

RESOLUTION NO. 22-____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Third Amendment To The Professional Services Contract With MNS Engineers, Inc., To Revise The Work Scope, And To Increase The Total Compensation Amount By \$130,000, For A Not To Exceed Amount Of \$2,839,236.00, For Construction Management Services For The South Bayfront Bridge/Horton Landing Park Project, EPW 17-112 (CIP # 16475006 And 17237003)

WHEREAS, the City of Emeryville has desired to create a route over the Union Pacific Railroad right of way for pedestrians and bicyclists for many years; and

WHEREAS, the City identified a project in the General Plan and the Capital Improvement Program that allocates financial resources to fund called the South Bayfront Pedestrian Bicycle Bridge Project (Project) to transform the idea into physical improvements that can be used and be of great benefit to the public; and

WHEREAS, construction plans and specifications were prepared with bids solicited and a qualified responsive and responsible low bidder determined resulting in a construction contract being awarded and construction to begin; and

WHEREAS, in October 2017, the City awarded a Professional Services Contract to S&C Engineers to provide Construction Management and Inspection Services after finding that firm the most qualified based after review of seven submitted proposals; and

WHEREAS, in April 2018, S&C Engineers was acquired by MNS Engineers, Inc. while personnel assigned to active S&C Engineers projects continued to provide services under MNS Management; and

WHEREAS, the City and MNS Engineers entered into a First Amendment to the Professional Services Contract to amend the scope of work and increase compensation; and

WHEREAS, Project construction began in January 2020 and was substantially completed on November 16, 2021, but construction took longer than originally expected and the work scope did not include services anticipated to complete the project; and

WHEREAS, a Second Amendment to Professional Service Contract with MNS Engineers augmenting their scope of work and compensation was approved at the December 21, 2021 City Council meeting; and

WHEREAS, a Third Amendment to Professional Service Contract with MNS Engineers in the amount of \$130,000 is necessary to address construction claims submitted by Ghilotti Construction Company resulting from this project; and

WHEREAS, there is sufficient project funding to cover the cost of the Third Amendment to the Professional Services Agreement with MNS Engineers; now, therefore, be it

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S. Bayfront Bridge/Horton Landing Park, PSA Third Amendment with MNS Engineers
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RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to enter into a Third Amendment to Professional Services Agreement with MNS Engineers, Inc. to increase the contract amount by \$130,000, for a total amount not to Exceed \$2,839,236.00, to provide Construction Management Services for the South Bayfront Bridge Pedestrian Bicycle Bridge Project, EPW 17-112, CIP# 16475006 & CIP #17237003.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, December 20, 2022, by the following vote:

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

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY