



**Council Meeting: September 1, 2009**

**SUBJECT: Amend an Existing Contract with RMC Water & Environment to Provide Additional Consultant Services for Emergency Bypass Pumping Plan Study Project (F0907-09)**

**REPORT IN BRIEF**

Approval is requested to amend an existing contract with RMC Water & Environment (RMC) to provide additional consultant services to complete permitting, environmental documentation, and related work for design of an emergency by-pass pipeline at Water Pollution Control Plant (WPCP). The amendment increases the original contract amount from \$69,900 to \$99,900. The original contract included a \$6,000 contingency, which staff recommends increasing by \$4,000 for the additional work scope. The total value of the amended contract, including the \$10,000 contingency, is proposed to be \$109,900.

**BACKGROUND**

In June of 2008 the City contracted with the engineering consulting firm of RMC Water & Environment to prepare a study to develop, cost estimate, and evaluate alternatives for a contingency plan for emergency operation of the primary effluent pipeline at the WPCP. The work was to identify a means of conveyance of the primary effluent from the primary sedimentation basins to the oxidation ponds in the event of a failure of the existing sixty-inch diameter reinforced concrete pipeline. Pipeline failure could occur due to a seismic event or by failure of the pipe resulting from over 50 years of possible corrosion. The emergency by-pass plan would provide a means of recovery until permanent repair could be made and to prevent or minimize potential for a sewage loss to the South Bay waters. The contract with RMC in the amount of \$75,900 (including a contingency of \$6,000) was originally scoped as a study and concept design, and it did not include permitting or environmental documentation.

**DISCUSSION**

The initial work done by RMC identified a solution by making a short connection between the primary effluent pipeline near the plant boundary and a secondary drain line near the plants tertiary drainage system that also connects to the oxidation ponds. Since a simple cost-effective solution was identified, consultant effort was redirected toward preparing the design. In the design process it was recognized that the work would partially cross Santa

Clara Valley Water District (SCVWD) property adjacent to the northerly plant boundary. The District is also planning to raise the levees in this area. The City's project will require an encroachment permit from the SCVWD as well as coordination with the District for construction activities on the SCVWD property. The additional work to be done by RMC includes preparation and submittal of an application package for the SCVWD permit, coordination and meetings with the District, and completion of biological and cultural surveys to complete the necessary California Environmental Quality Act (CEQA) documentation. RMC has provided a scope of services and a cost proposal for the work not to exceed \$30,000.

Staff recommends that the original contract of \$75,900 (including a contingency of \$6,000), awarded under the City Manager's contract award authority, be increased by \$34,000 (including additional contingency in the amount of \$4,000) for a not to exceed amount of \$109,900. The total contingency of \$10,000 is proposed to provide for additional consultant services that may be needed to complete the design.

#### **FISCAL IMPACT**

Budgeted funds are available in Project 827020, Emergency By-pass Pumping Plan Study.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

#### **RECOMMENDATION**

It is recommended that Council:

1. Amend an existing contract with RMC Water and Environment, in substantially the same format as the attached draft, by increasing the not-to-exceed amount to \$99,900; and
2. Approve a contingency in the amount of \$4,000, for a total contingency of \$10,000.

Reviewed by:

Mary J. Bradley, Director of Finance  
Prepared by: Pete Gonda, Acting Purchasing Officer

Reviewed by:

Marvin Rose, Public Works Director

Approved by:

Gary M. Luebbers  
City Manager

**Attachments**

A. Amendment to Consultant Services Agreement

## ATTACHMENT A

### DRAFT

#### **AMENDMENT TO CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF SUNNYVALE AND RMC WATER AND ENVIRONMENT TO DEVELOP DESIGN AND CONSTRUCTION DOCUMENTS FOR AN EMERGENCY BY PASS PUMPING PLAN STUDY FOR THE WATER POLLUTION CONTROL PLANT**

This Amendment to Consultant Services Agreement, dated \_\_\_\_\_, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY") and RMC WATER AND ENVIRONMENT ("CONSULTANT").

WHEREAS, on June 3, 2008, CITY and CONSULTANT entered into a Consultant Services Agreement whereby CONSULTANT would provide professional services to develop an Emergency By Pass Pumping Plan Study for the Sunnyvale Water pollution Control Plant (WPCP); and

WHEREAS, the parties now agree that an Amendment to said Agreement is advisable;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AMENDMENT TO CONSULTANT SERVICES AGREEMENT:

1. Services by CONSULTANT

Replace the first paragraph with the following:

CONSULTANT shall provide services in accordance with Exhibit "A" Entitled "Scope of Work" and Exhibit "A-1" entitled "Additional Services Scope". All exhibits referenced in this Agreement are attached hereto and are incorporated by reference. To accomplish that end, CONSULTANT agrees to assign Marilyn Bailey to this project, to act in the capacity of Project Manager and personally direct the professional services to be provided by CONSULTANT.

2. Notice to Proceed/Completion of Services

Replace Paragraph (b) with the following:

- (b) When CITY determines that CONSULTANT has satisfactorily Completed the services defined in Exhibits "A" and "A-1", CITY shall give CONSULTANT written Notice of Final Acceptance, and CONSULTANT shall not incur any further costs hereunder. CONSULTANT may request this determination of completion when, in its opinion, it has satisfactorily completed the Scope of Work (Exhibit "A") and Additional Services Scope (Exhibit "A-1"), and if so requested, CITY shall make this determination within fourteen (14) days of such request.

3. Payment of Fees and Expenses

Replace this section with the following:

Payments shall be made to CONSULTANT on a monthly basis as set forth in the attached Exhibit "B" entitled "Compensation Schedule" and the "Budget Estimate" section of Exhibit "A-1". All compensation will be based on monthly billings as provided in Exhibit "B". Compensation will not be due until said detailed billing as submitted to CITY within a reasonable time before payment is expected to allow for normal CITY processing. An estimate of the percent of total completion associated with the various categories of the services shall be furnished by CONSULTANT with said billing. When applicable, copies of pertinent financial records will be included with the submission of billing(s) for all direct reimbursables. Compensation shall not exceed the amounts set forth in Exhibit "B" and the "Budget Estimate" section of Exhibit "A-1" for each phase. In no event shall the total amount of compensation payable under this Agreement exceed the sum of Ninety Nine Thousand Nine Hundred and No/100 Dollars (\$99,900.00) unless upon written modification of this Agreement. All invoices, including detailed backup, shall be sent to City of Sunnyvale, attention Accounts Payable, P.O. Box 3707, Sunnyvale, CA 94088-3707.

All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Agreement Amendment.

ATTEST:

CITY OF SUNNYVALE ("CITY")

By \_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

RMC WATER AND ENVIRONMENT  
("CONSULTANT")

By \_\_\_\_\_  
City Attorney

By \_\_\_\_\_  
\_\_\_\_\_  
Name and Title

# City of Sunnyvale

## Water Pollution Control Plant Emergency Bypass Project

### Additional Services Scope

#### PROJECT DESCRIPTION

The City of Sunnyvale (City) plans to install a new primary effluent bypass pipeline at its Water Pollution Control Plant (WPCP) to provide redundancy for its treatment system. The project is currently at the 90-percent design phase. The proposed alignment of the bypass pipeline is shown in Exhibit A.

The proposed alignment of the bypass pipeline crosses the property of the Santa Clara Valley Water District (District). During the construction of the pipeline, the City also needs to provide temporary bypass pumping of primary effluent from manhole #2 to manhole #4 across the channel, which is also within the property of the District.

RMC has prepared this scope to provide the City with permitting support and CEQA compliance services for this project.

#### ADDITIONAL SERVICES SCOPE

##### Task 1: Permitting

RMC shall assist the City to obtain an Encroachment Permit from the District to conduct construction activities and to install the bypass pipeline within the District's property according to the current design alignment. Under this alternative, RMC shall provide the following services:

1. Provide the District with a project description including the appropriate project plans along with the application and the necessary supporting documents.
2. Submit draft permit application package to the City for signature and review.
3. Submit final permit application packages to the District.
4. Agency coordination and communication including responses to all questions and comments by the District.
5. Up to three (3) meetings with the District, if necessary.

RMC shall provide services for the preparation of California Environmental Quality Act (CEQA) document. For budgetary purposes, this project is assumed to be a Categorical Exemption. Due to the characteristics of the project site, RMC or RMC's subconsultant shall review environmental resources including biology and cultural resources. Resources are not expected to be encountered and findings shall be summarized in a letter. Based on the assumption or no resources, a Categorical Exemption is presumed. Should resources be found, then additional work will need to be scoped and budgeted.

##### Deliverables

1. One (1) electronic copy of the draft permit application package.
2. One (1) electronic copy of the final permit application package.
3. Original of final permit.

#### Assumptions

1. City will provide all necessary supporting documents as required throughout the permit application process
2. City is responsible of all application fees

#### Task 2: CEQA Services

Under normal circumstances, RMC anticipate that the project would typically be covered under a Class 3 Categorical Exemption (CE). However, based on our preliminary review of the California Natural Diversity Database (CNDDDB), we understand that several special status species, including western borrowing owl, are identified within the immediate vicinity of the Project site. The presence of these species in close proximity to the Project site carries the potential for these species to be impacted during construction. This potential impact would require the application of mitigation, thereby requiring the City to prepare a Mitigated Negative Declaration (MND) for the Project.

RMC proposes a 2-step approach to facilitate an early determination of the most appropriate environmental document (e.g. CE or MND) for achieving CEQA compliance for the Project:

1. **Project Definition and Initial Screening.** RMC will prepare a description of the Project that articulates its overall objectives and important characteristics and features. The level of detail and accuracy will be limited to the availability of engineering, design, and layout information developed to date. Where project description information is limited, RMC will develop appropriate assumptions to allow document preparation to proceed.
2. **Prepare a Notice of Exemption.** If the initial screening process reveals that the Project can qualify for a Class 3 CE, RMC will prepare a Notice of Exemption (NOE) form and supporting environmental checklist and file the appropriate forms with the State Clearinghouse. This is the basis of the budget estimate for the project.
3. **Prepare Initial Study and Mitigated Negative Declaration (Optional to subtask 2. May require additional budget).** Following the initial screening process, this subtask will be required if it is determined that the Project will require the preparation of an IS/MND. Additional budget may be required should an IS/MND be required.

#### Deliverables

1. Draft Project Description, Draft Initial Screening Memorandum; (1) hard copy, 1 electronic copy
2. Draft and Final Biological Resources Letter Report; (1) hard copy, 1 electronic copy
3. Draft and Final Cultural Resources Letter Report; (1) hard copy, 1 electronic copy
4. Draft and Final Notice of Exemption; (1) hard copy, 1 electronic copy

#### Assumptions

1. One round of review for all deliverables will be sufficient.
2. This scope assumes that public comments received on the Public Draft IS/MND can be addressed within 8 hours, and that document reproduction and distribution will be mainly performed by the City.
3. The City will provide all base mapping materials, including any aerial photographs. This scope does not include purchasing of aerial photographs.
4. Only the Project will undergo environmental analysis. This scope does not cover the analysis of additional alternatives or other off-site locations.
5. RMC assumes that the Project will not undergo parallel review under the requirements of the National Environmental Policy Act (NEPA). Further, RMC assumes that federal funding will not be pursued for the Project, which could otherwise require an expanded level of review under the CEQA-Plus requirements.
6. This scope does not include the preparation of a formal Biological Assessment (BA) to support Section 7 Consultation with USFWS.

## **SCHEDULE**

<u>Task</u>	<u>Duration</u>
Permitting Support	14 weeks
CEQA Services	4 weeks (CE)
Project Management	Throughout the length of the project

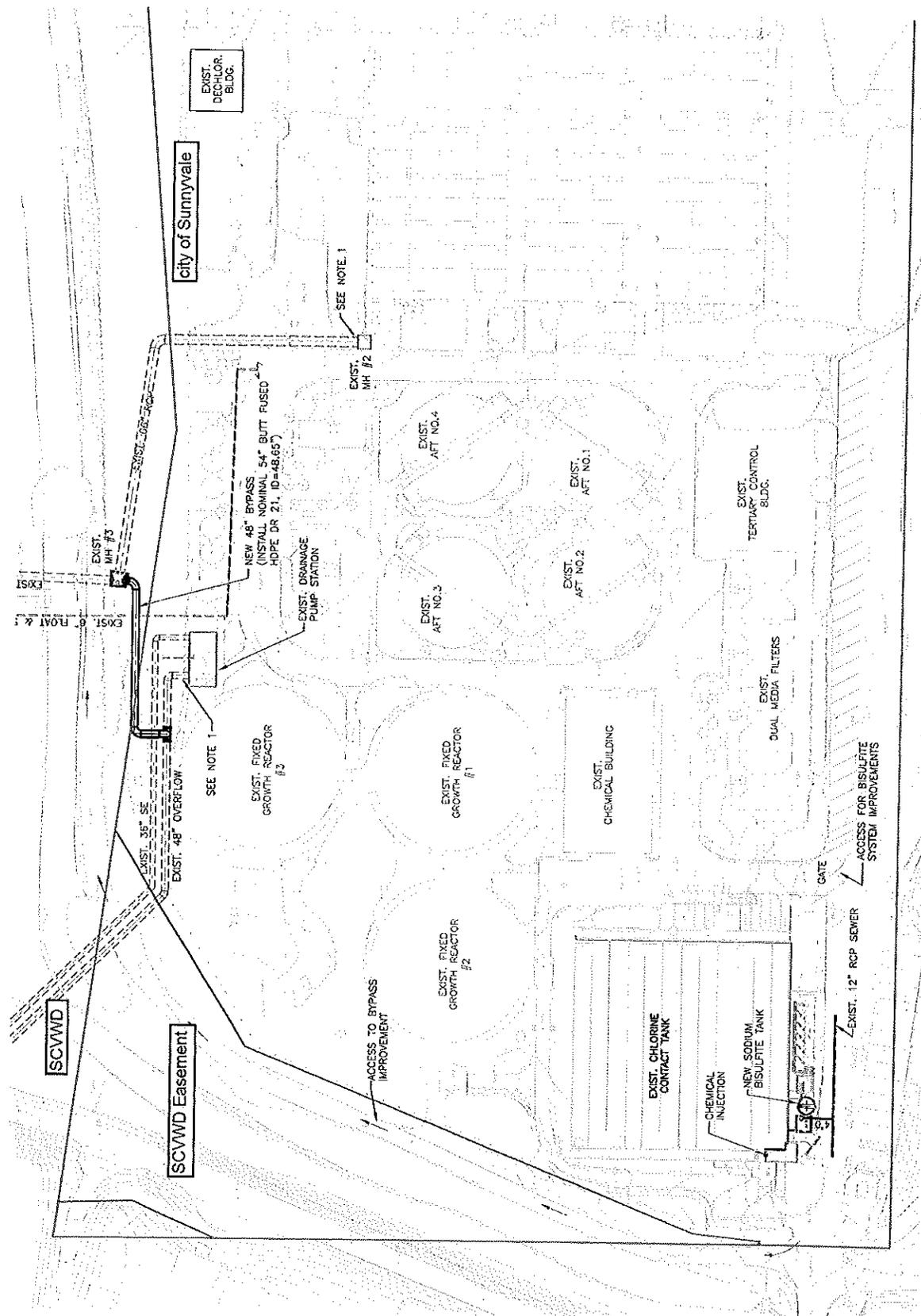
## **BUDGET**

RMC proposes to complete the tasks as described in the above Scope of Services, for a total estimated budget of \$26,000 and will these charges monthly on a time and materials basis. If a IS/MND is required, supplemental budget will be required.

RMC reserves the right to adjust dollars between tasks for the efficient performance of the work. Exhibit B provides a complete breakdown of the hours and costs by task.

This total Project budget is based on completion of the work within the proposed schedule. If delays occur, an amendment of the price maybe warranted to accommodate additional project management and other costs.

EXHIBIT A



**EXHIBIT B**

**BUDGET ESTIMATE**

Task	RMC Project Staff					Subconsultants	Sub Total	3% PTC	Expenses	Total Cost
	PC	PM	CEQA QA/QC	PE	ES					
<b>1 Permitting</b>	<b>8</b>	<b>48</b>					<b>\$10,100</b>	<b>\$200</b>	<b>\$200</b>	<b>\$10,500</b>
1.1 Draft Permit Application Package	1	24					\$4,400	\$50	\$50	\$4,500
1.2 Final Permit Application Package	1	10					\$2,000	\$50	\$50	\$2,100
1.3 Coordination	3	8					\$2,000	\$50	\$50	\$2,100
1.4 Meetings	3	6					\$1,700	\$50	\$50	\$1,800
<b>2 CEQA Services</b>	<b>3</b>	<b>8</b>	<b>22</b>	<b>4</b>	<b>40</b>		<b>\$15,500</b>	<b>\$500</b>	<b>\$600</b>	<b>\$16,600</b>
2.1 Project Definition and Initial Screening	2	6	14	2	40		\$9,700	\$300	\$300	\$10,300
2.2 Prepare a Notice of Exemption (CE)	2	5	24	4	4		\$5,800	\$200	\$300	\$6,300
<b>3 Project Management</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>2</b>			<b>\$2,700</b>	<b>\$100</b>	<b>\$100</b>	<b>\$2,900</b>
3.1 Project Management	4	4	4	2			\$2,700	\$100	\$100	\$2,900
<b>Project Total (Permitting &amp; CEQA CE)</b>	<b>4</b>	<b>15</b>	<b>8</b>	<b>52</b>	<b>22</b>	<b>6</b>	<b>\$28,300</b>	<b>\$800</b>	<b>\$900</b>	<b>\$30,000</b>