



## Board Report

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**File #: A 18-284, Version: 1**

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- a. Approve Amendment No. 2 to Professional Services Agreement No. A-13805, Resolution No. 17-236, with Harris & Associates, Inc. to continue to provide additional Project Management, complete and implement the Environmental Documentation and Permits, and provide Bid Period Services and Design Support During Construction to complete services for Phase 2 of the Palo Colorado Road Emergency Repair at Rocky Creek Crossing, to increase the not to exceed amount by \$157,058 for a total amount not to exceed \$575,486, with no term extension to the term ending June 13, 2020; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 2 to Professional Services Agreement No. A-13805, Resolution No. 17-236, and any future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 2 to Professional Services Agreement No. A-13805, Resolution No. 17-236, with Harris & Associates, Inc. to continue to provide additional Project Management, complete and implement the Environmental Documentation and Permits, and provide Bid Period Services and Design Support During Construction to complete services for Phase 2 of the Palo Colorado Road Emergency Repair at Rocky Creek Crossing, to increase the not to exceed amount by \$157,058 for a total amount not to exceed \$575,486, with no term extension to the term ending June 13, 2020; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 2 to Professional Services Agreement No. A-13805, Resolution No. 17-236, and any future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

### SUMMARY/DISCUSSION:

During the January and February 2017 Winter Storm Events and prior to the approval of the Professional Services Agreement (PSA) with Harris & Associates, Inc. (Harris), the Palo Colorado Road sustained major damage including a debris flow that washed-out the road at Rocky Creek Crossing, making the roadway impassable. Temporary emergency repairs were completed to ensure public safety and the roadway was opened to allow passage for residents and access to the Pico Blanco Boy Scouts Camp. It was determined that these temporary repairs might not withstand the 2017 and 2018 Winter Storm Season which could cause catastrophic damage to the roadway and further jeopardize public safety. In discussing this exigent need for a permanent road repair solution with the Federal Emergency Management Agency (FEMA), FEMA verbally approved the selection of a Contractor to perform these identified services using a three (3) bid selection process by soliciting bids from Contractors previously selected through Request for Proposals (RFP) #1601, On-Call Civil Engineering Services for Transportation Projects. FEMA agreed that this streamlined selection process was required in-order to allow for a solution to this exigent need for a permanent road repair solution to ensure public safety prior to the 2017 - 2018 Winter Storm Season. Harris was selected using this FEMA directed process.

On July 11, 2017, the County of Monterey (County) Board of Supervisors (BOS) approved PSA Resolution No. 17-236 with Harris to provide professional engineering services for Phase 2 (hereinafter, "services") of the Palo Colorado Road Emergency Repair at Rocky Creek Crossing (hereinafter, "Project") with a term of July 11,

2017 to July 10, 2020. Due to an inadvertent clerical error, the term listed in the July 11, 2017 BOS Agenda, the Board Report and the corresponding Board Resolution No. 17-236, did not reflect the intended term in the PSA which is June 13, 2017 to June 13, 2020. On November 14, 2017, in the exercise of caution, Amendment No. 1 was presented to and approved by the BOS to correct Resolution No. 17-236 to ratify the retroactive PSA term of June 13, 2017 to June 13, 2020 and include Exhibit D, FEMA Federal Provisions, to the PSA with no associated dollar amount increase to allow payment to Harris for any services rendered during the retroactive term of the PSA.

In compliance with FEMA requirements relating to 2 CFR 200.323, RMA has identified the need to perform a cost analysis as part of this contract amendment procurement action. The rates and fees included in this Amendment No. 2 have not changed from those provided by Harris in the original PSA. RMA staff has determined that the proposed rates and fees are within reasonable costs for the scope of work, based on comparable County contracts.

The design of the Project has been completed. The remaining work from the scope of services in the PSA is to complete the permitting process of the Project; and to provide engineering support when the Project is in the construction phase. Currently, Harris estimates \$15,000 remains in the PSA, which includes unbilled services.

Due to delays caused by the exhaustive and extensive coordination during the environmental permitting effort of the project, additional coordination and support during construction is required from Harris. Amendment No. 2 will allow Harris to provide additional Project Management, complete and implement the Environmental Documentation and Permits, and provide for Bid Period Services and Design Support During Construction to complete services for the Project. Amendment No. 2 will increase the total not to exceed amount of \$418,428 by \$157,058 for a total amount not to exceed \$575,486 with no extension to the term of the PSA.

Attachment F provides a summary of the PSA to date. Attachment G provides a summary of the PSA annual expenditures and balance.

#### OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management and Auditor-Controller's Office have reviewed and approved Amendment No. 2 as to form and legality, and fiscal provisions, respectively.

#### FINANCING:

Costs associated with Amendment No. 2 to the PSA with Harris will change the total estimated Project cost, including engineering, environmental, and construction, to the amount of \$6,958,567. Of this amount, the Project cost for engineering and environmental is \$875,200 (\$299,714 for Phase 1 and \$575,486 for Phase 2). The total not to exceed amount of the PSA for Phase 2 of the Project is \$575,486.

On April 17, 2018, the BOS approved a loan from the Facility Master Plan Project Fund's Unassigned Fund Balance (404-NMC1-3101) to the Road Fund 002, Appropriation Unit RMA012 in an amount not to exceed \$25 million to fund 2017 Winter Storm projects, which were categorized as Completed/Committed and FEMA Approved/Obligated. These funds are available to cash flow BOS approved Winter Storm projects, but must be repaid within two (2) years. The Palo Colorado Road Emergency Repair at Rocky Creek Crossing Project is included in the Completed/Committed category, and as such, it is eligible to be funded through the NMC Loan. FEMA has accepted the project application, but has not obligated (set-aside) funding for the Project yet.

#### BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The PSA with Harris, as amended under Amendment No. 2, continues to recognize the exigent need for professional engineering services to construct a permanent solution for the Rocky Creek Crossing on Palo Colorado Road. The Project is needed to provide permanent access for residents and access to the Pico Blanco Boy Scouts Camp. The recommended action supports the BOS' Strategic Initiatives as indicated below:

☐ Economic Development  
☐ Administration  
☐ Health & Human Services  
☒ Infrastructure  
☒ Public Safety

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Approved by: Enrique M. Saavedra, P.E., Acting Chief of Public Works  
Approved by: Carl P. Holm, AICP, RMA Director

(Attachments on File with the Clerk of the Board)

Attachments:

Attachment A - Amendment No. 2 to PSA  
Attachment B - Amendment No. 1 to PSA  
Attachment C - PSA  
Attachment D - Project Budget  
Attachment E - Location Map  
Attachment F - Summary of PSA  
Attachment G- Summary of PSA Annual Expenditures and Balance