

County of Santa Clara
Parks and Recreation Department



97522

DATE: August 13, 2019

TO: Board of Supervisors

FROM: Don Rocha, Director, Parks and Recreation Department

SUBJECT: Amendment to PSA for: GHD, LPA, SANDIS

RECOMMENDED ACTION

Consider recommendations relating to Amendments to Professional Services Agreements (PSA) with GHD, Inc., LPA, Inc., and Sandis, Inc., for comprehensive engineering consulting services.

Possible action:

- a. Approve Second Amendment to Agreement with GHD, Inc., relating to providing comprehensive engineering consulting services with no change to the maximum contract amount, and extending the agreement for a 24-month period through September 22, 2021, that has been reviewed and approved by County Counsel as to form and legality.
- b. Approve Second Amendment to Agreement with LPA, Inc., relating to providing comprehensive engineering consulting services with no change to the maximum contract amount, and extending the agreement for a 24-month period through September 22, 2021, that has been reviewed and approved by County Counsel as to form and legality.
- c. Approve Third Amendment to Agreement with Sandis, Inc., relating to providing comprehensive engineering consulting services with no change to the maximum contract amount, and extending the agreement for a 24-month period through September 22, 2021, that has been reviewed and approved by County Counsel as to form and legality.
- d. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate and take any and all necessary or advisable actions relating to each consultant's PSA, including issuance of Project Agreements for comprehensive engineering consultant services during the term of each consultant's PSA, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on September 22, 2021.

COMMITTEE RECOMMENDATIONS

None.

FISCAL IMPLICATIONS

Individual Project Agreement (PA) executed under each PSA will be budgeted and funded for each fiscal year from the Parks and Recreation Department (Department) Park Charter Fund from the Department's Capital Improvement Program.

CONTRACT HISTORY

On September 23, 2014, the Board of Supervisors (Board) approved PSAs with the following consulting firms: GHD Inc., LPA Inc., and Sandis Inc., through an open competitive RFP process (RFP-PRK-FY14-0449), legislative file No. 73171. Each PSA has an expiration date of September 22, 2019 and Maximum Compensation Limit (MCL) of one million dollars.

On July 21, 2016, each of the three PSAs has been amended (Amendment 1) through an administrative action under the delegated authority to add provisions to comply with the new Board policies related to the County's Wage Theft Prevention (Board policy 5.5.5.4.) and Living Wage standard provisions (Board policy 5.5.5.5.).

On March 14, 2017, the Board approved Amendment 2 to the PSA with Sandis Inc., to increase the MCL from one million to two million dollars, legislative file No. 85120.

REASONS FOR RECOMMENDATION

The Department wishes to amend the term on the PSA with the following consultants: GHD Inc., LPA Inc. and Sandis Inc., as the current work under the Project Agreements with these consulting firms will not be completed by the expiration date of each consultant's PSA.

GHD Inc. – the Department issued thirteen PAs against the Board approved PSA. Scope of work under PA12 and PA13 will not be completed by the expiration of PSA.

Under PA12, GHD, Inc. has prepared 100% construction documents for the Boat Ramp Entry Kiosk at Calero County park. These are currently under review by the Department and the Santa Clara Valley Water Community Service Division. The project is anticipated to go out to bid in late 2019. Consultant is to provide bidding services, construction administration services, and preparation of Record Documents. The project is anticipated to be completed by 9/22/21.

Under PA13, GHD, Inc. is preparing Feasibility Studies to assess damage and provide repair options for three park sites located along the Coyote Creek, which were damaged during the 2017 flood. A section of the trail was damaged, and two culverts were washed away. The Department is under regulatory requirements to replace the damaged culverts with bridges. All tasks under PA13 are expected to be completed by 9/22/21.

LPA Inc. – the Department issued five PAs against the Board approved PSA. The scope of work under PA3 and PA5 will not be completed by the expiration of PSA.

Under PA3, LPA, Inc. completed 100% construction documents for Meadowbrook and Creekside picnic shelters. Following the first bid attempt, no bids were received. Following the second bid period, the bids received were double the engineer's estimates. The Department determined the high bids were due to an extremely competitive bidding climate

at the time of bidding and bids were rejected by the Board on 9/11/2018. The Department plans to re-bid the project in the fall 2020. Consultant is to provide bidding services and construction administration services following a successful bid and award. The project is anticipated to be completed by 9/22/21.

Under PA5, consultant services to be provided include development of a Space Study and Program for Parks' Administration, evaluation of interim space needs and solutions, and assessment of the Silver Creek Complex and other options for the potential relocation of Parks' Administration office. Consultant services are time sensitive, currently ongoing and are expected to be completed by 9/22/21.

Sandis Inc. – the Department issued eight PAs against the Board approved PSA. Scope of works under PA1 and PA3 will not be completed by the expiration of PSA.

Under PA1, Amendment 2, Martial Cottle Park, Phase 1 Implementation, Sandis still needs to perform services for the design and construction of the Life Estate Perimeter Trail extension. This project has been on hold pending completion of the Life Estate Master Plan, currently underway. Expected completion date of the project is 9/22/21.

Under PA3, Amendment 1, Grant Ranch Historic Buildings Rehabilitation Phase 1, Sandis still needs to perform Task 1 Item D (Bidding) and Item E (Construction Administration Services) as well as additional Supplementary Services including preparation of Record Documents and development of the Historic Buildings Programing and Feasibility Study to identify future phases of rehabilitation. During the Due Diligence phase of the design, it was determined that further structural evaluation, of the Phase 1 buildings, was needed. The structural evaluation resulted in a revised project scope which, in turn, delayed the start of design. Expected completion date of the Phase 1 project is 9/22/21.

Reason for request of Delegation of Authority

Although delegations of authority are discouraged except under certain circumstances, this delegation of authority is necessary to allow the County Executive, or his designee, to issue and manage individual PAs to meet deadlines of these Capital Improvement Program (CIP) projects. Therefore, this delegation would give the County Executive, or his designee, the ability to negotiate, amend, or terminate PAs, and to make any administrative amendment to PSA related to ordinance and hourly rate changes, thereby preventing costly delays. Delegation of authority shall expire on September 22, 2021.

CHILD IMPACT

This action will have no immediate impact, although the implementation of the CIP will have a positive impact on children and their families by providing safe park facilities for recreation and exercise - thereby promoting healthy lifestyle, and positively impacting the *Every Child Safe, Every Child Healthy, Every Child Successful in Learning, and Every Child Successful in Life* indicators.

SENIOR IMPACT

This action will have no immediate impact, although the implementation of the CIP will have

a positive impact on seniors and community at large by providing safe park facilities for recreation and exercise, thereby promoting healthy lifestyle.

SUSTAINABILITY IMPLICATIONS

This action will have no immediate impact, although through the implementation of the CIP the Department will incorporate the Board's Sustainability Policies to promote vibrant economy, foster a healthy environment, protect resources, and promote healthy lifestyle and recreation.

BACKGROUND

The Department has a critical need for comprehensive engineering consulting services that were established and provided on as needed basis for various CIP projects throughout the parks system. The three consulting firms were selected through a formal open competitive RFP consultant selection process in 2014. The CIP projects these consulting firms are currently working on will not be completed by the PSA expiration date.

The Department will issue a new RFP for the comprehensive architectural and engineering services in August 2019. The request to issue RFP for architectural and engineering services was entered as an upcoming RFP project through the Mater Acquisition List (MAL) item No. 841, and on May 21, 2019 the Board accepted the MAL report (legislative file No. 96572).

CONSEQUENCES OF NEGATIVE ACTION

If the term for each PSA is not amended the consultants will not be able to compete the scope of work and the Department will be unable to compete these programmed CIP projects. Additionally, the Department will have to: i. negotiate PAs with new engineering consulting firms, once they are hired through the competitive RFP selection process, for these CIP projects; ii. prepare and complete the design phase of the scope of work again; and iii. remobilize the construction; all at a substantial time commitment and extensive costs to the County.

STEPS FOLLOWING APPROVAL

Upon Board approval, the Clerk of the Board shall forward originally executed Amendment for each consultant to Metka Valh, Parks and Recreation Department.

LINKS:

- References: 73171 : 73171
- References: 85120 : 85120

ATTACHMENTS:

- 00-GHD Amend2 to PSA (PDF)
- 00-LPA Amend2 to PSA (PDF)
- 00-Sandis Amend3 to PSA (PDF)
- 0-GHD_B5Y_Parks_40028233 (PDF)
- 0-LPA_B5Y_Parks_40028231 (PDF)
- 0-SandisB5YParks_40028232 (PDF)
- GHD_Amend1 to PSA (PDF)
- LPA_Amend1 to PSA (PDF)
- Sandis Amend1 to PSA (PDF)