

**Council Meeting: January 12, 2010**

**SUBJECT: Authorization to Modify an Existing Sunnyvale Works! Contract for Design Review and Inspection Services for the Mathilda Avenue Overhead Bridge Rehabilitation Project (#F0912-60)**

**BACKGROUND**

The City currently has a contract in place with the Peninsula Corridor Joint Powers Board (PCJPB or Caltrain) for design review and inspection services associated with the Mathilda Avenue Overhead Bridge Rehabilitation Project (Project No. TR-02/03-07). This project extends over the Caltrain tracks that run along Evelyn Avenue. The current PCJPB contract, for their cost of review and coordination during design, is in an amount not to exceed \$50,000 and was awarded under the City Manager's signature authority. The PCJPB requires an additional \$212,000 for labor and materials related to the construction phase of the project. This would increase the contract value from \$50,000 to \$262,000.

Since project construction will occur in and around the Caltrain Right-of-Way, the PCJPB is the designated review authority. The PCJPB will review documents generated by the general contractor selected by the City to construct the project, including but not limited to preconstruction submittals prepared after the Notice to Proceed has been issued (and prior to the actual start of construction), as well as construction change order requests or design changes as a result of field reviews during the course of construction. Costs under this contract also include PCJPB staff attendance at regular construction meetings, administrative/legal review, and a railroad right-of-way clearance. Caltrans has reviewed this cost for inclusion in the grant amount.

**FISCAL IMPACT**

The contract value will increase by \$212,000, and staff is requesting a 15% contingency in the amount of \$31,800. Funds are available in Public Works Capital Project 822710 (Mathilda Avenue Railroad Overpass Improvements).

The project is fully funded, including a Federal Highway Bridge Program (HBP) grant to pay for 88.53% of the total project costs. The remaining 11.47% includes Measure A funds and Gas Tax revenues. Staff is pursuing additional

grant funding which may be used in place of Measure A and Gas Tax, and will return to Council with a Budget Modification if such funding is secured.

**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. Modify an existing contract with the Peninsula Corridor Joint Powers Board, in substantially the same form as the attached draft amended service agreement, to increase the total value of the contract from \$50,000 to \$262,000; and
2. Approve a project contingency in the amount of \$31,800.

Reviewed by:

Mary J. Bradley, Director of Finance  
Prepared by: Pete Gonda, Senior Management Analyst, Finance

Reviewed by:

Marvin Rose, Director of Public Works

Approved by:

Gary M. Luebbers, City Manager

**Attachments**

- A. Draft Amended Service Agreement (JPB)



**PENINSULA CORRIDOR JOINT POWERS BOARD (JPB)  
AMENDED SERVICE AGREEMENT  
(Amendment # 2)**

Sheet 2 of 2

Service Agreement Number 5426 is hereby amended as follows:

**Increase the estimated cost to City of Sunnyvale \$262,000 for labor and/or materials supplied by the JPB, its contractors and consultants in connection with the fully executed Service Agreement pertaining to the Mathilda Ave Bridge Project in Sunnyvale.**

Original Estimate	\$50,000
Amended Service Agreement # 1	<u>\$ 212,000</u>
Revised Estimate	\$262,000

Except as modified by this amendment, the terms and conditions in the Service Agreement shall remain in full force and effect.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**RETURN AMENDED SERVICE AGREEMENT TO:**

Peninsula Corridor Joint Powers Board  
Attention: Anthony Quicho  
Construction Manager, Engineering Department  
1250 San Carlos Ave.  
San Carlos, CA 94070-1306  
(650) 508-7785 FAX (650) 508-7967

**PENINSULA CORRIDOR JOINT POWERS BOARD  
SERVICE AGREEMENT**

FOR PCJPB USE ONLY				
<u>PUC No.</u>	<u>SPECIAL DESIGNATION</u> (Location, Bridge No., Etc.)  Mathilda Avenue		Sheet <u>1</u> of <u>1</u>	
			<u>County</u> SC	<u>Main</u> 1 & 2
<u>Estimated Amount</u> \$50,000	<u>Preliminary Job No.</u>	<u>Lease Audit No.</u>	PCJPB PROJECT No. <u>5426</u> TO BE PLACED ON ALL CORRESPONDENCE	
<u>Est. Start Date</u> 10/14/04	<u>Est. Completion Date</u> 12/30/05		Treasury Dept. receipt of funds confirmation Date _____ Ck # _____ By _____	

<u>Project Title:</u> Mathilda Avenue Bridge Widening	
<u>Project Purpose:</u> Widen Mathilda Ave over Caltrain tracks	
<u>Company or Funding Agency (Applicant)</u>  City Of Sunnyvale	<u>Contact Person Regarding Billings:</u> Name: Manny Kadkhodayan Address: 456 West Olive Ave City/State/Zip: Sunnyvale CA 94088-3707 Phone: ( 408 ) 737 4952 Fax: ( 408 ) 730 7619 E-mail Address:
<u>Accounts Payable Address:</u>  456 West olive Ave PO Box 3707 Sunnyvale CA 94086	

THE APPLICANT AGREES TO REIMBURSE THE PENINSULA CORRIDOR JOINT POWERS BOARD (PCJPB) FOR ALL ACTUAL COSTS IN PROVIDING THE SERVICES AND MATERIALS TO THIS PROJECT (INCLUDING APPLICABLE GENERAL AND ADMINISTRATIVE OVERHEAD COSTS). AN ESTIMATE OF THOSE COSTS IS PROVIDED BELOW. APPLICANT ACKNOWLEDGES THAT ALL PCJPB EXPENSES DESCRIBED IN THE CATEGORIES LISTED BELOW WHICH ARE RELATED TO THE PROJECT ARE REIMBURSABLE. PAYMENT FOR PROJECTS WITH ESTIMATED COST OF LESS THAN \$100,000 OR THAT ARE PROJECTED TO BE COMPLETED IN 90 DAYS OR LESS ARE DUE TO PCJPB BEFORE PROJECT WORK BEGINS. THE PCJPB WILL NOT AUTHORIZE WORK ON THIS PROJECT UNTIL THIS AGREEMENT IS EXECUTED AND PREPAYMENT HAS BEEN RECEIVED. PAYMENT OPTIONS (I.E. ESCROW ACCOUNT, SCHEDULED PREPAYMENTS, LETTER OF CREDIT ETC.) FOR PROJECTS LASTING MORE THAN 90 DAYS AND COSTING MORE THAN \$100,000 MUST BE PREARRANGED WITH, AND APPROVED BY, PCJPB'S CHIEF FINANCIAL OFFICER (OR THEIR DESIGNEE). BILLINGS UNDER THIS AGREEMENT ARE DUE 30 DAYS FOLLOWING DATE OF INVOICE. ANY AMOUNT DUE TO PCJPB THAT IS NOT PAID, OR CONTESTED IN WRITING BY THE DUE DATE SHALL BEAR INTEREST AT THE RATE OF 1.5% PER MONTH, COMPOUNDED MONTHLY, FROM THE DUE DATE.

Estimate Includes, but is not limited to:

1. Permit Application Fee: \$250.00
2. PCJPB Flagging Costs and/or Signal Locator as necessary: Approximately \$1,000.00 per flagger per day.
3. PCJPB engineering review, document preparation, processing fees, OSI Oversight etc.: Approximately \$1,300.00 per day, as required.
4. PCJPB administrative and legal review costs: As required.

The estimated reimbursable cost of the work to be performed for this project through the PCJPB is: \$ 50,000

The estimated length of project is: 360 days

Railroad Protective Liability Insurance (RPLI) will also be required and is not included in this cost estimate. RPLI may be paid for through the PCJPB, to protect the PCJPB and its member agencies. (For estimated cost please phone Engineering Department Construction Manager listed below)

PENINSULA CORRIDOR JOINT POWERS BOARD

1) [Signature] 10/27/04  
(Chief Development Officer) (Date)

2) [Signature] 10/27/04  
(Approved as to Form - Counsel) (Date)

3) \_\_\_\_\_  
\*(Chief Financial Officer) (Date)

APPLICANT

1) [Signature] 10/27/04  
(Authorized Representative) (Date)

Senior Buyer, Purchasing Division  
(Title or Position)

2) \_\_\_\_\_  
\*(Authorized Budget Officer) signature indicates (Date)  
availability of budgeted funds in the amount specified above

\_\_\_\_\_  
(Title or Position)

RETURN ORIGINAL TO:

Peninsula Corridor Joint Powers Board  
Engineering Department  
P. O. Box 3006, San Carlos, CA 94070-1306  
(650) 508-7718 FAX (650) 508-7967

\*Not required if prepayment received

9/13/02

EXHIBIT C

Mathilda Bridge Widening Project

CONSTRUCTION SUPPORT COST Activity	Rate (\$/Hr)	2009		2010						Total Hours	Total Cost	WD to date	Balance Avail.	
		Dec	Jan	Jun	Jul	Aug	Sep	Oct	Nov					
														130
Civil Inspection	160	40	40	40	80	40	40	80	40	40	400	64,000		64,000
Structural Inspection	160		16	40	24	40	24	40	24	24	192	30,720		30,720
Signal Engineer/Inspection	160	2	4	2					4		16	2,560		2,560
Office Coordination	150	40	16	16	16	16	16	16	16	16	152	22,800		22,800
Staff Plan/Submittal Review	300	40	40	24	24	24	24	24	24	24	224	67,200		67,200
Flagging (Amtrak)	150													
Signal Maintainer (Amtrak)	150													
Legal Services	230	8	8	8							24	5,520		
Staff Administration	200	16	8	8	16	8	16	16	8	16	96	19,200		
<b>Total Hours</b>		23,760	25,040	23,760	27,040	19,040	29,600	19,680	21,280	1,008			0	212,000
<b>Total Cost</b>														

Note:  
This does not include RR Flagging and signal Maintainer protection.