



Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Jorge Rubalcava, Senior Civil Engineer

Reviewed by: Rob DuBoux, Public Works Director/City Engineer

Approved by: Steve McClary, City Manager

Date prepared: March 1, 2023 Meeting date: March 27, 2023

Subject: Amendment to Professional Services Agreement with Michael Baker International, Inc.

RECOMMENDED ACTION: Authorize the Mayor to execute Amendment No. 3 to Professional Services Agreement with Michael Baker International, Inc. (Michael Baker) to extend the term of the existing Professional Services Agreement through March 23, 2024 and to modify the scope of work.

FISCAL IMPACT: No appropriation is required. Funding for this project is included in the Adopted Budget for Fiscal Year 2022-2023 in Account No. 310-9059-5100.00 (PCH Median Improvements). The funds identified for this project were Los Angeles County Metropolitan (Metro) Measure R Transportation Funds. The total agreement is \$869,777.50. This amendment does not increase the total compensation for this agreement.

WORK PLAN: This item was included as item #8.u in the Adopted Work Plan for Fiscal Year 2022-2023.

DISCUSSION: On July 10, 2017 the City entered into an agreement with Michael Baker to provide engineering consultant services for the Pacific Coast Highway (PCH) Raised Median Channelization Improvements Project. The project objective is to improve safety and operations on PCH by upgrading the raised medians on PCH between Webb Way and Puerco Canyon Road.

On June 10, 2019, Council approved Amendment No.1 for additional services to prepare new documentation required by Caltrans. In addition, Caltrans requested a Project

Specific Quality Management Plan to be developed by the City and implemented during the construction phase. Caltrans also required a Natural Environmental Study-Minimal Impacts Biology Study Report as part of the environmental review process. These items were not included in the original scope of work.

On June 28, 2021, Council approved Amendment No. 2 for additional design support services during construction. This work included the construction documentation reviews, responding to specific design related questions during construction, and any other design related assistance during the construction phase of the project.

On June 30, 2022, the project was released for public bidding and bids were received on September 22, 2022. On November 14, 2022, Council rejected bids for this project because the bids received exceeded the available budget. The total funds available for this project is \$6,950,000, which includes project design, construction, and construction management costs. The project construction costs were estimated to be \$5,000,000. The apparent low bid amount from Sully Miller Contracting Company in the amount of \$9,200,471.50 was approximately \$4,200,271.50 over budget for this project. Due to the insufficient funds, Council rejected the construction bids and directed staff to look at design alternatives for this project.

This amendment with Michael Baker is to extend the term of the agreement and to modify the design scope of work to develop project alternatives and potential phasing the project that will fit within the project budget and no additional compensation will be needed. The scope of work modification will be performed within the existing agreement amount and no additional compensation will be needed.

Staff recommends Council approve Amendment No. 3 Agreement with Michael Baker.

ATTACHMENTS: Amendment No. 3 to Agreement with Michael Baker International, Inc.

AMENDMENT NO. 3 TO AGREEMENT

THIS AMENDMENT NO. 3 TO AGREEMENT is made and entered in the City of Malibu on March 27, 2023, by and between the CITY OF MALIBU, hereinafter referred to as City, and Michael Baker International Inc., hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

A. On July 10, 2017, the City entered into an Agreement with Consultant for PCH Raised Median Channelization Project (the "Agreement").

B. On June 10, 2019 the City approved Amendment 1 modifying the scope of work to include additional engineering services for the planning and design of the project as requested by Caltrans and increasing the compensation in the amount of \$149,777.50 for total not to exceed \$839,777.50.

C. On June 28, 2021, Council approved Amendment 2 for additional support services during construction, to assist in submittal reviews, respond to request of information, and any other items that may have arisen during the construction phase and increasing the compensation in the amount of \$30,000 for a total not to exceed \$869,777.50.

D. The City desires to amend the Agreement with Consultant to modify the design scope of work to develop project alternatives and potential phasing the project that will fit within the project budget and use available budget within the existing compensation schedule and extend the term of the Agreement, Consultant has submitted a proposal for this purpose that is acceptable to the City.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

1. Section 1.0 – Scope of the Consultant’s Services, of the Agreement, is hereby amended as set forth in Exhibit A attached hereto.
2. Section 2.0 – Term of Agreement, of the Agreement, is hereby extended to March 23, 2024.
3. Section 4.0 – Compensation for Services, is hereby amended as set forth in Exhibit B.
4. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
5. All terms and conditions of the Agreement not amended by this Amendment No. 3 remain in full force and effect.

This Agreement is executed on _____, at Malibu, California, and effective as of March 27, 2023.

CITY OF MALIBU:

Bruce Silverstein, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

CONSULTANT:



By: Eric Spangler, Associate Vice President

February 20, 2023

JN 161688

Mr. Jorge Rubalcava, P.E.
Project Manager/Senior Civil Engineer
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

**SUBJECT: PCH MEDIAN CHANNELIZATION PROJECT:
AMENDMENT REQUEST #4: RE-SCOPING OF PROJECT**

Dear Mr. Rubalcava,

The City has requested that Michael Baker International assist to re-scope the PCH Median Channelization Project to a lower construction budget that fits within the Metro Measure R/M allocation.

Michael Baker will use the \$33,841.06 of the current contract amount remaining on a Time and Materials basis to prepare a Geometric Approval Drawing (GAD) to re-scope the project to fit within a target \$2 to \$4 million construction value. Michael Baker will look for ways to still improve the corridor, but will reduce the scope of the project to the target budget amount. The priorities of the new GAD design will be to implement the City-requested stamped concrete (paver-design) within the curbed median, and provide bike refuge lanes at signalized intersections.

The construction industry has experienced dramatic inflation in construction unit costs in the last few years. Michael Baker will use current construction unit costs to prepare a preliminary cost estimate for the updated GAD design. Michael Baker will present the updated GAD and preliminary cost estimate to the City for consideration and discussion of next steps.

Should you have any questions and/or require additional information, please feel free to contact me at (949) 855-3657 or at eric.spangler@mbakerintl.com.

Respectfully submitted,

MICHAEL BAKER INTERNATIONAL



Eric Spangler, PE, TE
Transportation Department Manager

EXHIBIT B

TASK	DESCRIPTION	TASK BUDGET
1	Phase I & II: PROJECT DEVELOPMENT, PRELIMINARY ENGINEERING AND ENVIRONMENTAL ANALYSIS, AND COASTAL DEVELOPMENT PERMIT PHASE	
1.1	Topography Mapping and Ortho-Photography	\$ 74,678
1.2	Prepare Caltrans Project Report (PA/ED)	\$ 18,920
1.2a	Prepare Caltrans Project Study Report-Project Development Support (PSR-PDS)	\$ 130,540
1.3	Utility Coordination and Notification	\$ 7,320
1.4	Prepare 35% (GAD) Plans	\$ 38,565
1.5	Prepare Design Exception Fact Sheets	\$ 24,960
1.6	Prepare Preliminary Cost Estimate	\$ 3,965
1.7	Prepare Transportation Management Plan (TMP) Data Sheet	\$ 4,240
1.8	Environmental Document - Categorical Exemption and Technical Studies	\$ 12,400
1.8b	Environmental Document - Minimal Impacts Biology Study (NES-MI)	\$ 9,900
1.9	Preliminary Environmental Analysis Report (PEAR)	\$ 13,170
1.10	Aerially Deposited Lead Sampling & Reporting	\$ 22,320
1.11	Coastal Commission Permitting	\$ 22,650
SUBTOTAL - Task I		\$ 383,628
2	FINAL PS&E PHASE	
2.1	Plans, Specifications, and Estimates (PS&E)	
2.1a	Title Sheet (1)	\$ 3,180
2.1b	Typical Cross-Section Sheets (2)	\$ 6,580
2.1c	Project Layout and Profile Sheets (50 Scale) (9)	\$ 34,140
2.1d	Construction Detail Sheets (10-Scale) (1)	\$ 5,810
2.1e	Temporary Water Pollution Control Plans (9)	\$ 22,060
2.1f	Utility Plans (9)	\$ 5,760
2.1g	Stage Construction and Traffic Handling Plans (9)	\$ 25,910
2.1h	Pavement Delineation and Sign Plans (6)	\$ 23,840
2.1i	Traffic Signal Modification Plans (3)	\$ 25,920
2.1j	Landscape Planting and Irrigation Plans (12)	\$ 40,530
2.1k	Storm Water Data Report (SWDR)	\$ 10,920
2.1l	Hydrology and Hydraulic Memo and Drainage Design Plans (8)	\$ 23,220
2.2	Geotechnical Design Report and Materials Report	\$ 31,520
2.3	Specifications	\$ 18,200
2.4	Quantities and Cost Estimate	\$ 14,920
2.5	Caltrans Utility Certification and Right-of-Way Certification	\$ 17,520
2.6	Address Caltrans 65% PS&E Comments	\$ 19,080
2.7	Address Caltrans 95% PS&E Comments	\$ 12,060
2.8	Address Caltrans 100% PS&E Comments	\$ 9,173
2.9	Project Specific Quality Management Plan	\$ 6,380
SUBTOTAL - Task II		\$ 356,723
3	PROJECT MANAGEMENT & COORDINATION	
3.1	Project Management, Administration & Schedule Updates	\$ 55,000
3.2	Project Meetings (30) (Caltrans PDT meeting and Other Project Meetings)	\$ 31,860
SUBTOTAL - Task III		\$ 86,860
4	BID PHASE SUPPORT	
4.1	Bid Phase Support - REDUCED	\$ 4,380
4.2	Design Support During Construction - ELIMINATED	\$ 30,000
SUBTOTAL - Task IV		\$ 34,380
5	OTHER DIRECT COSTS	
5.1	Other Direct Costs - REDUCED	\$ 8,187.50
SUBTOTAL - Task V		\$ 8,187.50
6	REDESIGN	
6.1	Geometric Approval Drawing, Revised Preliminary Cost Estimate - NEW	\$ 33,841.06
SUBTOTAL - Task VI		\$ 33,841.06
TOTAL TASKS		\$ 869,777.50