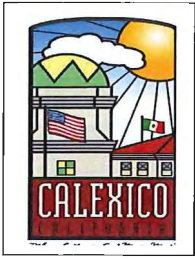


AGENDA
ITEM

13



AGENDA STAFF REPORT

DATE: September 14, 2022

TO: Mayor and City Council

APPROVED BY: Esperanza Colio Warren, City Manager

PREPARED BY: Lilliana Falomir, Public Works Manager – Administrative

SUBJECT: Authorize City Manager to Sign Amendment No. 2 to the Agreement of Professional Services in the Amount of \$49,800.00 with West and Associates Engineering, Inc., for Engineering Services to Review the Plans and Specifications for New River Improvement Project – Calexico Reach.

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Recommendation:

Authorize City Manager to Sign Amendment No. 2 to the Agreement of Professional Services in the amount of \$49,800.00 with West and Associate Engineering, Inc., to review the plan and specifications 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 January 19, 2022, the City Council of the City of Calexico authorized the City Manager to enter into a \$38,000 agreement (hereafter "Agreement") for Professional Services with West and Associates Engineering, Inc., (WAE) to review on behalf of the City the plans and specifications that Michael Baker International originally produced for the New River Improvement Project – Calexico Reach. On May 4, 2022, the Council approved Amendment No. 1 in the amount of \$4,950 to the Agreement to have WAE provide additional support services to review the revised plans and specifications for the Project. WAE provided those services too. The proposed amendment would enable the City to address substantive comments from DWR on the new Invitation for Bids for the Project and the requested changes by the Border Patrol.

Discussion & Analysis:

WAE has been providing support services to the City Engineering Department on the Project. The scope of the work under the proposed amendment before the City Council is contained in Exhibit A and would be for \$49,800. Under this Amendment, WAE would:

- Provide support during the Bid process, including revisions to the equipment and materials bid schedules and General Conditions of the new Invitation for Bids; and
- Design engineering services to address comments from the Border Patrol regarding the Project’s fencing and lighting in the area of 2nd Street and the Trash Screen and Diversion Structure.

Exhibit A also shows the proposed WAE’s hourly rates for the required services. 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 2 to the Agreement for additional professional services with WAE for the New River Improvement Project – Calexico Reach. With Amendment No. 2 the new contract amount will be \$92,750.00.

Fiscal Impact:

Capital Improvement Program Budgeted Item for FY 2022-2023	
State Grant – State of California Department of Water Resources Fund No. 475-91-902-56001-000	\$49,800.00
Total	\$49,800.00

Coordinated With:

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

Attachment(s):

1. Amendment No. 2 of Agreement of Professional Services between City of Calexico and West and Associates Engineering, Inc., for Professional Services for New River Improvement Project – Calexico Reach.

**AMENDMENT NUMBER 2 TO THE AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF CALEXICO AND WEST & ASSOCIATES ENGINEERING,
INC.**

AMENDMENT NUMBER 2 dated September 14, 2022, the agreement for professional services between the City of Calexico ("City") and West & Associates Engineering, Inc. ("Consultant") dated January 3, 2022 (the "Agreement") concerning engineering 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:

By: _____

Title: Esperanza Colio Warren, City Manager

Date: _____

By: _____

Title: Carlos Campos, City Attorney

Date: _____

By: _____

Title: Gabriela Garcia, City Clerk

Date: _____

CONSULTANT:

By: _____

Title: _____

Date: _____

EXHIBIT A



August 29, 2022

Ms. Lilliana Falomir and Mr. Jose Angel, P.E.
Public Works Manager / City Project Manager
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Subject: Engineering Support Services for New River Improvement Project – Calexico Reach
(Contract Amendment No. 2)

Dear Ms. Falomir and Mr. Angel,

Per our telephone and email conversations, it is our mutual understanding that engineering services have been provided to the City beyond the scope of the previous contract amendment (Amendment No. 1). These services have been provided since May 2nd, 2022. Furthermore, we also understand that the City is in need of additional engineering support services for this project moving forward. In particular, the City is in need of engineering design services and bidding support services. This proposal identifies recently-completed services and proposes new services for the City. The completed and proposed services are described below:

Services Completed to Date

The services completed since May 2nd, 2022 include: preparation of revisions to the Bid Documents, including the Invitation to Bid (ITB), email and telephone coordination with the City and design consultant (MBI), preparation of technical letters/memos for City and State review, and meeting attendance (including virtual meetings and the on-site May 31st Pre-Bid Meeting).

Proposed Scope of Services

Our proposed Scope of Services will include 1) Construction Engineering Design Services and 2) Bidding Support Services. These services are described below:

1. Construction Engineering Design Services: Construction engineering design services shall consist of fencing design and lighting design as follows:
 - a. Design of fencing alongside the banks of the New River. Fencing will consist of standard chain-link aluminum fencing. The fencing will be constructed along both the west and east sides of the New River. The fencing will extend approximately 200 feet north of 2nd Street, and about 20 feet south of the existing security screen (USGS monitoring bridge), which is about 450 feet south of 2nd Street. The fencing on the southwest side of the New River will join the fencing at the north and south sides of the diversion structure. Entrance gates will be constructed on each side of the fence, at either at the midpoints or at the end of the fencing (or both). Work under this task will also include coordination with City and re-design/re-submittal of plans based on the City's comments.

- b. Design of lighting along the southwest side of the New River, including layout of lighting on a site plan sheet and a details sheet. The lighting will be installed at the proposed USGS Gauge Station, which will be about 10-15 feet south/west of the existing Border Patrol security screen (and monitoring bridge). Lighting will consist of solar-powered pole-mounted luminaires (similar to parking lot lighting) which are anchored by either concrete footings, or on a potential monitoring bridge (if constructed). Lighting can also be motion-activated and/or dimmable, if necessary. Work under this task will also include coordination with City and re-design/re-submittal of plans based on the City's comments.
2. Bidding Support Services: Revisions to bidding documents, including thorough review of bid quantities ("quantity take-offs"), revisions to bid schedules, revisions to text and format of the bidding documents (including advertisement section), review of bids received, preparation of bid tabulation, preparation of recommendations (letter) for award of construction contract, and coordination with the City.

Fee Estimate

Our fee for the combined services (work already completed and proposed work) is **\$49,800**. A breakdown of our fee is provided under separate cover.

Thank you for this opportunity. Please contact me if you have any questions.

Sincerely,



Phillip West, P.E., QSD/QSP
Principal/President
West & Associates Engineering, Inc.
(949) 716-7670 Office | (714) 728-8082 Cell
philw@westaeng.com

FEE PROPOSAL

DETAILED FEE ESTIMATE (Amendment No. 2)

Task No.	ITEM	PM	ENGR	ELEC ENGR	STRCT ENGR	TOTAL	
		\$130	\$120	\$175	\$175	HRS.	\$
NON-OPTIONAL WORK LISTED IN RFP							
TASK 1 - WORK COMPLETED SINCE MAY 2ND (AFTER COMPLETION OF AMENDMENT NO. 1)							
1	Technical Review and Revisions to Bid Documents	42	24			66	\$8,340
2	Email/Telephone Coordination with City, MBI, and Third Parties	16	8			24	\$3,040
3	Preparation of Technical Documents (Letters, Exhibits, etc.)	20	8			28	\$3,560
4	Meeting Attendance (Virtual and Pre-Bid Meeting)	12	8			20	\$2,520
Subtotal		90	48	0	0	138	\$17,460
TASK 2 - CONSTRUCTION ENGINEERING DESIGN SERVICES							
1	Design of Fencing Improvements Including Coordination with City and Revisions	24	48			72	\$8,880
2	Design of Lighting Improvements Including Coordination with City and Revisions	20	28	24	16	88	\$12,960
Subtotal		44	76	24	16	160	\$21,840
TASK 3 - BIDDING SUPPORT SERVICES							
1	Bidding Support Services	48	24			72	\$9,120
Subtotal		48	24	0	0	72	\$9,120
Direct Costs (printing, reproduction, shipping, mileage, etc.)						N/A	\$1,380
TOTAL NON-OPTIONAL WORK		182	148	24	16	370	\$49,800

Key Positions

Position	Hourly Rates
Project Manager	\$130
Engineer	\$120
Structural Engineer	\$175
Electrical Engineer	\$175

Reimbursable In-House Costs

Vehicle mileage	\$ 0.58/mile
Reproduction, printing, shipping, etc.	cost + 15%

NOTE: All rates are effective until December 31, 2022.

**CITY OF CALEXICO
PUBLIC WORKS DEPARTMENT**

Table A - Approved Contracts

#	Vendor	Description of Service	Contract Approved	Prof. Sys 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		6/2/2021	\$ 10,690.00			
2.2	Amendment No. 3 Panorama	Technical and Regulatory Assistance	9/15/2021	\$ 17,480.00	\$ 129,231.00	\$ 122,802.90	\$ 6,428.10
2.3	Amendment No. 4 Panorama		11/3/2021	\$ 26,190.00			
3	Dynamic Consulting Engineers, Inc.		10/20/2021	\$ 1,982,610.00			
3.1	Amendment No. 1 DCE	Construction Management Services		\$ 9,280.00	\$ 1,991,890.00		\$ 1,991,890.00
4	West and Associates, Inc.		1/3/2022	\$ 38,000.00			
4.1	Amendment No. 1 WAE	Permitting and Environmental Documentation	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.		12/15/2021	\$ 200,000.00			
5.1	Amendment No. 1 MBI	Permitting and Environmental Documentation	3/2/2022	\$ 55,000.00			
5.2	Amendment No. 2 MBI		6/1/2022	\$ 50,000.00	\$ 340,000.00	\$ 217,591.00	\$ 122,409.00
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	\$ 548,369.83	\$ 2,139,751.17