



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 15, 2004

ITEM NUMBER:

SUBJECT: AMENDMENT TO PROFESSIONAL SERVICES CONTRACT FOR ARCHEOLOGICAL SERVICES FOR MULTI PURPOSE TRAILS IN FAIRVIEW REGIONAL PARK

DATE: MARCH 2, 2004

FROM: PUBLIC SERVICES DEPARTMENT - TRANSPORTATION SERVICES DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: PETER NAGHAVI, TRANSPORTATION SERVICES MANAGER, 714-754-5182

RECOMMENDATION:

1. Approve the proposed Amendment to the Professional Services Contract with SWCA Environmental Services, Inc., 23392 Madera, Suite L, Mission Viejo, CA 92691, increasing the contract amount by \$6,000 to \$30,917 and adding three (3) months to the contract item, for archeological services for multi-purpose trails in Fairview Regional Park; and
2. Authorize Mayor and Deputy City Clerk to execute the Amendment to Professional Services Agreement (Attachment 1).

BACKGROUND:

The City, in 1999, secured Transportation Enhancement Activities (TEA) grant funding for the implementation of bicycle trails in Fairview Regional Park. This grant requires that the project be completed by September 30, 2004. The City is working with the State of California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) on the environmental documentation for the project in order to conform with the Transportation Enhancement Activities (TEA) grant requirements.

On October 1, 2003, a Professional Services Contract for \$24,917 was awarded to SWCA Environmental Services, Inc., to provide archeological services for the proposed multi-purpose trails in Fairview Regional Park. SWCA provided the requested services in the scope of work and completed the work as directed. The reports require approval from Caltrans local District 12 office, Caltrans Headquarters in Sacramento, Federal Highway Administration and the State Historic Preservation Officer (SHPO). Once the reports obtained local District 12 office approval, they were forwarded to Caltrans Headquarters, where staff determined that the reports will need significant revision to meet new guidelines established by SHPO. As of January 1, 2004, Caltrans Headquarters will not process the archeological report unless it is in the new format. The amount of additional work required from the City's Consultant to respond adequately to Caltrans Headquarters is beyond the original scope of services.

ANALYSIS:

The City staff, upon completion of meetings with Caltrans' staff, conducted a review of SWCA's request for a Contract Change Order and has determined that the request is reasonable and valid. The additional cost is due to recent significant changes to procedures requested by Caltrans based on new guidelines by SHPO. Accordingly, staff is requesting the approval of a change order not to exceed \$6,000, thereby increasing the total budget for design services to \$30,917. This represents an increase of approximately 24% over the original contract amount.

The contract term expires on April 15, 2004. Staff also recommends extending the term by three months in order to complete the necessary additional revisions.

Based on the schedule of work to be completed and the required review times by various agencies, staff has determined that the completion of work by the consultant in this Change Order is in the critical path. Due to the urgent nature of the work and the potential to lose grant funding due to even minor delays, staff met with the Deputy City Attorney to discuss the possibility of directing the consultant to initiate the extra work prior to City Council action for the approval of the needed Change Order. The Deputy City Attorney has determined that staff is justified to expedite the process, while the approval for the Change Order is pending, due to reasons mentioned above.

ALTERNATIVES CONSIDERED:

One alternative would be to not approve the change order. This would result in the loss of grant funding, as the current report is not acceptable to Caltrans for formal approval. Currently, there are no in-house capabilities to conduct archeological studies that meet Caltrans and FHWA requirements.

FISCAL REVIEW:

Funding for the Fairview Regional Park multi-purpose trail project was approved in the 2001-2002 Capital Improvement Program Budget for a total amount of \$300,000. The City has secured Transportation Enhancement Activities (TEA) grant funding covering 66% of the Project costs in the amount of \$200,000. The City's share of the project cost is \$100,000, and was derived from the Fairview Park Development funds. Based on review of available fund balance, adequate funds for the change order are available.

LEGAL REVIEW:

The City Attorney's office has reviewed the attached amendment to the professional services agreement and has approved the document relative to form.

CONCLUSION:

After careful review of the consultant's request for additional cost for archeological services, staff has determined that the change order request based on Caltrans' new procedure is justified. Additional funds are required to address comments from Caltrans and FHWA following their review of the reports. Staff requests the City Council approval of the Amendment to the Professional Services Agreement (Attachment 1) increasing the consultant budget to \$30,917. An extension of contract term by three (3) months to July 15, 2004 will provide adequate time to respond to any further comments from FHWA and SHPO.

PETER NAGHAVI, MANAGER
Transportation Services Division

WILLIAM J. MORRIS
Director of Public Services

MARC PUCKETT
Director of Finance

DISTRIBUTION: City Manager
Deputy City Clerk
Deputy City Manager – Dev. Svcs.
Director of Public Services
Staff
File

ATTACHMENTS: 1 [Amendment to the Professional Services Agreement](#)

File Name

Date

Time