

**City Manager's Report****May 28, 2019 City Council Meeting****Prepared by: Melissa McConnell, Associate Civil Engineer****Item #: 8.6****Subject:** Adopt a Resolution:

1. Approving no-cost contract Amendment #5 and issuance of Notice to Proceed #8 with R.E.Y. Engineers, Inc. for the Upper Broadway Bike Lanes and Pedestrian Connection Project (CIP #41508), and authorizing the City Manager to execute the same; and
2. Ratifying a Utility Agreement with AT&T in the amount of \$2,487 for the relocation of facilities necessary due to the construction of the Upper Broadway Bike Lanes and Pedestrian Connection Project (CIP #41508); and
3. Authorizing the Engineering Department to prepare and release a Request for Proposals for Construction Management Services for the said project.

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**Purpose:** The Upper Broadway Bike Lanes and Pedestrian Connection Project will increase safety and connectivity by constructing bicycle and pedestrian facilities along Broadway between Schnell School Road and Point View Drive.

**Background:***Project Description*

The Upper Broadway Bike Lanes and Pedestrian Connection Project (CIP #41508) proposes to construct bicycle facilities along Broadway between approximately Schnell School Road and Jacquier Road/Point View Drive, with minor signing and striping to connect to the El Dorado Trail at each end, and strategically located sidewalks, additional pedestrian improvements, and transit facilities. Improvements to Broadway include the widening and slight roadway realignment to allow the addition of a Class II bike lane in the eastbound (uphill) direction, striping of a Class III bike route in the westbound (downhill) direction, and construction of curb, gutter, sidewalk, and pedestrian pathways on the south side of Broadway in select areas.

*Funding*

The bike lane project initially received \$575,000 in Congestion Mitigation and Air Quality (CMAQ) Funds through a call for projects by the El Dorado County Transportation Commission (EDCTC) for the Preliminary Engineering (PE) phase, and then later received \$1,792,000 from the Active Transportation Program (Federal ATP) Cycle 2 for Plans, Specifications, and Estimate (PS&E) and Construction (CON) with a commitment of \$2,000 in TDA Article 3 to help with local match of the design phase for the Federal ATP funding. The project commenced with public outreach resulting in pedestrian facilities being added subsequently in response to public input and request. Staff proceeded with seeking out additional funding to move forward on the community's requests for pedestrian facilities. In August of 2017, the California Transportation Commission approved additional funding through the ATP Augmentation Program through Senate Bill 1 (SB 1, State ATP) in the amount of \$1,886,000 for the Upper Broadway Pedestrian Connection Project. This SB 1

Program source provided the necessary funding to add the public's requested pedestrian facilities within the project limits, which will be constructed with the larger bike lane project.

**Discussion:**

On May 26, 2015, City Council approved a Consulting Services Agreement with R.E.Y. Engineers, Inc. (R.E.Y.) in an amount not to exceed \$545,473 for environmental and engineering design services for the project along with issuance of a limited Notice to Proceed (NTP) #1 for Phase 1 – Preliminary Engineering in the amount of \$320,347 to stay within the current funding approval and with the understanding that staff would return to the Council for appropriation of the remaining \$225,000 upon receipt of the future approvals from Caltrans. On July 27, 2016, Caltrans authorized an additional \$135,000, bringing the authorized total to \$485,000 of the \$575,000 in CMAQ funding and staff returned to Council for approval of NTP #2 on September 27, 2016 in the amount of \$145,519, bringing the contract total value to \$465,866. On July 18, 2017, Caltrans authorized the remaining obligated CMAQ funds in the amount of \$90,000 to fully fund the \$575,000 in CMAQ and approving project expenditures from that date forward for the remaining work within the R.E.Y. contract. Following that Caltrans approval, staff returned to Council on December 12, 2017 for approval of Notice to Proceed #3 to R.E.Y. for the remaining work per the scoped contract in a not-to-exceed amount of \$79,607 for a total authorized amount of \$545,473. At the April 10, 2018 regularly scheduled Council meeting, Amendment #1 to REY's contract was approved in the amount of \$38,855, for a revised total contract amount of \$575,473.

In June of 2017, staff approved Scope Change #1 so that R.E.Y. could assist the City in preparing applications for CMAQ and ATP funding. The scope adjustment reallocated project tasks so that the project could keep moving forward under the current budget. After the ATP Augmentation funding was awarded and approved by the CTC in October 2017, R.E.Y. needed to complete additional services, including preliminary design and changes to the environmental technical studies because of the newly added pedestrian component of the project. These necessary items displaced and underfunded the original scope items in R.E.Y.'s contract, and were covered under Scope Change #2, which was approved by Council on April 10, 2018.

In addition to the new pedestrian facilities, as part of the Preliminary Engineering phase, staff determined the need to assess the condition of underground utilities (water and sewer) in a limited capacity based on recommendations by the Public Works Department within the project limits. This would allow for determination of the scope of City utilities in need of repair or replacement as a part of this project. This analysis and design work was not originally included in R.E.Y.'s scope of work and so Amendment #1, approved by Council at the April 10, 2018 meeting, supported the items related to the limited utility evaluation. This Council action and NTP #4 brought R.E.Y.'s total contract amount to \$584,328.

Contract Amendment #2, which was approved by the City Council at its April 10, 2018 meeting, enabled R.E.Y. to complete partial final design services, including: final environmental permitting, 65% plans and estimate, right-of-way acquisition, and utility relocation services for the complete Upper Broadway Bike Lanes and Pedestrian Connection Project. Approval of Amendment #2 and issuance of NTP #5 in a not-to-exceed amount of \$409,716 increased the total authorized amount to \$994,044.

At the August 28, 2018 meeting City Council appropriated \$100,000 of Measure L funds to support the project and approved contract Amendment #3 and NTP #6 in the amount of \$30,554 to REY's contract, increasing the total authorized contract amount to \$1,024,597.

On April 9, 2019, City Council approved contract Amendment #4 in the amount of \$504,930 and issuance of NTP #7 with R.E.Y. Engineers, Inc. in an amount not-to-exceed \$244,572 for the final design and right of way related tasks.

The proposed contract Amendment #5, in the amount of \$40,000, proposes to transfer budget from the right of way engineering tasks to the final design tasks. As the utility relocation work under the R/W phase progressed, the project team more clearly defined the utility relocations and eliminated a number of conflicts. As such, it was determined that there would be excess budget in the R/W phase. The proposed transfer of budget between phases would not result in an increase in the overall contract amount and would not increase R.E.Y.'s authorized budget.

The remaining tasks are related to the construction phase and staff will return to Council for authorization to proceed on those items at a later date.

#### Utility Agreement

The project improvements will affect an existing AT&T telephone vault. AT&T requested that work needed to adjust the AT&T telephone vault to the proposed grade is performed by the City's contractor; thereby creating the need for the City and AT&T to enter into a Utility Agreement. The cost associated with this work is estimated to be \$2,487. The Utility Agreement was fully executed on February 1, 2019 as a part of the Caltrans Right-of-Way Certification process that is required of federally-funded projects.

#### Request for Proposals

The project has been progressing through the design, right-of-way, and utility coordination phases, is nearing the completion of bid documents, and will be ready to go to bid by the end of summer or early fall. The project received the signed Right-of-Way Certification from Caltrans on April 26, 2019. Staff has submitted the CTC request for allocation of State ATP construction funds, which is anticipated to be approved at the June 27, 2019 CTC meeting. The Request for Authorization for the federal ATP and CMAQ construction funds will be submitted to Caltrans at the end of May. Staff is anticipating releasing the Request for Proposals for construction management services in early June and the consultant contract will be awarded in July.

#### **Options:**

1. Approve the contract amendment #5 and Notice to Proceed #8 with R.E.Y. Engineers, Inc. and ratify the utility agreement with AT&T.
2. Direct staff to take other actions.

#### **Cost:**

The cost for work being approved at this time is a not-to-exceed amount of \$40,000 for amendment #5 to the contract with R.E.Y Engineers, Inc. This is a no-cost transfer between phases and will not increase the overall contract amount, nor increase the authorized budget.

#### **Budget Impact:**

At its meeting held on August 26, 2014, the City Council approved a \$350,000 budget appropriation for the Upper Broadway Bike Lane project (CIP #41508). At its meeting held on May 26, 2015, the Council approved an additional \$225,000 budget appropriation. At its meeting held on April 10, 2018, the Council approved additional budget appropriations totaling \$38,855. At its meeting held on May 22, 2018, the City Council approved an additional \$595,858 budget appropriation. At the August 28, 2018 meeting, the City Council

approved an additional \$100,000 budget appropriation. On April 9, 2019, the City Council approved an additional \$234,000 budget appropriation for a total project budget of \$1,543,713.

To date, the project has encumbered the following costs:

R.E.Y. Engineers, Inc. (Notice to Proceed No. 1)	\$ 320,347
R.E.Y. Engineers, Inc. (Notice to Proceed No. 2)	145,519
R.E.Y. Engineers, Inc. (Notice to Proceed No. 3)	79,607
R.E.Y. Engineers, Inc. (Notice to Proceed No. 4)	38,855
R.E.Y. Engineers, Inc. (Notice to Proceed No. 5)	409,716
R.E.Y. Engineers, Inc. (Notice to Proceed No. 6)	30,554
R.E.Y. Engineers, Inc. (Notice to Proceed No. 7)	244,572
R.E.Y. Engineers, Inc. (Proposed Notice to Proceed No. 8)	-
AT&T (Proposed Agreement)	2,487
B & B Locating	11,400
Aureliano and Lorena Ceja (Proposed)	1,000
El Dorado County Recorder-Clerk	2,331
John Driscoll, City Attorney	3,419
Kapre Properties, Inc. (Proposed)	17,793
Mountain Democrat	95
Northern CA Conference of Seventh Day Adventists (Proposed)	500
Omni Means - Interim City Engineer	1,430
State Department of Fish and Wildlife	5,313
SWRCB	3,332
Vinod K., Kusumben, Minesh B., & Kavita K. Patel (Proposed)	13,375
City Personnel	65,672
<b>Total</b>	<b><u>\$ 1,397,317</u></b>

As you can see, the \$1,397,317 in total project encumbrances, including the proposed no-cost Amendment #5 and Notice to Proceed #8 with R.E.Y. Engineering, inc. and the \$2,487 agreement with AT&T, is well within the \$1,543,713 revised project budget.

**Recommendation:** Adopt a Resolution:

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Rebecca Neves, City Engineer



M. Cleve Morris, City Manager

Attachment:

1. Resolution
2. Project Exhibit