



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Public Works

Meeting Date: November 27, 2023

Report #:2308-1944

TITLE

Approval of Amendment No. 5 to Contract No. C12142825 with NV5, Inc. to add \$295,083, increasing the not-to-exceed amount to \$2,176,406, for Right-of-Way Appraisal and Acquisition Support for the Newell Road/San Francisquito Creek Bridge Replacement Project, Capital Improvement Program Project PE-12011. CEQA: Environmental Impact Report for Newell Road/San Francisquito Creek Bridge (Resolution No.9889).

RECOMMENDATION

Staff recommends that Council approve and authorize the City Manager or their designee to execute Amendment No. 5 to Contract No. C12142825 with NV5, Inc. in a not-to-exceed amount of \$295,083 for design and right-of-way appraisal and acquisition support for the Newell Road/San Francisquito Creek Bridge Replacement Project (PE-12011), including \$236,083 for basic services and \$59,000 for additional services, resulting in a total not-to-exceed contract amount of \$2,176,406.

BACKGROUND

Replacement of the Newell Road Bridge is a key element of flood control for San Francisquito Creek. On June 1, 2020, Council approved the project and the Final Environmental Impact Report (EIR). The full background of the project's progress and contract amendments can be found in the most recent Council action on June 22, 2021.¹

ANALYSIS

In December 2020, Caltrans approved and programmed an amount of \$113,000 for right-of-way support for the Newell Road Bridge project. Right-of-way support services including property appraisals, preparation of documents for temporary and permanent easements, and coordination with property owners, were not originally included in NV5's contract. Because of the additional grant funding from Caltrans, a formal solicitation was required to complete the right-of-way phase. A sub-consultant to NV5, Associated Right-of-Way Services (ARWS), was

¹ City Council, June 22, 2021, Agenda Item #5; SR #12368

<https://www.cityofpaloalto.org/files/assets/public/v/2/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12368.pdf>

selected in Fall 2022 to advance the right-of-way support. The sub-consultant was able to commence the right-of-way support tasks with available funds moved administratively within the contract. The recommended contract amendment (Attachment A) will add to the scope right-of-way services to be performed by ARWS and NV5. The cost for these services is \$219,211.

This amendment also includes additional funding for scope associated with the Plans, Specifications and Estimate phase. The additional scope includes updates performed to complete the plans, notably a Caltrans requirement to implement the 2022 Caltrans Construction Contract Standards. The fee associated with the scope is \$16,872.

Lastly, this amendment includes an additional adhoc services amount of \$59,000, which equals 25% of the amount of the basic services amount, for services not yet foreseen that may be needed to support completing the design. Although the standard construction contract contingency is typically 10%, as a contract that provides expert services, the higher amount is recommended based on the complexity of the project and the history of working with Caltrans on funding requests. There are design elements of the project with added complexities due to improvements that extend onto private properties and require raising the public roads.

These amounts have been submitted to Caltrans as a funding request, along with the other additional funding and moving of funding to the current fiscal year to support project construction in calendar year 2024. Caltrans is currently reviewing the funding requests.

FISCAL/RESOURCE IMPACT

Funding for the contract amendment is available in the Fiscal Year 2024 Adopted Capital Improvement Program Newell Road/San Francisquito Creek Bridge Replacement project (PE-12011).

STAKEHOLDER ENGAGEMENT

Significant stakeholder engagement was done during the environmental review phase. Ongoing coordination with adjacent property owners is underway as part of the right-of-way phase.

ENVIRONMENTAL REVIEW

An Environmental Impact Report for the Newell Road/San Francisquito Creek Bridge Replacement Project was completed and certified by Council on June 1, 2020 (SR #11184), by adoption of Resolution No. 9889.²

ATTACHMENTS

Attachment A: Amendment No. 5 to Contract No. C12142825 with NV5, Inc.

APPROVED BY: Brad Eggleston, Director Public Works/City Engineer

² Resolution 9889, <https://www.cityofpaloalto.org/files/assets/public/v/1/city-clerk/resolutions/reso-9889.pdf?t=62904.01>