

Resolution No.

## STOCKTON CITY COUNCIL

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**RESOLUTION AUTHORIZING A CONTRACT CHANGE ORDER FOR THE OUTFALL RELOCATION PROJECT COMPONENT TO PHASE 2B OF THE REGIONAL WASTEWATER CONTROL FACILITY MODIFICATIONS PROJECT, UW16022. AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE PAYMENTS FOR COST OF DIRECT MITIGATION OF IMPACTS; AND AUTHORIZING THE CITY MANAGER TO REAPPROPRIATE FUNDS FROM EXISTING RWCF NEW OUTFALL PROJECT UW20023 TO RWCF MODIFICATIONS PROJECT UW16022**

On November 15, 2016, by Resolution No. 2016-11-15-1503, the Council authorized the City Manager to execute a Progressive Design-Build Contract with the AECOM/W.M. Lyles JV in the amount of \$5,349,000.00, to perform Phase 1 design services for the RWCF Modifications Project. Three contract change orders were issued for the Phase 1 services, bringing the total contact amount for Phase 1 to \$5,508,113.00; and

On March 26, 2019, by Resolution No. 2019-03-26-0802, the Council took action to divide the additional Phase 2 work consistent with available funding into Phases 2A and 2B and authorized the City Manager to execute Contract Amendment No. 1 to the Progressive Design-Build Contract. The Phase 2A services advanced the design to 90% complete drawings. The Phase 2A Contract Amendment No. 1 with the AECOM/W.M. Lyles JV is in the amount of \$6,026,561.00; and

On July 30, 2019, by Resolution No. 2019-07-30-1403, the Council authorized the City Manager to execute a GMP Contract Amendment No. 2 in the amount of \$186,596,624.00 to the Progressive Design-Build Contract to complete Phase 2B, which includes final design, engineering services during construction, construction management and construction for the RWCF Modifications Project; and

The City Manager has authorized CCO-001 through CCO-007 to Phase 2B because the total of these change orders is within the City Manager's delegation of authority and is appropriate to be approved administratively under Council Resolution 2021-11-02-1502. CCO-001 through CCO-007 total \$13,422,942.00, bringing the current (without CCO-008) Phase 2B contract price to \$200,019,566.24; and

The City now proposes to change the discharge of RWCF final effluent from the west bank of the San Joaquin River to a reinstated outfall located on the east bank of the San Joaquin River and abandon the existing west bank outfall in place; and

The City Council has certified a Supplement to the RWCF Modifications Project EIR (Supplemental EIR) that was completed for the Outfall Relocation Project in compliance with the California Environmental Quality Act, has reviewed and considered

the information contained in the Supplemental EIR, adopts the Supplemental Findings of Fact and adopts the MMRP; now, therefore,

1. The City Council approves findings pursuant to Stockton Municipal Code section 3.68.070 (A)(4) in support of an exception to the competitive bidding process:
  - a. The RWCF Modifications Project includes the construction of the Final Effluent Pump Station (FEPS) that will be modified with the work associated with CCO-008. The interface between the challenges of the CCO-008 work and the changes to the FEPS could be problematic. The AECOM/W.M. Lyles JV team has proven onsite experience, qualifications, and staff to minimize the complexity of this construction interface that will reduce potential project delays and eliminate additional mobilization costs.
  - b. The CCO-008 scope of work will eliminate the need to install approximately 2,000 feet of 72-inch pipeline along with other facilities on the westside of the San Joaquin River (that would be later abandoned), resulting in approximately \$1 million in project construction savings.
  - c. The accelerated construction of the Outfall Relocation Project will provide significant savings and regulatory compliance benefits to the City by consolidating all RWCF effluent disposal operations and maintenance activities to the east side of the San Joaquin River. Early abandonment of the tertiary facilities on the west side of the river will provide reduced power, chemical, operation & maintenance and staffing costs.
  - d. Construction schedule acceleration will assure adherence to project deadlines to comply with new effluent limitations specified in the RWCF NPDES permit by June 1, 2024.
2. The City Council authorizes Contract Change Order (CCO)-008 to Phase 2B of the Progressive Design-Build Contract between the City and AECOM/W.M. Lyles, Joint Venture to increase the Guaranteed Maximum Price (GMP) in the amount of \$6,770,384.07 for construction of the Outfall Relocation Project component of the Regional Wastewater Control Facility Modifications Project, a copy of which is attached as Exhibit 1 and incorporated by this reference.
3. The City Council incorporates CCO-001 through CCO-008 bringing the total Phase 2B contact amount to \$206,789,950.31.
4. The City Manager is hereby authorized to reappropriate funds in the amount of \$5,185,225 from the existing RWCF New Outfall Project UW20023 to the RWCF Modifications Project UW16022.

DRAFT PROPOSED RESOLUTION

ATTACHMENT B

5. The City Manager is authorized to execute CCO-008 to Amendment No. 2, Phase 2B, to the Progressive Design-Build Contract.
6. The City Manager is authorized to execute payments not to exceed a total of \$150,000.00 for the cost of direct mitigation of impacts from the Outfall Relocation Project.
7. The City Manager is authorized to take such other actions as are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED October 18, 2022.

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton