

RESOLUTION NO. 21-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing the City Manager to Enter Into A Professional Services Agreement With NV5 Inc., For An Amount Not To Exceed \$61,595 For Engineering Design and Regulatory Permitting Services For Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16475021)

WHEREAS, the Point Emery Shoreline Protection Project is a Capital Improvement Program project, EPW 101-18 (CIP #16475021), with the purpose of maintaining and preserving existing park land in danger of erosion from tidal and wave action; and

WHEREAS, the shoreline of the peninsula is currently not protected from wave action along portions of the northern shore and the westerly part of the south shore whereas the easterly part of the northern shore as well as the shoreline south of the peninsula is protected with rip-rap (large diameter rubble, stones, and boulders); and

WHEREAS, the unprotected portions of the point are experiencing erosion which will eventually lead to loss of park land; and

WHEREAS, on July 24, 2018 City Council adopted a Resolution No. 18-102 authorizing the City Manager to enter into a Professional Services Agreement with Noble Consultants, Inc. to provide investigative and engineering design services and to assist in obtaining required permits for the necessary improvements for the amount of \$90,035; and

WHEREAS, on October 1, 2019 City Council adopted Resolution No. 19-139 authorizing the City manager to enter into a First Amendment to the Professional Services Agreement with Noble Consultants, Inc. for the amount of \$32,620 to perform additional tasks required to obtain project permitting; and

WHEREAS, Mr. Wenkai Qin, PhD, PE, D.CE has been the technical and responsible charge for the Point Emery Project and he has left employment with Noble Consultants Inc., and Noble Consultants, Inc. has identified they cannot provide replacement personnel to take over the technical and professional leadership of the project; and

WHEREAS, Pursuant to section 4.10 Key Personnel section of the Professional Services Agreement executed June 20, 2018 between the City of Emeryville and Noble Consultants, Inc, the contract with Noble Consultants, Inc. will be terminated as the consultant cannot provide substitute personnel of a comparable or superior experience to carry on the project management; and

WHEREAS, Mr. Qin is now on staff with NV5, Inc., and as the project would experience significant cost impacts and delays to initiate work with a new responsible charge engineer, staff is recommending that it is in the best interest of the City and the project to execute a Professional Services agreement with NV5, Inc., to complete the engineering and technical support through construction for the Point Emery project.

; and

WHEREAS, NV5, Inc. has provided a scope of services in the amount of \$61,595 to complete permitting, engineering design and technical support through bidding for construction of the project; and

WHEREAS, the Professional Services Agreement with NV5, Inc. will be funded from existing authorized funds in the Emery Shoreline Protection Project EPW 101-18 (CIP 16475021) as follows:

Amount	Project	Fund
\$61,595	16475021	475 – General Capital

Now, therefore, be it

RESOLVED, that the City Manager is hereby authorized to enter into a Professional Services Agreement to the contract with NV5, Inc., in the form attached hereto as Exhibit A, for an amount not to exceed \$61,595 for engineering design and regulatory permitting services for Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16475021)

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, April 20, 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

CITY CLERK

MAYOR



CITY ATTORNEY