

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Contract With Zephyr Rail To Extend The Contract Expiration Date To June 30, 2025 And To Increase The Total Compensation Amount By \$249,472.59 For A Total Not To Exceed Amount Of \$1,146,859.84 For Bid Support, Pre-Construction Assistance, Construction Management, And Testing Services For The Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008)

WHEREAS, the Capital Improvement Program adopted by the City Council in June 2019 includes a project titled, 'Quiet Zone Safety Engineering Measures' (the "Project"), CIP No. 19475008; and

WHEREAS, on May 18, 2021, the Emeryville City Council approved the Project's scope of work and authorized public bidding of the project once the plans and specifications were approved by the City Engineer (Resolution No. 21-44); and

WHEREAS, On September 13, 2021, the City Council approved a Professional Services Contract with Zephyr Rail in the amount of \$897,387.25 (Resolution No. 21-94), for bid support, pre-construction assistance, construction management, and testing services for the TCEP – Quiet Zone Safety Engineering Measures, Project No. EPW-18103 (CIP No. 19475008); and

WHEREAS, on February 15, 2022, the City Council authorized the construction of the TCEP – Quiet Zone Safety Engineering Measures, Project No. EPW-18103 (CIP No. 19475008) by awarding a \$2,269,819.11 Construction Contract to Bay Cities Paving and Grading, Inc.; and

WHEREAS, the Project broke ground in June 2022, but has faced significant challenges beyond the control of the City of Emeryville, primarily due to persistent delays in collaboration with Union Pacific Railroad ("UPRR"); and

WHEREAS, construction of the Project is now expected to be completed in Spring 2024, but still requires more coordination and scheduling of work to be performed by BCPG and UPRR through March 2024; and

WHEREAS, the delays require an amendment to the contract with Zephyr Rail to provide continued support through full project completion; and

WHEREAS, Staff recommends approving the 1st Amendment Contract which would add \$249,472.59 for a total contract amount not to exceed amount of \$1,146,859.84 for continued support work on Construction Management & Testing, Post-Construction Services, and Quiet Zone Implementation through June 30, 2025; and

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WHEREAS, there is adequate funding encumbered into the Project to fully fund the 1st Amendment Contract and the construction of the TCEP – Quiet Zone Safety Engineering Measures Project (CIP No. 19475008); now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that the City Manager is authorized to enter into a First Amendment to the contract with Zephyr Rail to extend the contract expiration date to June 30, 2025 and to increase the total compensation in the amount of \$249,472.59 for a total not to exceed amount of \$1,146,859.84 for Bid Support, Pre-Construction Assistance, Construction Management, and Testing Services for the Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008).

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 19, 2024, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY

ATTACHMENTS

- Professional Services Contract – 1st Amendment (Zephyr Rail)