

CITY COUNCIL ACTION REQUEST

Department: Public Works	CEQA: Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms.	Coordination: City Attorney's Office, City Manager's Budget Office, and Parks, Recreation, and Neighborhood Services Department	Dept. Approval: /s/ Matt Loesch
Council District(s): 4			CMO Approval:  6/5/24

SUBJECT: SIXTH AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH SHERWOOD DESIGN ENGINEERS, LTD. FOR THE 8728 - ALUM ROCK PARK SERVICE ROAD SLIDE REPAIR PROJECT

RECOMMENDATION:

Approve the Sixth Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the 8728 - Alum Rock Park Service Road Slide Repair Project and extend the term of the Agreement from July 31, 2024 to July 31, 2025, with no change in maximum compensation.

BASIS FOR RECOMMENDATION:

On August 14, 2018, City Council approved a consultant services agreement in the amount of \$480,165 to Fall Creek Engineering, Inc., a civil engineering firm, to provide professional engineering services for the Alum Rock Park Visitor Center and Service Road Repair Projects related to the restoration and stabilization of the service road, the slopes behind the visitor center, and the Mineral Springs restroom, and mitigation of any other damages. The agreement's initial end date was July 31, 2020.

On July 12, 2019, the City consented to the assignment of this agreement to Sherwood Design Engineers, Ltd., which acquired Fall Creek Engineering, Inc. This consent to assignment was recorded as the first amendment. On July 24, 2020, this agreement was extended six months to January 31, 2021 by a City Manager-approved second amendment. On March 9, 2021, this agreement was extended 12 months to January 31, 2022 by a City Council-approved third amendment. On April 12, 2022, the agreement was extended 24 months to January 31, 2024 by a City Council-approved fourth amendment. On April 30, 2024, this agreement was extended six months to July 31, 2024 by the City Manager-approved fifth amendment. Each of the above listed amendments were made to allow the City to retain the consultant in order to continue to provide necessary support services to projects that experienced significant delays, mainly due to the Federal Emergency Management Agency review and approval processes taking longer than anticipated as well as the inclement weather experienced through the last several winter seasons.

The construction of the Alum Rock Park Service Road Slide Repair Project is underway and nearly complete; however, post-construction tasks are taking longer than anticipated due to unfavorable site conditions. To ensure proper documentation during the final acceptance task and post-construction phase, it is imperative that Sherwood Design Engineers, Ltd. remains on the project to provide support.

The recommended 12-month term extension of this agreement to July 31, 2025 would allow the consultant to continue to support City staff to close out the project and ensure a smooth Federal Emergency Management Agency reimbursement process.

Commission Recommendation/Input:
No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE:

No additional funding is needed to approve the time extension of this master agreement.

FOR QUESTIONS CONTACT: Mathew Nguyen, Deputy Director of Public Works, at Mathew.Nguyen@sanjoseca.gov or (408) 535-8300.
