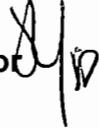


**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director 

BY: Jessica Sandifer, Program Manager 

DATE: November 7, 2016 (CC Meeting of November 16, 2016)

SUBJECT: Consider Amendment No. 1 to Agreement with Phoenix Civil Engineering, Inc. for Construction Management Services for the Recreational Trail Project at Arroyo Vista Community Park (AVCP) (CIP Project 7852) and Resolution Amending the Fiscal Year 2016/17 Budget

BACKGROUND

On October 2, 2013 the City Council approved a conceptual plan for a proposed recreational trail system at Arroyo Vista Community Park (AVCP) and on November 20, 2013, Penfield and Smith (since acquired by Stantec) was hired to prepare the plans and specifications for the Recreational Trail Improvements at AVRC.

On February 5, 2014, the City Council approved the project plans and specifications in order for staff to apply for the Land and Water Conservation Fund (LWCF) Grant. In September 2014, the City was notified that an LWCF grant had been awarded to the project in the amount of \$500,000.

On January 20, 2016, the City Council approved the revised plans and authorized staff to go to bid on the project. The original bid due date was April 5, 2016 but was extended to April 11, 2016, due to some questions that arose during the bidding process. Three bids were received from pre-qualified contractors by the extended bid due date of April 11, 2016. Unfortunately, the low bidder did not meet the self-performance requirement. In addition, the project costs came in almost \$400,000 higher than the engineer's estimate. Due to these issues, on April 20, 2016, the City Council rejected all the bids and re-authorized the project to go out to bid. On July 20, 2016, the City Council awarded the construction contract and the consultant contracts for Construction Management and Materials Testing Services.

DISCUSSION

The Recreational Trail Project at AVCP is a large project with a construction timeline of 120 days. Due to the size and complexity of this project, there is a need to provide onsite construction management services. The services include day-to-day coordination, such as providing responsible direction and coordination with the contractor, notification to the City of any problems or issues, and administrative support. The services also include regular field inspections, technical expertise on the installation of the various site features such as parking lots, sidewalks, bio-retention areas, and pervious pavements, as well as material submittal reviews, and special materials testing and inspection services as required by the plans and specifications. On July 20, 2016, the City Council awarded contracts to three firms to perform the construction management services: Phoenix Civil Engineering (Phoenix), RFR Management and Oakridge Geoscience (Oakridge).

The Notice to Proceed for the project was issued on October 4, 2016. Once the project got underway, it was determined that a high level of administrative support was needed due to the volume of material submittals and requests for information (RFI's) that were submitted by the contractor, in addition to the day-to-day coordination needed for this project. In addition to the need for an increase in administrative support, there was a need to change how this project was managed. This was due to numerous plan discrepancies related to field conditions, and the need for frequent technical assistance. It was determined that it would be beneficial to consolidate the work load, and distribute it between Phoenix and Oakridge, rather than coordinate these efforts among three separate consultants. Phoenix will undertake the day-to-day construction management tasks, administrative support and technical expertise needed for this project and Oakridge will provide the special materials testing and inspection services. In addition to the changes in the management of the project, several value engineering opportunities have presented themselves and there has been a need for additional technical expertise due to field changes. For instance, plan changes are required due to the relocation of several unforeseen waterlines, relocation of the loop trail based on field conditions and revisions to the trail cross sections and parking lot layouts. In addition there is a need to revise the design of the storm water retention basin and weir structure. This is due to a heavy clay layer that exists at the west side of the park adjacent to parking lot A, as well as a realignment of the bicycle trail to avoid several existing Oak trees. The field changes will need to be included into the plan set, however, the extent of this work was not anticipated at the start of the project.

Since Phoenix did not originally quote the additional project management services or design work an amendment to their contract to provide for payment of these services is being requested.

FISCAL IMPACT

Phoenix's original not-to-exceed contract amount is \$50,860.00. The original combined contract value between RFR Management and Phoenix Civil Engineering, Inc. was \$128,360. The revised contract amount for Phoenix Engineering is proposed to be \$180,588.00. This represents an increase over the original costs for construction management services of \$52,228.

There is currently a total of \$123,047.00 available in the project budget that can be used for the additional construction management costs based on the \$50,860.00 already budgeted for the original Phoenix agreement and the remaining \$69,269.50 from the contract with RFR Management. Currently there is \$16,260 remaining in design/engineering that will be used to pay for a part of the additional design costs. A budget amendment of \$47,277.10 is requested to pay for the entire scope of Phoenix's agreement amendment with \$22,034.10 needed from the TSM Fund (2001) and \$25,243.00 needed from the Community Wide Fund (2100) for this project.

STAFF RECOMMENDATION (ROLL CALL VOTE)

1. Approve Amendment No. 1 to Agreement with Phoenix Civil Engineering, Inc. in the amount of \$180,500.00 and authorize the City Manager to sign the Amendment, subject to final language approval of the City Manager; and
2. Adopt Resolution No. 2016-____, amending FY 2016/17 budget for additional construction management and design costs.

Attachment –

1. Amendment No. 1
2. Resolution No. 2016-_____

ATTACHMENT 1

AMENDMENT NO. 1

**TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF MOORPARK AND PHOENIX CIVIL ENGINEERING, INC.
FOR CONSTRUCTION PHASE SERVICES FOR THE RECREATIONAL TRAIL
PROJECT AT ARROYO VISTA COMMUNITY PARK**

This Amendment No. 1 to the Professional Services Agreement between the City of Moorpark, a municipal corporation ("City"), and Phoenix Civil Engineering, Inc, a corporation ("Consultant"), for construction phase services for the Recreational Trail Project at Arroyo Vista Community Park ("Agreement"), is made and entered into this _____ day of _____, 2016.

RECITALS

WHEREAS, on August 4, 2016 the City and Consultant entered into an Agreement to have the Consultant provide construction phase services for the Recreational Trail Project at Arroyo Vista Community Park; and

WHEREAS, the City has the need for additional value engineering and project management services during construction at Arroyo Vista Community Park; and

WHEREAS, the City and Consultant now desire to amend the Agreement for construction phase services for the Recreational Trail Project at Arroyo Vista Community Park to update Scope of Services as outlined in Exhibit D, and increase compensation for the Agreement from fifty thousand eight hundred sixty dollars (\$50,860.00), by a value of one hundred twenty-nine thousand seven hundred twenty-eight dollars (\$129,728.00), for a total contract value of one hundred eighty thousand, five hundred eighty-eight dollars (\$180,588.00), and replace Exhibit C with Exhibit D, and document said Agreement to amend by jointly approving Amendment No. 1 to the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 1, TERM, is amended by replacing this section in its entirety as follows:

"The term of this Agreement shall be from the date of execution to completion of the work identified in the Scope of Services and in conformance with Exhibit D, Revised Proposal for Construction Management Services, attached hereto and incorporated herein, unless this Agreement is terminated or suspended pursuant to this Agreement."

II. Section 2, SCOPE OF SERVICES, is amended by replacing this section in its entirety as follows:

"City does hereby retain Consultant, as an independent contractor, in a contractual capacity to provide construction phase services for the

Recreational Trail Project at Arroyo Vista Community Park, as set forth in Exhibit D. In the event there is a conflict between the provisions of Exhibit D and this Agreement, the language contained in this Agreement shall take precedence.

Consultant shall perform the tasks described and set forth in Exhibit D. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit D.

Compensation for the services to be performed by Consultant shall be in accordance with Exhibit D. Compensation shall not exceed the rates or total contract value of one hundred eighty thousand five hundred eighty-eight dollars (\$180,588.00) as stated in Exhibit D, without a written Amendment to the Agreement executed by both parties. Payment by City to Consultant shall be in accordance with the provisions of this Agreement.”

III. Section 5, PAYMENT, is amended by replacing paragraph two of this section in its entirety as follows:

“The City agrees to pay Contractor monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit D, based upon actual time spent on the above tasks. This amount shall not exceed one hundred eighty thousand five hundred eighty-eight dollars (\$180,588.00), for the total term of the Agreement unless additional payment is approved as provided in this Agreement.”

IV. Exhibit C, Scope of Services, is replaced in its entirety with Exhibit D.

V. Remaining Provisions:

Except as revised by this Amendment No. 1, all of the provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Amendment to be executed the day and year first above written.

CITY OF MOORPARK

PHOENIX CIVIL ENGINEERING, INC.

Steven Kueny, City Manager

Jon Turner, Principal Engineer

Attest:

Maureen Benson, City Clerk



Exhibit D
Phoenix Civil Engineering, Inc.

4532 Telephone Road, Ste. 113 Ventura Ca 93003 805.658.6800
info@phoenixcivil.com www.phoenixcivil.com

Mr. Jeremy Laurentowski
City of Moorpark
799 Moorpark Ave.
Moorpark, CA 93021

March 28, 2016
Revised October 29, 2016

City of Moorpark – Arroyo Vista Park Parking Lot, Entrance Modifications and Park Trail Improvements – Revised Proposal for Construction Management Services

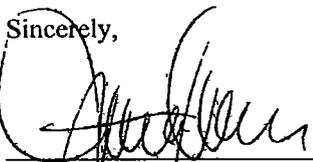
Dear Mr. Laurentowski-

I am pleased to provide you with this updated proposal for construction management services associated with the Arroyo Vista Park Parking Lot, Entrance Modifications and Bike Trail project. The proposed improvements consist of removing the existing turf, landscaping and irrigation system and installing a new asphalt concrete parking lot, modifying the existing park entrance gate, tree removal, street striping modification and installation of a dedicated bike trail from the street into the park as well as bike trail improvements around the park. Trees and landscaping are included in the parking lot along with an infiltration basin addressing the MS4 permit requirements and a post/rail landscape fence. Additionally, the City has requested construction observation support relating to the public works aspect of the project construction (storm drainage systems, hardscape improvements, curb/gutter observation). The project includes electrical improvements, landscape improvements and fence installation. Construction management and observation responsibilities relating to the project will be covered entirely by our team. This proposal covers construction management and value engineering services related to the design improvements by others. Based on my understanding, I have prepared my revised proposal to include the following:

- Task 101: Preconstruction Meeting
- Task 102: Submittal Review
- Task 103: Response to Requests for Information
- Task 104: Site Visits
- Task 105: As Needed Support
- Task 106: Value Engineering
- Task 107: Project Management

I appreciate the opportunity to submit this proposal to assist you with this project. I have attached a scope of work and our professional services rate sheet along with a fee schedule detailed by task.

Please let me know if you have any questions or would like to discuss my proposal.

Sincerely,


Jon Turner, PE
Principal Engineer

Scope of Services

Background/Project Understanding

Arroyo Vista Park is located in the City of Moorpark. The City has an existing parking lot at the eastern end of the park. The proposed improvements consist of removing the existing turf, landscaping and irrigation system and installing a new asphalt concrete parking lot, modifying the existing park entrance gate, tree removal, street striping modification and installation of a dedicated bike trail from the street into the park. Trees and landscaping is included in the parking lot along with an infiltration basin addressing the MS4 permit requirements and a post/rail landscape fence.

Additionally, the City has requested construction observation services relating to the public works aspect of the project construction (storm drainage systems, hardscape improvements, curb/gutter observation). The project includes electrical improvements, landscape improvements and fence installation. Construction management and observation responsibilities relating to the project will be covered entirely by our team. This proposal covers construction management and value engineering services related to the design improvements by others. Based on my understanding, I have prepared my revised proposal to include the following:

Construction Management Services

The construction phase services include review of the project shop drawings. It is estimated that 40 project shop drawing submittals will be provided by the Contractor. For purposes of this proposal it is assumed that one initial review and one subsequent review will be conducted by our team for approval. Preparation for and attendance at all onsite meetings and preparation of Requests for Information is also included.

The following efforts are included in this task:

- **Task 101** Attendance at the project construction kick off meeting with the contractor and City staff. The meeting will be held at the City offices and/or the proposed construction site. Meeting summary and meeting agenda will be by the Construction Manager.
- **Task 102** Review the project shop drawing submittals. It is anticipated that 40 submittals will be reviewed. In preparing this proposal, it was estimated that two reviews of the submittals will be conducted for approval.
- **Task 103** Respond to contractor's requests for information (RFIs) as submitted by the Construction Manager. It is anticipated that up to 13 requests for information responses will be prepared during the construction phase. The responses will be prepared by Phoenix Civil Engineering and distributed to the Contractor.
- **Task 104** Up to 23 site visits will be performed.
- **Task 105** As needed construction manager support up to 40 hours relating to the civil engineering aspects (review and/or site visits) of the project.
- **Task 106** The civil engineering design plans prepared by others have areas identified that could be redesigned to provide a better result or to reduce costs to the City. Preparation of the plan revisions as well as development/assembly of an Issued for Construction plan set is part of this task. Modifications required during construction will be included in this task.
- **Task 107** Complete project management was originally excluded from this project, but has been requested by the City. Project management tasks include meeting preparation and meeting summary document generation, direct contractor interface, construction observation of all the improvements, preparation, review and execution of any project change orders, review of progress pay requests, coordination with outside utilities and City staff.

-

Deliverable: One electronic copy of all preliminary and final shop drawings that have been reviewed for conformance will be provided to the contractor as well as formal RFI responses up to thirteen.

Fee Estimate Summary

Work associated with Tasks 101 through 107 is estimated to cost \$180,588. A breakdown of the level of effort is listed below:

• Task 101: Preconstruction Meeting	\$1,896
• Task 102: Submittal Review	\$9,349
• Task 103: Response to Requests for Information	\$5,983
• Task 104: Site Visits	\$21,190
• Task 105: As Needed Support	\$6,200
• Task 106: Value Engineering	\$55,620
• Task 107: Project Management	\$80,350

Assumptions

In preparing the proposal, the following was assumed:

- Up to 40 submittals will be reviewed for conformance with the design.
- Up to 13 RFIs will be reviewed and executed.
- Design changes to the project plans prepared by others will be based upon the survey file provided (21211.01TPO Aerial 11/18/13).



Professional Services Hourly Rate Sheet

Engineering

Principal Engineer	\$155
Resident Engineer	\$135
Professional Engineer	\$130
Staff Engineer	\$120
Assistant Engineer	\$96

CADD

Senior Designer	\$116
Assistant Designer	\$85

General

Construction Manager	\$145
Construction Observer	\$100
Technical Assistant	\$68
Clerical/Administrative Assistant	\$48

Costs associated with printing and computer time are calculated in the rates. Large quantities of printing (multiple sets of specifications, reports, etc.) will be billed at an agreed upon rate. Subconsultants will be marked up by 10%.

ATTACHMENT 2

RESOLUTION NO. 2016-_____

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2016/2017 BUDGET BY APPROPRIATING \$22,034.10 FROM THE TRAFFIC SYSTEM MANAGEMENT FUND (2001) AND \$25,243.00 FROM THE COMMUNITY WIDE PARK DEVELOPMENT FUND (2100) FOR ADDITIONAL CONSTRUCTION MANAGEMENT AND DESIGN SERVICES FOR THE RECREATIONAL TRAIL PROJECT AT ARROYO VISTA COMMUNITY PARK (CIP 7852)

WHEREAS, on June 15, 2016, the City of Moorpark adopted the Operating and Capital Improvement Projects budget for Fiscal Year (FY) 2016/17, which included an appropriation of \$1,407,831 for the Recreational Trail Project at Arroyo Vista Community Park (CIP 7852); and

WHEREAS, on July 20, 2016, the City Council adopted Resolution No. 2016-3533 which allocated \$2,914,430 from various funds to the Recreational Trail Project at Arroyo Vista Community Park (CIP 7852) for construction and construction management of the project; and

WHEREAS, a staff report has been presented to the City Council requesting funding for additional construction management and design services for the project; and

WHEREAS, an aggregate budget amendment of \$22,034.10 is requested from the Traffic System Management Fund (TSM) (2001) and \$25,243.00 is requested from the Community Wide Park Development Fund (2100) to fund the construction of the recreational trail project at Arroyo Vista Community Park.; and

WHEREAS, Exhibit "A", attached hereto and made a part hereof, describes said budget amendment and the resultant impact to the budget line items.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. An aggregate budget expenditure increase of \$22,034.10 is from the Traffic System Management Fund (TSM) (2001) and \$25,243.00 from the Community Wide Park Development Fund (2100), as more particularly described in Exhibit "A", attached hereto, is hereby approved.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 16th day of November, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Budget Amendment

EXHIBIT A
BUDGET AMENDMENT FOR
TRAFFIC SYSTEM MANAGEMENT FUND (2001) AND
COMMUNITY WIDE PARK DEVELOPMENT FUND (2100)
FOR ADDITIONAL CONSTRUCTION MANAGEMENT AND DESIGN SERVICES
FOR RECREATIONAL TRAIL PROJECT AT ARROYO VISTA COMMUNITY PARK (CIP 7852)
FY 2016/17

FUND BALANCE ALLOCATION:

Fund Title	Fund-Account Number	Amount
Traffic System Management Fund	2001-5500	\$ 22,034.10
Community Wide Fund	2100-5500	\$ 25,243.00
Total		\$ 47,277.10

EXPENDITURE APPROPRIATION:

Account Number	Current Budget*	Revision	Amended Budget
2001-7800-7852-9601	\$ 31,462.70	\$ 17,112.00	\$ 48,574.70
2001-7800-7852-9642	\$ 1,845,913.00		\$ 1,845,913.00
2001-7800-7852-9650	\$ 99,687.00	\$ 4,922.10	\$ 104,609.10
2100-7800-7852-9601	\$ -	\$ 22,248.00	\$ 22,248.00
2100-7800-7852-9631	\$ 98,896.00		\$ 98,896.00
2100-7800-7852-9642	\$ 1,629,046.00		\$ 1,629,046.00
2100-7800-7852-9650	\$ 66,458.00	\$ 2,995.00	\$ 69,453.00
2602-7800-7852-9642	\$ 66,000.00		\$ 66,000.00
2609-7800-7852-9642	\$ 500,000.00		\$ 500,000.00
Total	\$ 4,337,462.70	\$ 47,277.10	\$ 4,384,739.80

**current budget numbers do not reflect final adjustments of FY 2015/16 continuing appropriations*

Finance Approval: 