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APPROVE A RESOLUTION TO AUTHORIZE THE SECOND AMENDMENT TO THE MASTER SERVICES CONTRACT WITH ROBERTSON-BRYAN INC. FOR THE CAPITAL IMPROVEMENT AND ENERGY MANAGEMENT PROJECT ENVIRONMENTAL IMPACT REPORT (PROJECT NO. M12019)

..recommended action

RECOMMENDATION

It is recommended that the City Council approve a resolution authorizing the City Manager to:

1. Execute the Second Amendment to the Master Services Contract with Robertson-Bryan, Inc. of Elk Grove in the amount of \$209,000 for the Capital Improvement and Energy Management Project California Environmental Quality Act Environmental Impact Report (Project No. M12019).
2. Appropriate funds in the amount of \$91,957 from the Wastewater Utility Fund fund balance (431-0000-287) to the Wastewater/RWCF Modifications and Replacements (437-7709-670).

It is further recommended that the City Manager be authorized to take appropriate and necessary actions to carry out the purpose and intent of this resolution.

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Summary

If approved, this action will amend the Professional Services Contract with Robertson-Bryan, Inc. to complete the Environmental Impact Report (EIR), California Environmental Quality Act (CEQA) Plus document, and any associated environmental documents as part of the Regional Wastewater Control Facility (RWCF) Capital Improvement and Energy Management Plan (CIEMP) Progressive Design-Build Project, a component project of the overall CIEMP, and subsequent projects identified in the CIEMP.

On March 5, 2013, City Council authorized the City Manager to enter into an Amendment to the Master Services Contract with Robertson-Bryan, Inc. in the amount of \$319,757 to prepare environmental documentation associated with projects identified in the CIEMP. Since that time, a new wastewater discharge permit, a revised project delivery approach, and recent CEQA changes have resulted in the need to re-scope environmental review of the CIEMP.

Municipal Utilities Department (MUD) staff negotiated an amended scope and cost to complete these documents in an amount not to exceed \$209,000. Robertson-Bryan, Inc. remains under contract for this work and it is recommended that a contract amendment be issued to complete the EIR, CEQA Plus, and associated environmental documentation concurrent with the Progressive Design-Build project.

DISCUSSION

Background

On March 5, 2013, City Council authorized the City Manager to enter into an Amendment to the Master Services Contract with Robertson-Bryan, Inc. in the amount of \$319,757 to prepare the EIR, CEQA Plus document, and any associated environmental documents as part of the RWCF CIEMP project. The CEQA Plus document is required to accompany the City's application for a low-interest loan through the State Water Resources Control Board State Revolving Fund (SRF).

Robertson-Bryan, Inc. began work on the EIR and CEQA Plus document in 2013, with a Notice of Preparation and advancing to an Administrative Draft document submitted to MUD on July 21, 2014. At that time, \$257,724 of the original contract amount of \$317,957 was expended, with \$62,033 remaining in the contract. Also in 2014, MUD staff negotiated the next five-year National Pollution Discharge Elimination System (NPDES) permit renewal with the Regional Water Quality Control Board. On December 11, 2014, the Regional Board adopted Stockton's NPDES permit which contained unanticipated stricter treated wastewater limits. With a new NPDES permit dictating the type of wastewater treatment process and the restructuring of the CIEMP delivery method under a Progressive Design-Build approach, MUD halted work on the EIR until an appropriate project definition could be identified.

On November 15, 2016, Council awarded a Progressive Design-Build contract with AECOM/W.M. Lyles, Joint Venture for the preliminary design on a combination of projects contained in the CIEMP and those necessary to meet the treatment requirements contained in the 2014 NPDES permit. On March 7, 2018, AECOM/W.M. Lyles submitted a Basis of Design Report that puts forth a cost-effective approach to achieve the stated goal of permit compliance and long-term wastewater treatment plant infrastructure investment contained in the CIEMP.

In August 2017, MUD issued a change order with Robertson-Bryan, Inc. to extend the contract duration to coincide with the Progressive Design-Build effort. The time-only extension allowed work to continue and assist in rescoping the EIR project definition. Throughout the Progressive Design-Build process, MUD and Robertson-Bryan, Inc. have collaboratively developed the revised EIR scope and direction in anticipation of the March 2018 updated project definition.

With the project components now identified, work can restart on the EIR and CEQA Plus effort to coincide with the present project definition and schedule.

Present Situation

Because of the 2014 NPDES permit changes and updated design-build plans, MUD staff worked closely with Robertson-Bryan, Inc. to identify those project elements of the CIEMP that changed since 2013. The MUD staff recommend a re-scope of the EIR and CEQA Plus effort that will result in a new Notice of Preparation, project and programmatic environmental analysis, and revised Administrative Draft for public review and comment to align with the Progressive Design-Build Project approach and schedule. Contract funds not spent due to the halting of work are available to begin the re-scope effort, thereby saving potentially months of crucial project time. This approach is deemed to be the most efficient, cost-effective, and expedient approach to achieving this goal. Staff recommends that Council authorize a Second Amendment to the Robertson-Bryan, Inc. contract rather than a new Request for Proposal effort. Robertson-Bryan, Inc. completed the necessary background documentation relative to the environmental setting, the potentially affected resource categories in CEQA, and is poised to complete this work concurrent with the design-build effort.

The staff recommendation to approve the award of this contract was considered and approved by the Water Advisory Group (April 4, 2018) and the Council Water Committee (April 12, 2018).

Staff recommends the Second Amendment to prepare the EIR, CEQA Plus, and any associated documents as part of the RWCF CIEMP EIR (Project No.M12019) in the amount of \$209,000 (Exhibit 1 to the resolution). This effort is anticipated to be completed concurrently with the Progressive Design-Build project with findings in early 2019.

FINANCIAL SUMMARY

Staff recommends the appropriation of additional funding in the amount of \$91,957 from the Wastewater Utility Fund fund balance (431-0000-287) to the Wastewater/RWCF Modifications and Replacements (437-7709-670) (Project No. M12019) for this contract amendment of \$209,000, contingencies, and additional staff costs. The remaining balance of the original purchase order in the amount of \$62,033 and the additional appropriation will fully fund Project No. M12019. The new total appropriated budget for this project will be \$522,698.

There is no impact to the General Fund, or any other unrestricted fund, from this action.