

RESOLUTION NO. 21-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract In The Amount Of \$897,387.25 With Zephyr Rail For Bid Support, Pre-Construction Assistance, Construction Management, And Testing Services For The Quiet Zone Safety Engineering Measures Project, (CIP No. 19475008)

WHEREAS, on January 19, 2021, the City Council approved (Resolution 21-04) an amended budget moving funds from various City, ACTC, and Caltrans funding sources into the TCEP Quiet Zone Safety Engineering Measures on 65th, 66th, and 67th Streets Project ("Project"); and

WHEREAS, in May 2021, the Public Works Department invited qualified firms to provide Bid Support, Pre-Construction Assistance, Construction Management and Testing Services for the Project as set forth in a Request for Qualifications ("RFQ"); and

WHEREAS, firms submitting qualifications were prepared to immediately enter into a Professional Services Contract ("Contract") for the services described in the RFQ and must be available to the City until completion of the Project; and

WHEREAS, after solicitation of a number of sources the RFQ closed on June 25, 2021, and only one Statement of Qualifications was submitted by Zephyr Rail which meant competition was determined to be inadequate per Caltrans Local Assistance Procedures Manual ("LAPM") procedures; and

WHEREAS, the LAPM has procedures for scenarios where only one bid or proposal comes in during state-only funded procurements and Caltrans has approved an Exhibit 12-F "Cost-Effectiveness/Public Interest Finding" for the Project's file in order to move forward with Zephyr Rail for this procurement; and

WHEREAS, the City desires to engage Contractor for the Project and the City finds that specialized knowledge, skills, and training are necessary to render the services necessary to do the work contemplated under this Contract; and

WHEREAS, the City has determined that the Contractor is qualified by training and experience to render such services; and

WHEREAS, the Contractor desires to provide such services and has proposed to provide these services for a total amount not to exceed \$897,387.25; and

WHEREAS, the public interest will be served by this Contract; and

WHEREAS, adequate funds are available for the Zephyr Rail Contract in the Construction Phase in CIP Project 19475008 as shown in the funding summary table below:

Resolution No. _____

Quiet Zone Project – Authorize Bids / Appropriate Funds

City Council Meeting | September 13, 2021

Page 2 of 2

Project No.	Fund	Prior Phases	Construction Phase
19475008	475 – Gen Cap	\$608,870	\$100,000
	250 – Traffic Impact Fees		\$500,000
	444 – 1999 Bonds		\$105,910.34
	471 – Ped Path		\$180,000
	254 – CMA TIP Reprogramming		\$1,379,886
	254 – ACTC Local Match		\$1,800,000
	254 – SB1 TCEP		\$4,200,000

; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that the City Manager is authorized to execute a Professional Services Contract with Zephyr Rail in the form attached hereto as Attachment A, for a total contract amount not to exceed \$897,387.25.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Monday, September 13, 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

Andra Visveshwara

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CITY CLERK_____
INTERIM CITY ATTORNEY**ATTACHMENTS**

- Attachment A – Professional Services Contract with Zephyr Rail
- Attachment B – Exhibit 12-F “Cost-Effectiveness/Public Interest Finding”