pennsylvania Avenue:

- Pennsylvania Avenue Interchange (CIP 2017-001)
- Pennsylvania Avenue Widening (CIP 2017-009)
- Pennsylvania Avenue Grade Separation (CIP 2017-012)

On January 2, 2019, the City Council approved Amendment #1 in the amount of \$51,618. This amendment provided regulatory permitting and MSHCP services for the three projects.

On February 2, 2021, the City Council approved Amendment #2 in the amount of \$64,528. This amendment provided additional regulatory permitting funds for the Pennsylvania Avenue Widening project due to updated environmental regulations and requirements.

On November 15, 2022, the City Council approved Amendment #3 in the amount of \$144,705. This amendment added funds to the Pennsylvania Avenue Grade Separation project to comply with the National Environmental Policy Act (NEPA), which is required to receive federal grant funds.

On December 5, 2023, the City Council approved Amendment #4, which unencumbered the remaining funds for the widening and interchange projects and extended the contract for the grade separation project for one year.

Current Status of Project

A summary of the current project environmental documentation status is as follows:

- CEQA – The CEQA process is complete, and a notice of exemption was filed with the County in August of 2022.
- NEPA – Technical studies are at 80% complete and are being reviewed by Caltrans as the lead agency. Regulatory permitting will begin after the technical studies receive final approval.

New PSA

No additional funds are needed at this time to complete the environmental work. However, the existing contract is set to expire on December 19, 2024, and cannot be extended.

Per Beaumont Municipal Code Chapter 3.02.070 – Term of Professional Services, the term of any professional services contract awarded shall be a maximum of five years, with two one-year renewals, subject to City Council approval.

Based on the City Attorney's guidance, City staff recommends awarding Moffatt Nichol an Amended and Restated Agreement. An Amended and Restated Agreement consolidates and replaces the previous PSA and subsequent amendments, creating a new, integrated, and updated agreement.

City staff is recommending issuing the Amended and Restated Agreement per Beaumont Municipal Code Chapter 3.02.050(c.)– Exemptions to competitive procurement procedure, which states, “Upon obtaining approval from the City Council, the Purchasing Officer may engage services of a professional firm or individual without complying with the competitive procurement procedures in the following circumstances: C. Public exigency or emergency will not permit delay”

Public exigency is needed to avoid serious financial harm to the City. Award of an Amended and Restated Agreement allows the current environmental consultant to complete the design, avoids costly delays, and prevents the City from missing upcoming opportunities for federal funding.

Fiscal Impact:

The cost of preparing the staff report is estimated to be \$600.

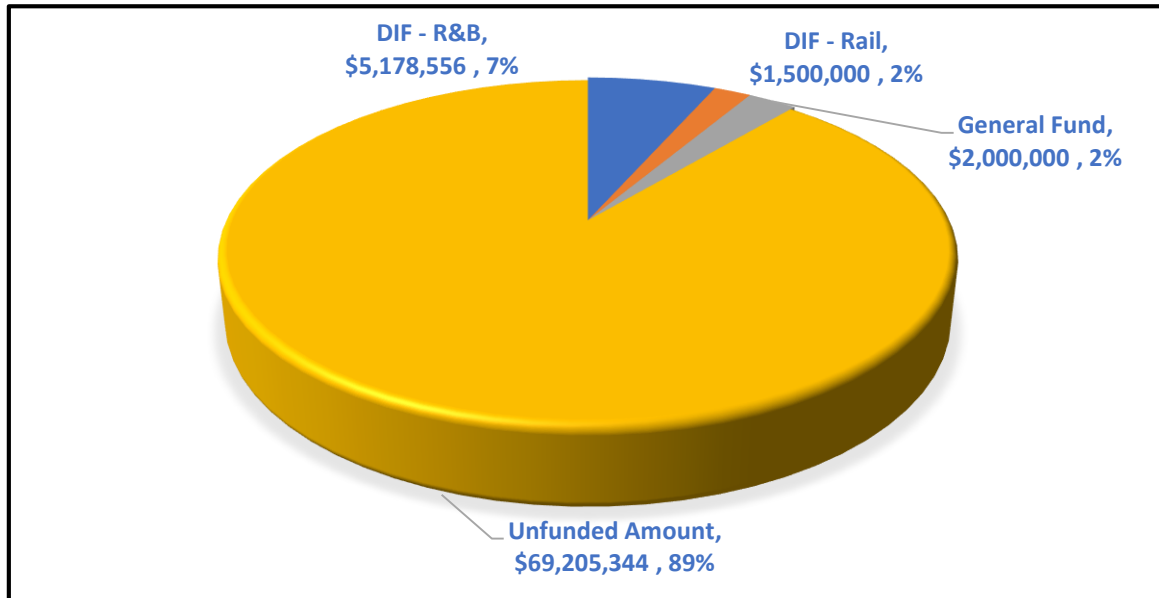
No additional funds are being requested. The amount for the amended and restated agreement is \$86,989.

A summary of the current project accounting is provided in the following table for reference.

CIP 2017- 012 Pennsylvania Avenue Grade Separation Project Funding Summary

Estimated Total Project Budget= \$77,883,900

Current Project Budget= \$8,678,556



CIP 2017- 012 Pennsylvania Avenue Grade Separation Project Budget Summary

Project Component	Est. Total Budget	Current Budget	Paid to Date	Remaining Budget
Project Management	\$78,500	\$78,500	\$(8,476)	\$24
Preliminary Services	\$7,400	\$7,400	\$(7,400)	
Environmental	\$298,000	\$298,000	\$(110,291)	\$101,011
Design	\$4,000,000	\$4,000,000	\$(1,249,642)	\$2,009,817
Permits	\$2,500,000	\$2,500,000	\$(64,270)	\$2,010,000
Right-of-Way	\$2,000,000			
Construction	\$64,000,000	\$1,794,656		\$1,794,656
Construction Management	\$5,000,000			
Equipment				
Total	\$77,883,900	\$8,678,556	\$(1,440,079)	\$5,915,508

Recommended Action:

Award an Amended and Restated Professional Services Agreement to Moffatt Nichol to complete the environmental documentation for the Pennsylvania Avenue Grade Separation Project for an amount not to exceed \$86,698.

Attachments:

- A. Amended and Restated Agreement with Moffatt Nichol.
- B. Original Agreement and Previous Amendments
- C. Levine Act Statement – Moffatt Nichol