



Staff Report

TO: City Council
FROM: Jeff Hart, Public Works Director
DATE: November 15, 2022
SUBJECT: Third Amendment to the Professional Services Agreement with Moffatt & Nichols

Description Approve the third amendment to the Professional Services Agreement with Moffatt & Nichol for the Pennsylvania Avenue Grade Separation project in an amount not to exceed \$144,705

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 a First Amendment in the amount not to exceed \$51,618. This amendment provided regulatory permitting and MSHCP services to the three projects.

On February 2, 2021, the City Council approved a Second Amendment in the amount not to exceed \$64,528. This amendment provided additional regulatory permitting funds for the Pennsylvania Avenue Widening project due to updated environmental regulations and requirements.

A third amendment to the Professional Services Agreement with Moffatt & Nichol is now being proposed for a not to exceed amount of \$144,705. This amendment will provide funds for additional environmental services for the Pennsylvania Avenue Grade Separation Project. The City is planning to procure federal funding for construction of the project. Projects that use federal funding are required to comply with the National Environmental Policy Act (NEPA). The NEPA studies will need to comply with Caltrans processes and templates, with Caltrans being the lead agency. At this time, it is

anticipated that a NEPA Categorical Exemption will be the appropriate environmental document to demonstrate NEPA compliance.

While some funds were provided in the original agreement for compliance with NEPA, these estimates were done five years ago and are being updated at this time. The original agreement did not include the preparation of a Preliminary Environmental Study (PES) which Caltrans will require to identify the type and level of any needed technical studies. This amendment includes funding for the PES, and for the potential technical studies and regulatory permits that Caltrans may require as part of the NEPA process.

Additionally, the term of the original professional services agreement and subsequent amendments was five years. Per the City’s municipal code (3.02.070), extension of a contract beyond the initial term shall be approved by four-fifths vote of the City Council. This amendment proposes to extend the term of the professional services agreement for one additional year.

A summary of the allocation of funds for the original agreement and each of the amendments is provided in the following table.

Agreement Summary	Pennsylvania Ave Interchange (CIP 2017-001)	Pennsylvania Ave Widening (CIP 2017-009)	Pennsylvania Ave Grade Separation (CIP 2017-012)	Total Contract and Amendment Amount
Original Agreement Dec 19, 2017	\$174,762.00	\$94,286.00	\$26,475.00	\$295,523.00
Amendment #1 Jan 2, 2019	\$20,647.00	\$5,162.00	\$25,809.00	\$51,618.00
Amendment #2 Feb 2, 2021		\$64,528.00		\$64,528.00
Amendment #3 Nov 15, 2022			\$144,705.00	\$144,705.00
Total	\$195,409.00	\$163,976.00	\$196,989.00	\$556,374.00

Fiscal Impact:

The following table is an overview of the current project funding, project budget, and remaining budget for the Pennsylvania Avenue Grade Separation project.

2017-012 Pennsylvania Avenue Grade Separation Project Accounting Summary				
Funding Summary				
Funding Year	Funding Source		Amount	
FY 17/18	Road & Bridge DIF		\$2,250,000.00	
FY 22/23	General Fund		\$1,000,000.00	
Total Project Funding =			\$3,250,000.00	
Budget Summary				
Project Component	Budget	Encumbered	Paid to Date	Remaining Budget
Project Management	\$8,475.60	(\$8,475.60)	(\$8,475.60)	\$0.00
Preliminary Services	\$0.00	\$0.00	\$0.00	\$0.00
Environmental	\$297,284.00	(\$52,284.00)	(\$49,993.65)	\$245,000.00
Design	\$1,990,183.00	(\$1,990,183.00)	(\$510,905.41)	\$0.00
Construction	\$404,057.40	\$0.00	\$0.00	\$404,057.40
Construction Management	\$0.00	\$0.00	\$0.00	\$0.00
Permits	\$550,000.00	\$0.00	\$0.00	\$550,000.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Project Summary Totals	\$3,250,000.00	(\$2,050,942.60)	(\$569,374.66)	\$1,199,057.40

The Third Amendment to the professional services agreement in an amount not to exceed \$144,705 will bring the total contract amount for environmental services with Moffatt & Nichol to \$556,374. Funding for the contract amendment will be paid from the available CIP budget for Environmental as shown in the preceding table.

Recommended Action:

Approve by four-fifths vote of the City Council the Third Amendment to the professional services agreement with Moffatt & Nichol for the Pennsylvania Grade Separation Project, in an amount not to exceed \$144,705.

Attachments:

- A. Third Amendment to PSA with Moffatt & Nichol
- B. Original Agreement and Previous Amendments