



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: April 20, 2021
TO: Christine Daniel, City Manager
FROM: Mary Grace Houlihan, Public Works Director
SUBJECT: **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)**

RECOMMENDATION

Staff recommends that the City Council adopt the above-entitled resolution.

BACKGROUND

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. 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. 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). The unprotected portions of the point are experiencing erosion which will eventually lead to loss of park land.

On July 10, 2018 City Council Adopted Resolution No. 18-102 authorizing the City Manager to enter into a Professional Services Agreement with Noble Consultants, Inc. (NCI) to provide investigative and engineering design services and to assist in obtaining required permits for the necessary improvements for the amount of \$90,035.

Under the original agreement, NCI provided a topographic survey, geotechnical engineering investigation (soil borings and report), detailed engineering design (plans, specifications and estimates) and required regulatory permit services (for example, the SF Bay Conservation and Development Commission (BCDC), the US Army Corps of Engineers (USACE), and the SF Bay Regional Water Quality Control Board (RWQCB) to enable the shoreline protection.

BCDC's initial review of the project permit application revealed the need to further document the Alameda County Department of Environmental Health's regulation of Point Emery as a landfill and to clarify its permitting needs and associated approvals from the California Department of Toxic Substances Control, as well as the need to obtain project concurrence with the East Bay Regional Park District relating to its ownership of the western tip of Point Emery.

During design development and regulatory agency permit review it became apparent that the project would fall under BCDC's major project permit review process and would generally require more study and design effort than initially contemplated in Noble Consultants' original contract scope and on October 1, 2019 City Council Adopted Resolution No. 19-139 to authorize the City Manager to enter into a First Amendment to the Professional Services Agreement with NCI to perform additional permit related research and design work for an amount of \$32,620 increasing the total agreement not to exceed amount to \$122,655. To date NCI has completed approximately \$82,621 of the approved agreement.

DISCUSSION

In February, Mr. Wenkai Qin, PhD, PE, D.CE. who has served as the technical and professional responsible charge for the Point Emery Shoreline Protection Project left employment with NCI. Discussions with NCI indicate that they are no longer able to adequately support the Point Emery project as they have no other personnel who can immediately take over the professional responsible charge of the project. Pursuant to section 4.10 Key Personnel section of the Professional Services Agreement executed between the City of Emeryville and NCI, the Professional Services agreement with NCI be will be terminated as the consultant cannot provide substitute personnel of a comparable or superior experience to carry on the project management.

Mr. Qin is now on staff with NV5. 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 contract with NV5 to complete the engineering and technical support through construction for the Point Emery project.

A scope of work to complete permit processing through RWQCB, USACE, and BCDC and complete the project documents for construction and provide bidding support has been prepared by NV5. This scope includes research, analysis, and response to permitting agency comments that will enable the preparation of construction documents and will allow contractual flexibility to perform cultural resource, essential fish habitat, and biologic assessments if they become required by regulating agencies.

It is recommended that City Council authorize the City Manager to enter into a Professional Services agreement with NV5 for an amount not to exceed \$61,595 for consulting services necessary to complete design documents and obtain permitting for the Point Emery Shoreline Protection Project. The agreement amount includes a \$11,198 contingency amount for potential additional tasks as required by permitting agencies.

FISCAL IMPACT

The following estimated project cost and budget are identified below:

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

This Professional Services agreement will be funded from existing authorized Fund 475 in the Capital Improvement Program project budget for Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16475021). No new funding is required for this contract.

STAFF COMMUNICATION WITH THE PUBLIC

There was no communication with the public on this item.

CONCLUSION

Staff recommends that the City Council adopt the above entitled resolution.

PREPARED BY: Michael Roberts, Senior Civil Engineer, Public Works

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



Christine Daniel, City Manager

ATTACHMENTS

- Draft Resolution
- NV5 Agreement, Exhibit A
- NCI First Amendment and NCI Original Agreement