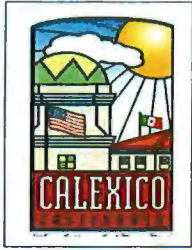


**AGENDA
ITEM**

12



AGENDA STAFF REPORT

DATE: September 14, 2022

TO: Mayor and City Council

APPROVED BY: Esperanza Colio Warren, City Manager *Esperanza Colio Warren*

PREPARED BY: Lilliana Falomir, Public Works Manager – Administrative *Lilliana Falomir*

SUBJECT: Authorize City Manager to Sign Amendment No. 1 to the Agreement of Professional Services in the Amount of \$9,280.00 with Dynamic Consulting Engineers for Construction Management Services for New River Improvement Project –Calexico Reach.

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Recommendation:

Authorize City Manager to Sign Amendment No. 1 to the Agreement of Professional Services in the amount of \$9,280.00 with Dynamic Consulting Engineers for Construction Management Services for New River Improvement Project –Calexico Reach.

Background:

The New River is a Water of the United States and a California Water. It originates approximately 18 miles south of the US-Mexico Border, in the Mexicali Valley, Mexico. It enters the United States by the Calexico West Port of Entry, in Calexico, California. The City is proposing to implement the New River Improvement Project – Calexico Reach. The City became Project Lead and pursuant to the California Environmental Quality Act it certified a Mitigated Negative Declaration for the Project in April 2020. The Project consists of three primary construction components:

1. Trash screen and diversion structure for the New River downstream from the International Boundary with Mexico.
2. Bypass encasement infrastructure for the New River from a point downstream of the International Boundary to a point downstream of the eastern boundary of the City of Calexico to address the public health threat that new River water quality poses to the southern area of the city.
3. A pump-back system to take treated wastewater from the existing Calexico Wastewater Treatment Plant (WWTP) and discharge it into the New River channel at a point near the proposed river diversion and encasement structure.

<p>AGENDA ITEM</p> <hr style="width: 10%; margin: 0 auto;"/>

The City of Calexico and the California Department of Water Resources (DWR) executed a \$28,000,000 Funding Agreement in May 2021 to implement the Project. In April 2022, the City obtained the necessary pre-construction permits to start building the Project. Subsequently, on May 16, 2022, the City issued, and the Imperial Valley Press published an Invitation for Bids for the construction of the Project. On June 28, 2022, the City received only one bid to build the Project at a cost of \$41, 734,276. On July 28, 2022, because the bid received significantly exceeded the available funding to build the Project, and without prejudice to the bidder, the City Council of the City of Calexico rejected the bid to allow for state funding partners to provide additional funding to implement the Project in its totality. It also directed the City staff to draft a new Invitation for Bids, with changes/provisions to implement the Project in Phases, as needed, and ensure the full amount of funding is available in a timely manner to implement the Project in its totality.

On August 10, 2022, in a Special City of Calexico Council public meeting, City staff presented a new Invitation for Bids for the Project as requested by the Council. The new Invitation for Bids, in relevant part, proposes to implement the Project in two Phases, with Phase 1 consisting of building the Trash Screen and Diversion Structure and Pump-back System; and Phase 2 consisting in the installation of the 72-inch bypass pipe; its energy dissipater, and stabilization and erosion control of an area at the western end of the Project. During the meeting, the City Manager informed the Council that, just before the Council meeting, DWR provided comments to City staff on the new Invitation for Bids. The comments, in relevant part, suggested the City:

- Commissioned the preparation of an Engineer's [Cost] Estimate for the Project to get a better and current Project cost
- Use the Engineer's Estimate for evaluating bids, review the equipment/materials bid schedules
- Ensure consistency with California Public Contract Code (PCC) Section 20103.8 for additive bid items
- Evaluate certain General Conditions contained in the new Invitation for Bids, which could result in change orders during construction.

The Council approved the new Invitation for Bids but directed the City staff to address the DWR comments before it issued and published the Bid.

On October 20, 2021, the City Council of the City of Calexico authorized the City Manager to enter into a \$1,982,610 agreement (hereafter "Agreement") for Professional Services with Dynamic Consulting Engineers, Inc. (DCE), to provide Construction Management of the Project. The proposed amendment would enable the City to address substantive comments from DWR on the new Invitation for Bids for the Project.

Discussion & Analysis:

City staff is recommending DCE assist the City to address DWR comments on the draft construction contract and General Conditions of the new Invitation for Bids. The scope of the work under the proposed amendment before the City Council is contained in Exhibit A and would be for \$9,280. Under this Amendment, DCE would:

- Provide support during the Bid process, including revisions to the General Conditions and draft construction contract of the new Invitation for Bids to minimize potential for change orders and to ensure consistency with PCC 20103.8.

The costs for the additional services will be covered by the City-DWR Funding Agreement. The City Public Works Manager, the City Contract Engineer, and New River Improvement Project Manager have reviewed the scope of work and recommend that the City Council of the City of Calexico authorize the City Manager to sign Amendment No. 1 to the Agreement for additional Professional Services with DCE for the New River Improvement Project – Calexico Reach. With Amendment No. 1 the new contract amount will be \$1,991,890.00.

Fiscal Impact:

Capital Improvement Program Budgeted Item for FY 2022-2023	
State Grant – State of California Department of Water Resources Fund No. 475-91-902-56002-000	\$9,280.00
Total	\$9,280.00

Coordinated With:

City Manager's Office.
Public Works Department.
Office of the City Clerk.

Attachment(s):

1. Amendment No. 1 of Agreement of Professional Services between City of Calexico and Dynamic Consulting Engineers, Inc., for Professional Services for New River Improvement Project – Calexico Reach.

**AMENDMENT NUMBER 1 TO THE AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF CALEXICO AND DYNAMIC CONSULTING ENGINEERS**

AMENDMENT NUMBER 1 dated September 14, 2022, the agreement for professional services between the City of Calexico (“City”) and Dynamic Consulting Engineers (“Consultant”) dated October 20, 2021 (the “Agreement”) concerning construction management services for the New River Improvement Project – Calexico Reach.

The Consultant has entered into the Agreement with the City for the furnishing of professional services, and the parties now desire to amend the Agreement.

Therefore, it is mutually agreed that the Agreement is amended to include Additional Services to be performed by Consultant and provisions for additional compensation by the City to the Consultant, all set forth in:

Exhibit A – Proposal dated August 29, 2022

The parties ratify the terms and conditions of the Agreement not inconsistent with this Amendment, all of which are incorporated by reference.

CITY OF CALEXICO:

CONSULTANT:

By: _____

By: _____

Title: Esperanza Colio Warren, City Manager

Title: _____

Date: _____

Date: _____

By: _____

Title: Carlos Campos, City Attorney

Date: _____

By: _____

Title: Gabriela Garcia, City Clerk

Date: _____

EXHIBIT A



August 29, 2022

Jose L Angel, PE
City of Calexico
608 Heber Avenue
Calexico, CA. 92231

RE: Proposal for Additional Services During Bid Process for the City of Calexico New River Improvements Project.

Thank you for giving DYNAMIC CONSULTING ENGINEERS, INC. (DCE) the opportunity to provide you with this cost proposal for additional professional services.

THE PROPOSED SCOPE OF WORK IS AS FOLLOWS:

Item	Description	Total Amount
1.0	Review Invitation for Bids (IFB) and Provide Comments/Suggestions and Recommendations. Review of IFB includes construction contract, bid schedule and General Conditions.	\$7,040.00
2.0	Assist the City with Technical Discussions with Maker Baker International on the Preparation of the Engineer's Cost Estimate.	\$1,120.00
3.0	Assist the City with the Evaluation of Bids.	\$1,120.00

FEE PROPOSAL

DCE proposes to complete the scope of work stated above on a lump sum contract basis. The total amount for the services mentioned above is **\$9,280.00**. This amount will be invoiced monthly on a percent complete basis or upon completion of the work.

Please do not hesitate to contact us if you have any questions. Again, thank you for giving Dynamic Consulting Engineers, Inc (DCE) the opportunity to serve you.

A handwritten signature in blue ink, appearing to read "Carlos Beltran".

Carlos Beltran, P.E.
Principal Engineer.

**CITY OF CALEXICO
PUBLIC WORKS DEPARTMENT**

Table A - Approved Contracts

#	Vendor	Description of Service	Contract Approved	Prof. Svs and Amendment	Amount	Paid To-Date (08/31/2022)	Remaining Balance
1	Jose Angel	Project Manager	11/18/2020			\$ 129,474.00	\$ (129,474.00)
2	Panorama Environmental, Inc.		4/7/2021	\$ 74,871.00			
2.1	Amendment No. 1 & 2 Panorama	Technical and Regulatory Assistance	6/2/2021	\$ 10,690.00	\$ 129,231.00	\$ 122,802.90	\$ 6,428.10
2.2	Amendment No. 3 Panorama		9/15/2021	\$ 17,480.00			
2.3	Amendment No. 4 Panorama		11/3/2021	\$ 26,190.00			
3	Dynamic Consulting Engineers, Inc.	Construction Management Services	10/20/2021	\$ 1,982,610.00			
3.1	Amendment No. 1 DCE			\$ 9,280.00	\$ 1,991,890.00		\$ 1,991,890.00
4	West and Associates, Inc.	Permitting and Environmental Documentation	1/3/2022	\$ 38,000.00			
4.1	Amendment No. 1 WAE		5/4/2022	\$ 4,950.00	\$ 92,750.00	\$ 42,950.00	\$ 49,800.00
4.2	Amendment No. 2 WAE			\$ 49,800.00			
5	Michael Baker International, Inc.	Permitting and Environmental Documentation	12/15/2021	\$ 200,000.00			
5.1	Amendment No. 1 MBI		3/2/2022	\$ 55,000.00	\$ 340,000.00	\$ 217,591.00	\$ 122,409.00
5.2	Amendment No. 2 MBI		6/1/2022	\$ 50,000.00			
5.3	Amendment No. 3 MBI			\$ 35,000.00			
6	Geo-Logic Associates	Permitting and Environmental Documentation	12/15/2021	\$ 69,340.00	\$ 69,340.00	\$ 35,551.93	\$ 33,788.07
7	UltraSystems Environmental	Permitting and Environmental Documentation	6/1/2022	\$ 64,910.00	\$ 64,910.00		\$ 64,910.00
Sub-Total of Table A				\$ 2,688,121.00	\$ 2,688,121.00	\$ 548,369.83	\$ 2,139,751.17