

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Second Amendment To The Professional Services Agreement With MNS Engineers, Inc. For City Engineering & Inspection Services, Capital Projects Delivery Support, And Construction Management Services To Increase The Contract Amount By An Additional \$1,339,500 For A Total Contract Amount Not To Exceed \$3,339,500; Authorizing The City Manager To Execute Up To Two (2) Additional One-Year Extensions, Contingent Upon The City Council Appropriating Funds For The Applicable Fiscal Year, For A Total Contract Value Not To Exceed \$6,000,000

WHEREAS, the City previously engaged MNS Engineers, Inc. (MNS) under a contract approved by the City Council, with a not-to-exceed amount of \$1,050,000 and in August 2024, a first amendment was executed by the City Manager to increase the contract to the maximum amount of \$2,000,000 authorized under the original staff report (Resolution No. 23-165); and

WHEREAS, with satisfactory performance from a consultant, it is the Public Works Department's typical procedure and process to have the City Manager extend maintenance and professional services contracts for up to two (2) additional one-year periods, up to a maximum total contract duration of five (5) years; and

WHEREAS, delivery of the Active Transportation Plan and other projects listed in the Capital Improvement Plan (CIP) remains a critical priority for the Public Works Department, particularly the Sustainable Streetscapes Program (CIP Project #SUT-01); and

WHEREAS, the scope of multiple projects has grown significantly, leading to increased expenses, one of which includes design of the Sustainable Streetscapes Paving Project, which added two corridor improvement projects on Hollis Street and Doyle Street; and

WHEREAS, the increased expenses also include additional construction management for existing City CIP projects which have required more time than originally anticipated; and

WHEREAS, major private development projects have demanded substantial inspection and construction management support, further utilizing contract funds; and

WHEREAS, Exhibit A-2 shows that MNS Engineers, Inc. will continue to provide essential construction management services, including environmental and safety oversight, document management, cost control, progress reporting, inspection, and project closeout; and

WHEREAS, MNS will also continue to provide engineering design services such as preparation of plan specifications and estimates, utility coordination assessments, and innovative design solutions for active transportation projects, but the scope will further encompass federal and state grant management and City Engineer support services,

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including plan development, review, staff augmentation, technical support, and engineering QA/QC; and

WHEREAS, the additional funds requested in this amendment will ensure that ongoing projects, including the upcoming 2025 Sustainable Streetscapes Project and other active transportation initiatives, can be completed efficiently while addressing any unforeseen challenges; and

WHEREAS, the proposed second amendment to the MNS Professional Services Contract would increase the total not-to-exceed contract amount by \$1,339,500, bringing it to a total of \$3,339,500; and

WHEREAS, the work by MNS will continue to be funded from the design/professional services component of each Capital Improvement Plan's project budget and any work related to Private Development Projects is reimbursable to the developer; and

WHEREAS, there is a possibility of extending the contract up to a maximum total contract duration of five (5) years and the budgets for year 4 and 5 are contingent upon the City Council appropriating funds for the applicable fiscal year into the budgets for each CIP Project that is being worked on; and

WHEREAS, funding conceptual design work that does not commit the City to a course of action would not be considered a "project" under CEQA pursuant to CEQA Guidelines section 15378(b)(4); and

WHEREAS, the work performed by MNS has been satisfactory to date; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that the City Manager is authorized to execute a Second Amendment to the Professional Services Contract with MNS Engineering, Inc. for city engineering & inspection services, capital projects delivery support, and construction management services to increase the total compensation to the Contractor by \$597,517.00; and, be it, further

RESOLVED, by the City Council of the City of Emeryville that the City Manager is authorized to execute up to two (2) additional one-year extensions, contingent upon the City Council appropriating funds for the applicable fiscal year, for a total contract value not to exceed \$6,000,000.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 18, 2025, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY CLERK

CITY ATTORNEY

ATTACHMENTS

- Exhibit A – Second Amendment to the Professional Services Contract