



Staff Report

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

Description Award an Amended and Restated Agreement to IDC Consulting Engineers, Inc. to complete the design 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 June 19, 2018, City Council awarded a Professional Service Agreement (PSA) to IDC Consulting Engineers, Inc. (IDC) to perform 35% level design for the Pennsylvania Avenue Grade Separation Project.

On August 28, 2018, City Council approved Amendment No. 1, which incorporated additional surveying for the railroad shoofly track. The 35% Level design was completed in 2019. The project was put on hold for some time due to lack of funding.

On July 19, 2022, City Council approved Amendment No. 2, which increased the contract amount for IDC to complete the final design. However, Amendment No. 2 did not include all the necessary scope to complete the project.

Current Status of Project

A summary of the current project design status is as follows:

- UPRR – Bridge structural design is at 60% and track design at 25% design
- Caltrans – GAD is at 60% and type selection for walls is in final approval
- Civil – Civil drawings are at 50% design level

Proposed Scope and Fee

In August 2024, City Staff hired MNS Engineers, Inc. (MNS) to review the performance of IDC and provide guidance to the City regarding Caltrans and UPRR. Subsequently, MNS, IDC, and City staff reviewed the schedule and outstanding issues and found several deficiencies with the final design scope from IDC, including the following:

- Design Standard Decision Document (DSDD) for Caltrans walls
- Updated Geometric Approval Drawings (GAD)
- Sewer Relocation Design
- Utility Coordination
- Updated UPRR bridge and track layout
- Right-of-Way Acquisition
- Caltrans Intersection Control Evaluation (ICE)
- Updated Traffic Impact Study

The project review was intended to ensure that IDC includes all City, Caltrans, and UPRR components necessary for a Ready to List (RTL) project in September 2025. Refer to Attachment A for IDC proposal listing all the additional tasks. IDC submitted a scope and fee to perform the additional task. The proposed fee for the additional scope is \$1,209,191. The following table summarizes the current PSA and proposed scope:

Agreement Summary	Amount	Expended	Remaining
Original Agreement	\$617,584	\$617,584	\$0
Amendment No. 1	\$12,500	\$12,500	\$0
Amendment No. 2	\$1,294,849	\$619,558	\$675,291
Subtotal	\$1,924,933	\$1,249,642	\$675,291
Proposed Scope & Fee	\$1,209,191	--	\$1,209,191
Total	\$3,134,124	\$1,249,642	\$1,884,482

New PSA

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.

Consequently, IDC’s PSA has expired and cannot be extended. Based on the City Attorney’s guidance, City staff recommends awarding IDC 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 design 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 \$1,500.

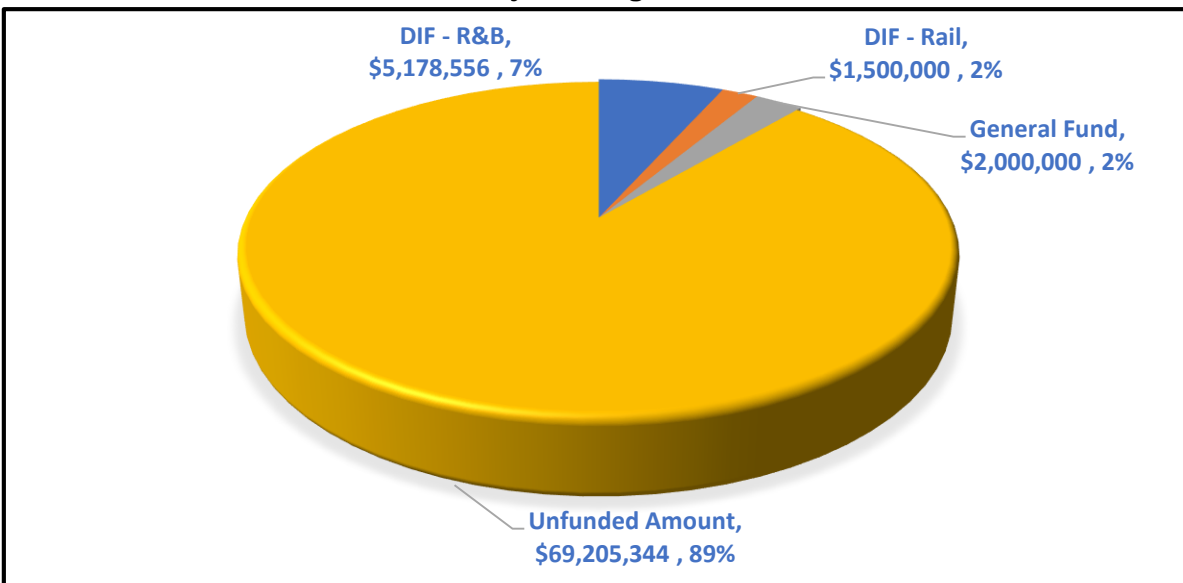
The total amount for the Amended and Restated Agreement is \$1,884,482, which includes the cost for the additional work items (\$1,209,191) plus the unexpended amount remaining on the original contract (\$675,291).

The Amended and Restated Agreement will be funded by the Pennsylvania Avenue Grade Separation Project (CIP2017-012). Please refer to the following project accounting chart and table for a summary of project funding and budget:

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 Agreement to IDC Consulting Engineers, Inc. to complete the design for the Pennsylvania Avenue Grade Separation Project for an amount not to exceed \$1,884,482.

Attachments:

- A. Amended and Restated Agreement with IDC Consulting Engineers, Inc.
- B. Original Agreement and Previous Amendments
- C. Levine Act Statement - IDC