

**RESOLUTION NO. \_\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Professional Services Contract With Diablo Engineering Group For Additional Services As Described In Exhibit(s) \_\_\_\_\_, And Increase The Total Compensation By \$\_\_\_\_\_, For A Total Amount Not To Exceed \$\_\_\_\_\_**

**WHEREAS**, on March 3, 2020, the City Council approved the conceptual design of the 40<sup>th</sup> 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**, 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**, there is need for additional work related to the unsignalized intersections, Staff recommends extending the design contract with Diablo Engineering to include Exhibit A-1 for a total cost of \$120,232.00; and

**WHEREAS**, tasks described in Exhibit A-1 include the preparation of final traffic analyses, environmental studies, and civil designs for the additional design work needed for the unsignalized intersections on the north side of 40th Street; and

**WHEREAS**, the 40<sup>th</sup> Street Multimodal Project including Exhibit A-1 would be fully funded through various grant programs for Design and Construction Phases; and

**WHEREAS**, on June 6, 2023, City Council approved the Capital Improvement Program for Fiscal Years 2023-2024 through 2027-2028 ("CIP") which included CIP No. SUT-05, *40<sup>th</sup> Street Multimodal Project Phase 2: Bay Trail Gap Closure*; and

**WHEREAS**, *40<sup>th</sup> Street Multimodal Project Phase 2: Bay Trail Gap Closure* is aligned with local planning efforts and is consistent with goals and policies at the regional level with the Countywide Transportation Plan (from Alameda CTC), Plan Bay Area 2050 (from MTC), and Bay Trail Gap Closure Implementation Plan (from MTC); and

**WHEREAS**, combining the delivery of the "Phase 1" (CIP No. T-13) and "Phase 2" (CIP No. SUT-05) Projects represents an efficient use of Staff resources while also ensuring that the two phases are designed in an integrated fashion with ease and timeliness; and

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**WHEREAS**, by designing “Phase 2” now, it puts the City in a better position to seek grant funds for the Construction Phase; and

**WHEREAS**, Staff recommends extending the design contract with Diablo Engineering to include scope of work related to design of The 40th Street Multimodal Project Phase 2: Bay Trail Gap Closure (Exhibit A-2) for a total cost of \$656,440.00; and

**WHEREAS**, tasks described in Exhibit A-2 include the preparation of a final traffic analysis, environmental study, and civil designs for the "Phase 2" Project; and

**WHEREAS**, there is adequate budget in CIP No. SUT-05 to fund the tasks in Exhibit A-2; and

**WHEREAS**, the total amount of the 1<sup>st</sup> Amendment Contract with additions of Exhibit(s) \_\_\_\_\_ shall not exceed \_\_\_\_\_; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville that they authorize the City Manager to execute a First Amendment to the Professional Services Contract with Diablo Engineering Group for additional services as described in Exhibit(s) \_\_\_\_\_, increase the total compensation by \$\_\_\_\_\_, for a total amount not to exceed \$\_\_\_\_\_.

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**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 18, 2023, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

DocuSigned by:  
*John Kennedy*  
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\_\_\_\_\_  
CITY ATTORNEY

**ATTACHMENTS**

- Attachment B – Draft 1st Amendment Professional Services Contract (Diablo)
  - Exhibit B – Additional Design Work For Unsignalized Intersections on 40th Street (Task 8)
  - Exhibit C – Phase 2: Bay Trail Gap Closure (Task 9)
  - Exhibit D – Map of 40th Street Multimodal Projects: Phase 1 and Phase 2