

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 Contract With Diablo Engineering Group For Additional Services As Described In Exhibit A, And Increase The Total Compensation By \$597,517.00, From Unallocated Fund 475, For A Total Contract Amount Not To Exceed \$3,572,995.84

WHEREAS, on March 3, 2020, the City Council approved the conceptual design of the 40th Street Multimodal Project and found it to be exempt from the California Environmental Quality Act; and

WHEREAS, in August 2022, the Public Works Department issued a Request for Proposals for "Professional Design Services for the 40th Street Transit-Only Lanes and Multimodal Enhancements Project" and after careful evaluation, City staff identified Diablo Engineering Group ("Diablo Engineering") as the most suitable consultant, considering their approach, experience, and understanding of the City's requirements and

WHEREAS, the City and the Contractor entered into a Professional Services Contract on January 13, 2023, in the amount of \$2,198,806.84; and

WHEREAS, in early 2023, Fehr & Peers (a subconsultant to the Diablo Engineering team) completed a traffic feasibility analysis as one of the first items of work for the design phase of the Project and the results of the analysis were shared with the Emeryville Transportation Committee on May 9, 2023; and

WHEREAS the First Amendment to the Professional Services Contract with Diablo Engineering Group was executed on August 8, 2023 for additional services in an amount of \$776,672 and a total contract amount not to exceed \$2,975,478.84 to analyze and design the full and partial closures of unsignalized intersections along 40th Street, and design Part II of the project extending the project limit from the IKEA entrance to Chistie Avenue along Shellmound Avenue; and

WHEREAS, significant inflation due to Covid had significantly increased the estimated construction cost for Part I of the project creating a construction budget shortfall; and

WHEREAS, the construction phase of Part II of the project remains unfunded; and

WHEREAS, Diablo Engineering prepared 4 additional grant applications beyond the original scope of 2 grant applications to fully fund construction for Parts I and II; and

WHEREAS, support through NEPA certification, bid analysis, and construction support for the project remain; and

WHEREAS, there are adequate funds in unallocated fund 475 for the additional work; and

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WHEREAS, Diablo Engineering work 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 Diablo Engineering Group for additional services as described in Exhibit A and increase the total compensation to the Contractor by \$597,517.00, from unallocated fund 475, for a total contract amount not to exceed \$3,572,995.84.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 19, 2024, 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 Professional Services Contract