



Midpeninsula Regional
Open Space District

R-13-84
Meeting 13-23
September 25, 2013

AGENDA ITEM 6

Authorization to Amend a Contract with John Northmore Roberts Associates, Landscape Architectural Consultant, for Additional Design and Engineering Services for the Mindego Gateway Staging Area Project

GENERAL MANAGER'S RECOMMENDATION *JM*

Authorize the General Manager to amend an existing contract with John Northmore Roberts Associates by an additional \$15,000, for a total not-to-exceed amount of \$91,117, to provide additional design and engineering services for the Mindego Gateway Staging Area Project (Project).

SUMMARY

In September 2011, the Board of Directors (Board) approved a total not-to-exceed contract amount of \$76,117 (\$66,117 base and \$10,000 contingency) with John Northmore Roberts Associates (JRNA) to design the Mindego Gateway Staging Area Project (R-11-86). Over the past two years, a number of unforeseen circumstances have arisen during the design and permitting process requiring additional time and effort on the part of JNRA. The additional services are anticipated to total no more than \$25,000 (exceeding the original \$10,000 contingency) and fall into three distinct categories: (1) higher than anticipated effort to address regulatory review comments; (2) a project delay to process a Williamson Act amendment; and (3) stringent design requirements and intense regulatory scrutiny of the storm run-off design and calculations. For this reason, staff recommends increasing the original contract amount with JRNA by \$15,000. The total contract amount, including the recommended \$15,000 contract amendment, is fully reimbursable by Peninsula Open Space Trust (POST).

DISCUSSION

In September 2011, the District entered into contract with JNRA for design and engineering services to produce four deliverable packages for the Mindego Gateway Staging Area Project: Concept Design, Schematic Design, 90% Construction Documents, and 100% Construction Documents. The contract also called for Bidding and Construction Administration. The cost for permit processing was built into the design and engineering budget. The original project schedule anticipated concept and design to be completed by the winter of 2011-12, permitting by spring 2012, and project completion in fall 2012.

A number of factors have resulted in project delays and contributed to the need for JNRA to provide additional services beyond what was originally anticipated for the Project:

a) Rigorous Regulatory Review

JNRA met with San Mateo County Planning and Building in September 2011 to review County permitting requirements ahead of submitting project plans. Even with this early consultation, the County permitting process involved a high level of scrutiny throughout permit review. To further complicate matters, the concurrent review by County Planning and Building resulted in duplicative and conflicting comments, requiring JNRA to spend an inordinate amount of time addressing a higher than anticipated volume of comments.

b) Williamson Act resolution.

In March 2012, San Mateo County indicated that an amendment to the Williamson Act would be required before the Mindego Gateway Project could proceed. The Project was postponed until the Williamson Act amendment was approved by the San Mateo County Board of Supervisors in September 2012. The resulting ten-month delay prolonged design and permitting, requiring JNRA to start and stop work, costing time, effort, and money to re-engage once the Williamson Act issue was resolved.

c) National Pollution Discharge Elimination System (NPDES) requirements.

In December 2011, NPDES requirements were revised to affect projects that create more than 10,000 square feet of impervious surface. The Project fell within these new requirements, triggering the need to treat 100% of the run-off on site. Although this intensity of design had not been originally anticipated, JNRA completed the drainage design and calculations, and submitted these to the County. Despite the fact that the drainage design and calculations were accurate and adequate, County Public Works issued three separate sets of iterative review comments requesting additional details, testing, calculations and modification of notes on the drawings. The drainage design had to be re-submitted to the County three times before County sign-off on the Building permit. The level of effort required to complete the design and obtain regulatory concurrence was far greater than JNRA had anticipated in their original design fees.

Given the need for additional services rendered and anticipated in the last phase of work, staff recommends increasing the original contract amount with JNRA by \$15,000.

FISCAL IMPACT

The FY2013-14 budget for the Mindego Gateway Staging Area Project has sufficient funds to cover the recommended contract amendment with JNRA.

BOARD COMMITTEE REVIEW

No committee review is required.

PUBLIC NOTICE

Public notice of this Agenda Item was provided per the Brown Act. No additional notice is required.

CEQA COMPLIANCE

Staff completed a Mitigated Negative Declaration for the Project, which the District Board of Directors adopted on June 13, 2012 (R-12-37). A Notice of Determination was filed with the San Mateo County Clerk Recorder on June 15, 2012.

NEXT STEPS

Upon approval by the Board of Directors, the General Manager would be authorized to increase the total contract amount with JNRA by \$15,000 fund additional design services for the Mindego Gateway Project. The staging area is planned to be complete in October, 2013. Once County “final” is issued, and once plant installation is completed by the Landscape Maintenance contractor, the new staging area will be opened to the public, which is anticipated in mid-November.

Responsible Department Manager:
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Same as above