



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** March 18, 2025

**TO:** LaTanya Bellow, City Manager

**FROM:** Mohamed Alaoui, Public Works Director

**SUBJECT:** **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**

### RECOMMENDATION TO

Staff recommends that the City Council adopt a resolution authorizing the City Manager to enter into a second amendment to the Professional Services Agreement with MNS Engineers, Inc. to increase the contract amount by \$1,339,500 for a total not-to-exceed amount of \$3,339,500, and 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.

### BACKGROUND

On November 2, 2023, the city advertised an RFQ for a 3-year On-Call Construction Management, Engineering Design, and City Engineer Support Services. With an on-going 3-year On-Call contract, both design and construction management (CM) services can be engaged as the annual project cycle delivers new infrastructure every year. When there is satisfactory performance under the contract, 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, before the issuance of a new RFQ.

MNS Engineers Inc. (MNS) was selected as the most qualified firm to carry out the required work and on January 2, 2024, the City executed a contract with MNS, with a not-to-exceed amount of \$1,050,000. In August 2024, a first amendment was implemented by the City Manager to increase the contract to the maximum amount of \$2,000,000 authorized under the original staff report.

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). An on-call contract is particularly useful since the Sustainable Streetscapes budget is annually replenished as part of our CIP, and is the primary mechanism for paving, bike, pedestrian, and transit improvements citywide. This contract is also used to serve other CIP projects depending on funding availability and staff bandwidth as appropriate.

Since the first amendment contract was executed, a significant amount of work has been completed. These projects include designs for the Sustainable Streetscapes paving project, which introduced protected bike lanes on the northern portion of Shellmound Street, paved the triangle neighborhood, introduced pedestrian and transit improvements on Hollis Street (currently under construction) and completed the design of the greenway on Doyle Street. Their services also include construction management for the same work. They have also worked to support major private development projects that have required substantial inspection and construction management support, like the bike lanes on Horton Street, and recent work on Bay Street.

## **DISCUSSION**

Under the proposed second amendment, MNS Engineers, Inc. will continue to provide essential CM services, including environmental and safety oversight, document management, cost control, progress reporting, inspection, and project closeout. The consultant will also provide engineering design services such as preparation of plan specifications and estimates, utility coordination assessments, and innovative design solutions for active transportation projects. The scope will further encompass federal and state grant management and City Engineer support services, including plan development, review, staff augmentation, technical support, and engineering QA/QC.

To date, the combined design and CM costs of MNS are within industry norms as a percentage of total construction costs. It should be noted that construction costs remain anchored to competitive unit prices under the project's contract structure with Bay Cities. This locks in construction pricing even as quantities may change during construction or design.

The additional funds requested and described in Exhibit A-2 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.

If the Public Works Department continues to receive satisfactory performance under the contract, and the City Manager will authorize extensions of the contract up to two (2) additional one-year periods, there is a possibility of extending the contract up to a maximum total contract duration of five (5) years. The budgets for year 4 and/or 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 by MNS. It is currently estimated that work will require \$1,330,250 for each fiscal year, which when added to

the current 2<sup>nd</sup> amendment contract would equate to a total contract value of \$6,000,000.

Funding conceptual design work listed in Exhibit A-2 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).

### **FISCAL IMPACT**

The proposed second amendment to the MNS Engineers, Inc. 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. The work will continue to be funded from the design/professional services component of each Capital Improvement Plan's project budget. Additionally, any work related to Private Development Projects is reimbursable to the developer. Extending the contract term as needed will help ensure project continuity and effective resource allocation for the City's infrastructure priorities through FY2028/2029, if two additional one-year extensions are granted by the City Manager.

### **STAFF COMMUNICATION WITH THE PUBLIC**

None.

### **CONFLICT OF INTEREST**

None.

### **CONCLUSION**

Staff recommends that the City Council adopt a resolution authorizing the City Manager to enter into a second amendment to the Professional Services Agreement with MNS Engineers, Inc. to increase the contract amount by \$1,339,500 for a total not-to-exceed amount of \$3,339,500, and 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.

**PREPARED BY:** Ryan O'Connell, Senior Civil Engineer

### **APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:**

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LaTanya Bellow, City Manager

### **ATTACHMENTS**

- Attachment A – Original Professional Services Contract (MNS)
- Attachment B – 1<sup>st</sup> Amendment Professional Services Agreement (MNS)

- Draft Resolution
- Exhibit A – 2<sup>nd</sup> Amendment Professional Services Agreement (MNS)
  - Exhibit A-2 – Scope of Work (2<sup>nd</sup> Amendment)