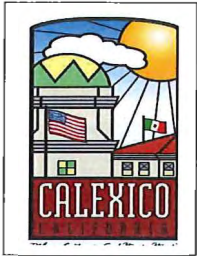


**AGENDA  
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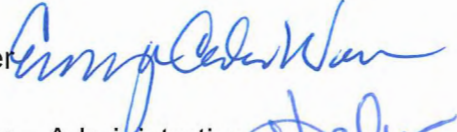
**14**




# 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. 3 to the Agreement of Professional Services in the Amount of \$35,000.00 with Michael Baker International for Bid Support Services and Coordination for the New River Improvement Project – Calexico Reach.

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**Recommendation:**

Authorize City Manager to sign Amendment No. 3 to the Agreement of Professional Services in the amount of \$35,000.00 with Michael Baker International for bid support services and coordination for the 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.

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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 \$200,000 agreement (hereafter "Agreement") for Professional Services with Michael Baker International (MBI) to finalize the plans and specifications for the New River Improvement Project – Calexico Reach. On March 2 and June 1, 2022, the Council approved Amendments 1 for \$55,000 and 2 for \$50,000, respectively, to have MBI provide additional support services to finalize plans and specifications for the Project and to assist the City during the May 2022 bid process. MBI 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.

**Discussion & Analysis:**

City staff is proposing to bring back MBI—The Project Design Engineer of record—to prepare the Engineer’s estimate suggested by DWR. The scope of the work under the proposed amendment before the City Council is contained in Exhibit A and would be for \$35,000. Under this Amendment, MBI would:

- Prepared an Engineer’s [Cost] Estimate for the Project;
- Evaluate and provide comments on the new Invitation for Bid’s materials/equipment bid schedules for the purposes of Engineer’s Estimate;
- Evaluate and, as necessary, advice on the proposed Phased approach relative to the available and expected funding for the Project

Exhibit B also shows the proposed MBI’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 No. 3 to the Agreement for additional Professional Services with MBI for the New River Improvement Project – Calexico Reach. With Amendment No. 3 the new contract amount will be \$340,000.00.

**Fiscal Impact:**

Capital Improvement Program Budgeted Item for FY 2022-2023	
State Grant – State of California Department of Water Resources	\$35,000.00
Total	\$35,000.00

**Coordinated With:**

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

**Attachment(s):**

1. Amendment No. 3 of Agreement of Professional Services between City of Calexico and Michael Baker International for Professional Services for New River Improvement Project – Calexico Reach.

EXHIBIT A



JN: 188274  
August 2022

ADDITIONAL SERVICES REQUEST #02

**Project:** New River Improvement Project – Calexico Reach  
**Bid Support Services and Coordination**

**Client:** City of Calexico

**Work Requested By:** City of Calexico

Summary of Additional Work

Bid Support Services and Coordination

At the request of the Client, Michael Baker International (MBI) will provide coordination and consultation with team partners (including City of Calexico and design team) related to bid support services for the New River Improvement Project– Calexico Reach. This may include preparation of technical memorandums, supporting exhibits, team calls / coordination, review and preparation of an engineer’s cost estimate, and responding to the City of Calexico during the anticipated bid process in September 2022. A budget allowance of thirty-five thousand dollars (\$35,000) is allocated for an anticipated 5-month duration from August 2022 through December 2022. Services will be invoiced on a Time and Materials budget as approved in the Schedule and Charges (Exhibit B) per the approved Agreement for Professional Services as made and entered into as of December 15, 2021.

Client will be notified when 80% of the budget has been used. Additional efforts will be provided as additional services as defined herein.

Fee:

Bid Support Services and Coordination.....\$35,000

**TOTAL AWR \$35,000**

Work will commence upon written approval of this additional scope and fee.

Prepared By: BUS August 2022  
Brian Stup, Project Manager

Authorized By: \_\_\_\_\_  
(Client) (Date)

This is an addendum to the City of Calexico New River Improvement Contract as entered into as December 15, 2021. All provisions, terms, and conditions remain applicable to this Addendum.

EXHIBIT B

SCHEDULE OF CHARGES

Work accomplish pursuant to this Agreement shall be based on the following rates:

MBI Hourly Rate Schedule 2021 (please see notes also)	
Office Personnel	Hourly Rate
Principal	\$295.00
Project Manager	\$245.00
Senior Engineer	\$200.00
Project Engineer	\$175.00
Environmental Specialist	\$160.00
Design Engineer/Senior Designer/Survey Analyst	\$165.00
Designer/Planner	\$150.00
Design Technician	\$130.00
Assistant Engineer/Planner	\$115.00
Permit Processor	\$95.00
Office Support/Clerical	\$80.00
Surveying Personnel	Hourly Rate (\$)
2-Person Survey Crew	\$308.00
1-Person Survey Crew	\$187.00
Licensed Surveyor	\$219.00
Field Supervisor	\$197.00

Notes:

1. An escalation factor of approximately 3% to the hourly rates is expected for 2022.
2. Blueprinting, reproduction, messenger service and other direct expenses will be charged as an additional cost plus 15%.
3. A Sub-consultant Management Fee of fifteen percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.
4. Vehicle mileage will be charged as an additional cost at the IRS approved rate.

**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		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
				<b>Sub-Total of Table A</b>	<b>\$ 2,688,121.00</b>	<b>\$ 548,369.83</b>	<b>\$ 2,139,751.17</b>