



Staff Report

RESOLUTION WAIVING THE COMPETITIVE PURCHASING POLICY AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH GRAY-BOWEN FOR ASSISTING THE CITY TO DELIVER THE U.S. HIGHWAY 101 BICYCLE/PEDESTRIAN BRIDGE PROJECT, CITY CONTRACT NUMBER 433, IN TIME TO MEET THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDING DEADLINE FOR AN AMOUNT NOT TO EXCEED \$63,500 AND AUTHORIZING A CONTINGENCY OF \$6,500

Honorable Mayor and Council Members:

Summary

Substantial funding could become available from the Federal American Recovery and Reinvestment Act of 2009 (ARRA) to the City of Belmont for the U.S. Highway 101 Bicycle/Pedestrian Bridge project. Staff recommends that City Council adopt a resolution waiving the competitive purchasing policy and authorizing the City Manager to execute an agreement for professional services with Gray-Bowen for assisting the City to deliver the U.S. 101 Bicycle/Pedestrian Bridge project in time to meet the ARRA funding deadline.

Background

Construction of a bicycle and pedestrian bridge over U.S. Highway 101 is one of the City's priority projects. The project design is now near complete and the City will be ready to advertise bids for construction as soon as it obtains sufficient funding commitments. Caltrans and the City County Association of Governments of San Mateo County (C/CAG) have recently informed the City that substantial amount of ARRA funding could become available from the State to the City for the project. If the funding is allocated by the California Transportation Commission (CTC) to this project, the City needs to obligate the funds and be ready to advertise for construction bids by June 30, 2009.

Discussion

If the ARRA funding allocation is successful, the City needs to be ready for the funding obligation by June 30, 2009. To achieve the readiness, the City needs to secure the following tasks for the project:

- Caltrans approval of the plans, specifications and estimate;
- Caltrans approval of the right-of-way certification;
- Completion of an amendment of the Co-op Agreement between Caltrans and the City to update the funding sources;

- Approval of all regulatory permits (Bay Conservation & Development Commission; and Regional Water Quality Control Board); and
- Re-validation of the environmental documents.

In order to meet the funding deadline, the City needs someone with experience of the Caltrans process to expedite the approval within a short time frame. The short time frame also does not allow the City to follow the normal competitive purchasing policy to procure the consultant services. Gray-Bowen is well qualified and willing to provide the professional services to the City for this project, on an expedited schedule. Attached is its proposal for the professional services. Staff intends to undertake the hiring of a construction management firm using the formal process for hiring after Caltrans authorizes funding for the project. Because the approval from Caltrans is not yet completed and because of the fluid nature of this projects approval and undefined nature of the ARRA process, optional tasks have been included in the base scope of \$34,000. It is expected that the work in included in the base scope in the amount of \$34,000 will be completed. The remaining optional items in the amount of \$38,500 will only be authorized for completion if necessary and required.

General Plan/Vision Statement

The installation of bicycle pathways complies with the General Plan:

Circulation Element Goal #10: *“To provide a system of hiking and riding trail, pedestrian paths, bicycle paths and lanes to: a) Provide recreation, particularly scenic, quiet, leisurely neighborhood walks and rides; b) Furnish easy access to trails from individual properties; c) Permit safe, pleasant travel among parts of the community; d) Connect local areas within the City to through trails and paths and regional trail and path systems.”*

Fiscal Impact

The value of the professional services agreement with Gray-Bowen is not to exceed \$63,500.00 as shown on the scope of work, Exhibit A with a contingency of \$6,500.00. The account number for this project is 234-3-730-3091-9030.

Public Contact

Public contact consists of posting the City Council agenda.

Recommendation

Staff recommends that City Council adopt a resolution waiving the competitive purchasing policy and authorizing the City Manager to execute an agreement for professional services with Gray-Bowen for assisting the City to deliver the U.S. 101 Bicycle/Pedestrian Bridge project in time to meet the ARRA funding deadline.

Alternatives

1. Take no action.
2. Refer back to staff for additional information.
3. Deny approval.

Attachments

- A. Resolution
- B. Scope of Work

Respectfully submitted,

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Interim Director of Public Works

Jack R. Crist
City Manager

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RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT WAIVING THE COMPETITIVE PURCHASING POLICY AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH GRAY-BOWEN FOR ASSISTING THE CITY TO DELIVER THE U.S. 101 BICYCLE/PEDESTRIAN BRIDGE PROJECT, CITY CONTRACT NUMBER 433, IN TIME TO MEET THE ARRA FUNDING DEADLINE FOR AN AMOUNT NOT TO EXCEED \$63,500 AND AUTHORIZING A CONTINGENCY OF \$6,500

WHEREAS, the City is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$4,737,620.00 in funding from the Federal American Recovery and Reinvestment Act of 2009 (ARRA) for the U.S. Highway 101 Bicycle/Pedestrian Bridge Project for the MTC Regional ARRA Program (MTC Resolution No. 3885); and,

WHEREAS, pursuant to ARRA, the City needs to obligate the funds and be ready to advertise for construction bids by June 30, 2009; and,

WHEREAS, the City requires a qualified and experienced consultant to assist the City to deliver the project meeting the funding deadline in a short time frame; and,

WHEREAS, Gray-Bowen is qualified to performed this work; and,

WHEREAS, Gray-Bowen has submitted an acceptable proposal for providing the professional services in support the City's efforts to deliver the U.S. 101 Bicycle/Pedestrian Bridge project to meet the funding deadline and has signed a Professional Services Agreement and agreed to provide the services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont:

1. Waives the competitive purchasing policy in procuring the professional services in assisting the City's efforts to deliver the U.S. 101 Bicycle/Pedestrian Bridge project to meet the ARRA funding deadline.
2. Authorizes the City Manager to execute an agreement for professional services with Gray-Bowen for assisting the City's effort to deliver the U.S. 101 Bicycle/Pedestrian Bridge project in time to meet the ARRA funding deadline for an amount not-to-exceed \$63,500.00.
3. Authorizes the City Manager to award an additional amount not-to-exceed \$6,500.00 for a contingency at his discretion.
4. Approves funding for this agreement from account number 234-3-730-3091-9030.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on May 26, 2009 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

EXHIBIT A
(Revised May20, 2009)

**SR 101 BIKE PEDESTRIAN OVERCROSSING
(NORTH OF THE RALSTON INTERCHANGE)**

GRAY-BOWEN

PROPOSED SCOPE OF WORK

Gray-Bowen (Consultant) shall be the Client's Project Manager. Consultant's near term activities shall focus on the following:

- Environmental Permits: Manage process to confirm permits needed, manage efforts of Client's environmental consultant, and ascertain feasibility of securing permits within ARRA deadlines.
- Amend Cooperative Agreement between Client and Caltrans: Initiate process with Caltrans and support Caltrans in the development of the amendment.
- CT Environmental Certification: Initiate and manage process with Caltrans leading to Caltrans certification that project, for environmental purposes, is ready to list.
- Right of Way and Utility Certification: Support efforts of San Mateo County and Client's Design Consultant in the development of Certificates and facilitate Caltrans' approval of the Certification.
- Plans, Specifications and Estimate: facilitate communications between Client's Design Consultant and Caltrans; facilitate Caltrans' approval of PSE.
- Design an Action Item log to track and manage project issues; work with City and others to populate the Action Item log.
- Refine the project schedule and work with affected agencies to secure consensus and commitments on the proposed schedule.
- Provide strategic guidance and assistance on project delivery and State programming issues.
- Structure and schedule a meeting with Caltrans. This task includes working with Caltrans and to ensure the right personnel are involved and working with Caltrans staff in advance of the meeting so meetings are productive.
- Facilitate resolution of project issues.
- Other tasks as identified by Client.

SCOPE OF WORK

1. Caltrans and C/CAG Coordination, Processing, and Approvals

Under this task, Consultant will work in partnership with Caltrans and C/CAG to deliver the project in a timely manner. Consultant shall facilitate Caltrans' approvals of documents needed for

the issuance of an encroachment permit and obligation of Federal funds. Such documents include, but not limited to, right of way and utility certification, environmental certification, co-operative and maintenance agreements and encroachment permit application.

Included, but not limited to, with this task are:

- Representing the interests of the Client
- Facilitating consensus Caltrans, C/CAG and Client on the appropriate delivery strategy
- Facilitating the State's decision making process
- Structuring periodic meetings between Caltrans District executive management staff and Client to facilitate joint decisions on key issues affecting the scope, schedule and budget for the Project
- Gathering background information and documents
- Facilitating the completion of interagency agreements such as Cooperative Agreements and Maintenance Agreements
- Conducting a critical review of project development work completed to date by for the Project
- Facilitate the establishment of an appropriate management and communication structure for Client, Caltrans and C/CAG for this effort
- Provide high level coordination w/ Caltrans, CTC Senior Management and C/CAG on an as needed basis.
- Support C/CAG and Caltrans in the development of an application for ARRA funds.

Deliverables: Execution of inter-agency agreements, Caltrans approval of: Environmental Validation, R/W and Utility Certification, PSE Approval; Issuance of encroachment permit by Caltrans

2. Caltrans Project Development Team or Coordination Meetings

Consultant will work with Caltrans to structure and schedule Caltrans Project Development Team (PDT) meetings. This includes preparing agendas, working with Caltrans and others to insure the appropriate people will participate in meetings and are prepared to render project decisions. Documentation of the meetings will be prepared and distributed. Consultant will advise Client of project issues and define a strategy for addressing project delivery issues.

Deliverables: Meeting agendas, meeting summaries

3. Project Team Coordination

The Project Team is defined as the Client and other project consultants retained by the Client. Consultant will manage and coordinate the efforts of the Project Team.

Included, but not limited to, with this task are:

- Facilitate Project Team communications to coordinate ongoing activities
- Structuring periodic Project Team meetings to prepare for meetings with Caltrans or other agencies

- Draft correspondence on behalf of Client
- Identify and define project issues and decisions needed so the Project may proceed in a timely manner.
- Assist with funding and programming issues.

Scope and budget does not include administering or managing the City's Design/Environmental Consultant contract.

Deliverables: Team meetings, correspondence

4. Project Schedule and Action Item Log

Pursuant to this task, Consultant will evaluate the project schedule prepared by others, validate assumptions and refine the schedule. Consultant shall design and maintain an Action Item Log and assist others in the development of a project schedule that will include all major tasks related to the delivery of the project. Consultant shall advise on schedule updates and monitor the project schedule to insure adherence to schedule. Consultant shall issue periodic progress reports that will include a narrative on work accomplished, a description of the project status, identification of project issues and recommendations on resolving project issues.

- Identify potential risk issues and recommend course of action to manage risk items.

Deliverable: Project Schedule and Action Item Log

OPTIONAL TASKS

1. Prepare Request for Authorization (E-76) to obligate federal funds:

Consultant will prepare the authorization (E-76) request submittal in accordance with the most recent requirements, per the Caltrans *Local Assistance Procedures Manual*. The submittal will include the Request for Authorization (Ch. 3), PS&E Certification and Checklist (Ch. 12), and related requirements. If requested by the Client, Consultant shall also review the "front end" contractor bid package specifications to confirm that required federal provisions and forms are included in the project Specifications and Proposal. Following submittal of the package, Consultant will coordinate with Local Assistance staff to facilitate FHWA's issuance of the E-76.

Deliverables: Request for Authorization submittal to Caltrans Local Assistance, Issuance of E-76 by FHWA

2. Cash Flow Forecast Schedule & Draw- Down Strategy:

Consultant will work with Client and project team members to develop a likely cash flow needs schedule based on the construction plans. Since the project has multiple fund sources, Consultant will develop a draw-down strategy that optimizes the use of the fund sources and addresses match requirements of the federal and state grants while

optimizing City resources. From this spreadsheet, the City will be able to forecast project funding needs, including those needed to “front” reimbursable expenses.

Deliverable: Cash Flow Forecast Schedule & Draw- Down Strategy

3. Retention of a Construction Management Services Consultant and Selection Process for:

Consultant will furnish Client with sample RFP’s used for like services on other projects and utilizing the samples, draft an RFP tailored to the project as well as Client’s requirements, including those necessary to assure fee reimbursement eligibility. Consultant shall assist in the formation of a panel to review consultant proposals, interview consultant teams and recommend selection of a team. Consultant shall coordinate the consultant selection process. Estimate budget does not include assisting the Client in preparing the contract and draft the staff report to Council.

Deliverables: Draft Request for Proposals, Selection of a consultant

4. Other and/or Unanticipated Tasks

The nature of this project is very dynamic and complex. The process and requirements for the American Recovery and Reinvestment Act are evolving depending on the remaining steps with the Caltrans project development/project approval process, additional work may be required. Consultant, when authorized by Client, shall perform tasks not specifically identified above. Examples could include, but not limited to, preparation of the Caltrans encroachment permit application; coordination with resource and regulatory agencies; support Client’s efforts in developing and implementing a plan for funding the local component of the project funding plan; and if resources are an issue for Caltrans, Consultant shall draft project specific documents for Caltrans.

EXHIBIT B
(Revised May 20, 2009)

SR 101 BIKE PEDESTRIAN OVERCROSSING
(NORTH OF THE RALSTON INTERCHANGE)

GRAY-BOWEN

PROPOSED BUDGET

Client shall pay to Consultant, on a monthly basis, a fee determined on a time and materials basis pursuant to Consultant's standard fee schedule.

In consideration of the services to be rendered by Consultant as noted in Exhibit A, Client shall pay to Consultant, on a monthly basis, a fee determined on a time and materials basis pursuant to Consultant's standard fee schedule. Such schedule is subject to adjustment by Consultant on January 1st of each year, and Client agrees to pay to Consultant, Consultant's standard fee as so adjusted during the term of this Agreement. Included as part of this Exhibit B is a not-to-exceed budget that includes reimbursable expenses. Consultant's fee estimate for budget purposes is generally allocated to the tasks noted below:

| TASK | DESCRIPTION | BUDGET |
|-------------|--|--------------------|
| 1 | Caltrans and C/CAG Coordination, Processing and Approvals | \$10,000.00 |
| 2 | Caltrans Project Development Team or Coordination Meetings | \$6,000.00 |
| 3 | Project Team Coordination | \$9,000.00 |
| 4 | Project Schedule and Action Item Log | \$9,000.00 |
| | TOTAL | \$34,000.00 |

Optional Tasks

| OPTIONAL TASK | DESCRIPTION | BUDGET |
|----------------------|--|--------------------|
| 1 | Prepare Request for Authorization (E-76) to Obligate Funds | \$4,500.00 |
| 2 | Cash Flow Forecast Schedule & Draw-Down Strategy | \$5,000.00 |
| 3 | Retention of a Construction Management Services Consultant and Selection Process | \$5,000.00 |
| 4 | Other and/or Unanticipated Tasks | \$24,000.00 |
| | TOTAL | \$38,500.00 |