

**AMENDMENT NO. 7 TO THE PROFESSIONAL
SERVICES AGREEMENT BETWEEN THE
CITY OF MANTECA AND HDR ENGINEERING, INC**

This Amendment No. 7 (“Amendment”) to Agreement # A-3625 (“Agreement”) between the City of Manteca and HDR Engineering, Inc, is made and entered into this ____ day of _____, 2021, by and between HDR Engineering, Inc, a California corporation (“Consultant”) and the City of Manteca, a municipal corporation (“City”).

RECITALS

A. On May 17th, 2016, the City of Manteca approved an Agreement with Consultant to provide professional services for Environmental, Right-Of-Way Acquisition and Engineering for the State Route 120/McKinley Avenue Interchange Project.

B. City now desires to amend the Agreement in order to expand the term and increase the dollar of services to be undertaken by the Consultant.

C. Consultant represents that it has the necessary professional skills and experience to satisfactorily provide consulting services in a timely manner.

D. City desires to engage Consultant for the purposes of completing the scope of services identified.

NOW, THEREFORE, the parties hereby agree as follows:

1. Statement of Work. Attachment 1 to the Agreement is hereby amended by adding the tasks set forth in Attachment 1 to this Amendment, attached hereto and incorporated herein by reference, “Statement of Work and Activities #2”.
2. Paragraph 3 of the Agreement is hereby amended to read as follows:

“3. Performance Period. The services of Consultant are to commence upon execution of this Agreement and shall continue until all authorized work is approved by the City. All such work shall be completed no later than December 31, 2022.
3. Paragraph 4 of the Agreement is hereby amended to read as follows:

“4. Allowable Costs and Payments. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Attachment 1, which is incorporated herein by reference. In addition to the Compensation for the Agreement, compensation for Amendment No. 7 services shall in no event exceed \$228,520.76 without additional authorization from the City. In no event shall total compensation for work performed pursuant to this Agreement and Amendments

No. 1, No. 2, No. 3, No. 4, No. 5, No. 6 and No. 7 to exceed \$4,158,731.61 without additional authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.”

4. Except as otherwise provided in this Amendment, the Agreement shall continue in full force and effect.

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ATTACHMENT 1

TO EFFECTUATE THIS AGREEMENT, each of the parties has caused this Agreement to be executed by its duly authorized representative as of the date set forth in the introductory paragraph on page 1 above.

CITY OF MANTECA:

CONSULTANT:

M. G. Harden,
Interim City Manager

(Type name of Consultant/form of organization)*

ATTEST:

By: _____
(Signature)

Cassandra Candini-Tilton,
Director of Legislative Services

(Type name and title)

COUNTERSIGNED:

By: _____
(Signature)

Jared Hansen ,
Acting Director of Finance

(Type name and title)

COUNTERSIGNED:

Address: _____

Aaron Slater,
Director of Employee Services & Engagement

Telephone: _____

APPROVED AS TO FORM:

L. David Nefouse,
City Attorney

ATTACHMENT 1

STATEMENT OF WORK AND ACTIVITIES #2



August 18, 2021

Koosun Kim
City of Manteca
1001 W. Center Street
Manteca, CA 95337

RE: SR 120/McKinley Ave Interchange Project Amendment No. 7

Dear Mr. Kim,

The contract to complete environmental, right of way (R/W) and final design of SR 120/McKinley Ave interchange project has made substantial progress. The project had been scheduled to ready to list (RTL) in August 2020. Delays caused by R/W acquisition of the Buantello and Ronyak property and utility coordination with PG&E have delayed the project completion. The following items represent additional out of scope items necessary to complete the PS&E, utility, right of way, and environmental revalidation to RTL status from Caltrans, as well as bidding support services. The current project schedule and this scope and fee assumes the project will RTL in November 2021 and the project will go to construction in Spring 2022. Design support during construction has been excluded from this scope of services at the request of the City.

Task 1 – HDR Project Management

HDR's project manager continues to assist with on-going efforts between the City, Caltrans, and sub-consultants (BRI and Dewberry/DHA) to update ROW documents to accommodate the changes in right of way engineering and acquisitions. This scope of services includes continued billing, schedule updates, and continued project management through the end of the design contract and includes project management during construction phase of the project. The existing contract currently expires on December 31, 2022.

Task 5 – HDR Utility Relocations and Right of Way Acquisition

The HDR team has driven the extensive coordination effort to process the PG&E overhang easements. Amendment 6 included hours to process the easements however, we could not have anticipated the level of effort required to obtain the plats, legal descriptions, and deed jacket information for the 3 individual property owners and 6 City owned parcels. Over the past 9 months, the HDR project manager has significant time to obtain the required documents. This scope and fee will recoup that effort to date, as well as account for additional hours to finalize the utility agreement updates with Caltrans and PG&E.

Right of Way Acquisition for this project has been complex and time consuming. The following breakdown per property accounts for out of scope work for the HDR Project Manager and staff.

5.A Buantello Parcel (APN 241-410-35)

Extensive coordination with City staff, Caltrans, and BRI to help support the acquisition of the Buantello parcel has exceeded what could have reasonably been anticipated for the level of effort required to take get the acquisition and easement agreement completed. This property is complicated by Mr. Saenz's complex mobile home purchase, individual property purchase on the former Hayes parcel, sewer leach line reconstruction, updated property appraisals, relocation assistance in addition to the fee and easement transaction.

5B. Luengo/Barber Appraiser/ City Parcel (APN 241-310-82 and 241-310-36)

The acquisition of a sliver piece of land (approximately 1637 sq ft) is required to provide the required space for the widened McKinley Blvd near the Bronzan Road intersection. This sliver piece was not able to be acquired during the original 2019 acquisition because it would have land locked the parcel. Now with the development of Atherton Avenue and the access easement granted to Luengo/Barber through a separate agreement in 2000, this acquisition can take place. A land swap of equal value is proposed with the adjacent City owned parcel. This scope and fee accounts for additional coordination time for the legal description coordination, property exhibits, and sub-consultant coordination for the acquisition.

5C. Ronyak Parcel. The Ronyak Parcel requires a fee and access easement acquisition for construction of the interchange. An agreement had been reached with the two property owners, however while the property was in escrow, the owners entered into a separate agreement to sell the parcel to another party. This sale was completed prior to the close of escrow with the City. Due to this sale, it is now necessary for the City to re-appraise the property and enter into negotiations with the new owners (Singh, Dhillon, Atwal, Heer). It is assumed this property may enter the eminent domain process to ensure the project can RTL in advance of the funding deadline for the project.

The HDR team has set up a weekly calls with the City and BRI moving forward until RTL to keep the right of way process moving. The HDR team will be providing an agenda and meeting minutes for each weekly meeting so other City staff can monitor the progress.

Task 6 – HDR Final PS&E

The project received PS&E certification in November 2020. Since then, Caltrans has released two updates to their standard specifications. The project special provisions need to be updated to reflect those updates.

Additionally, the Daniels Street Extension Project has been constructed since the project plans have been completed. The Daniels Street Extension Project constructed an additionally left turn lane on southbound McKinley Avenue that is different than what was originally shown on the McKinley Avenue Interchange Project. At least one streetlight was constructed in the future roadway and will need to be removed from the McKinley Avenue Interchange Project plans to accommodate the widened roadway. This scope of services assumes the City will be able to provide HDR electronic AutoCAD or Microstation drawings from the Daniels Street Extension Project to update the project plans.

Task 7 – Preparation of Bid Documents and Bid Support

HDR will provide assistance to the City during bidding of the project. This assistance will include answering questions regarding the contract documents during the advertising of the project and assisting the City in preparing addenda to the PS&E package during the advertisement period.

HDR bidding support activities include:

- *Response to up to ten (10) bidders requests for information (RFI)*
- *Preparation of up to two (2) addenda*
- *Attendance at a pre-bid meeting for two HDR personnel*

Task 8 – HDR Subconsultants Additional Services

BRI - Right of Way Acquisition:

Bender Rosenthal, Inc. (BRI) has been working with HDR to provide right of way services for the McKinley Blvd. IC Project for the City of Manteca since 2016. This is a complex project that has experienced numerous changes since the initiation of negotiations. Due to the ongoing changes, BRI is requesting a budget augmentation to provide the additional services. Since the original request dated May 6, 2021, and notice to proceed, additional services have been requested primarily triggered by a change in staff at Caltrans and new direction to the format of the waivers and appraisals. This letter is a combined request for both sets of services and supersedes the May 6, 2021, request.

A. Buantello Parcel (APN 241-410-35)

Extensive negotiations have occurred with the owner and tenant of the Buantello property. These negotiations include various exchanges of portions of the adjacent property (APN 241-410-21) which was purchased by the County from Mr. Hayes. To comply with State and Federal requirements, the excess land being considered for exchange must be appraised. BRI proposes the following scope of work and fees to comply with these requirements.

Appraisal Update of the Buantello Parcel needed for the project Area 1, Area 5 (fee) and Area 6 (sewer easement)	\$ 4,500
Appraisal of adjacent parcel for leach field replacement area and potential exchange properties (Areas 2, 3, and 4)	\$ 4,500
Appraisal Reviews (2) for each of the above appraisals	\$ 2,400
Continued Negotiations for Buantello Parcel and Document Updates	\$ 4,500
Replacement Housing Valuation Update for Mobile Home	\$ 1,500
Original Total for This Parcel:	\$ 17,400

Since the original request, Caltrans has required an update to the appraisal to separate out the leach field and the mobile home. Additional services include:

Appraisal Update of the Buantello Parcel	\$ 2,000
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ATTACHMENT 1

Appraisal update of adjacent parcel for leach field replacement area	\$ 2,500
Appraisal Reviews (2) for each of the above appraisals	\$ 3,000
Continued Negotiations for Buantello Parcel and Document Updates	\$ 3,500
Revised Total for This Parcel:	\$ <u>28,400</u>

B. Ronyak Parcel (APN 241-400-18)

The Ronyak Parcel requires a fee and access easement acquisition for construction of the interchange. An agreement had been reached with the two property owners. However, while the property was in escrow, the owners entered into a separate agreement to sell the parcel to another party. This sale was completed prior to the close of escrow with the City. Due to this sale, it is now necessary for the City to re-appraise the property and enter into negotiations with the new owners (Singh, Dhillon, Atwal, Heer). We have also been advised that a new PG&E easement is required for the project.

Appraisal of APN 241-400-18	\$ 4,500
Fee, access easement, PG&E easement	
Appraisal Review	\$ 1,500
Negotiations	\$ 4,500
Title and Escrow support	\$ 1,200
Total for This Parcel:	\$ <u>11,700</u>

C. Espinoza Parcel (APN 241-310-30) and Wilson Parcel (APN 341-400-017)

BRI previously acquired two (2) temporary construction easements (TCEs) for the Espinoza property (APN 241-310-30) and the Wilson property (APN 341-400-017) that will expire prior to the start of construction and must be renewed.

Waiver Valuation for Espinoza	\$ 2,000
Waiver Valuation for Wilson	\$ 2,000
Negotiations	\$ 4,000
Original Total for These Parcels:	\$ <u>8,000</u>

With the redirection of Caltrans regarding the format of the waivers, BRI is also requesting additional resources to revise the waivers to the new format.

Revise Waiver Valuation for Espinoza	\$ 1,000
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ATTACHMENT 1

Revise Waiver Valuation for Wilson	\$ 1,000
Escrow Support	\$ 1,200

Revised Total for These Parcels: **\$11,200**

D. Luengo/Barber Appraiser/ City Parcel (APN 241-310-82 and 241-310-36)

Since May, additional appraisals are now needed for acquisitions required for access.

Appraisal for Luengo/Barber access	\$ 4,500
City of Manteca (Access replacement)	\$ 4,500
Appraisal Reviews (2) for each of the above appraisals	\$ 3,000
Continued Negotiations and Document Updates	\$ 3,000
Title and Escrow support	\$ 1,200
Total for This Parcel:	<u>\$16,200</u>

E. Project Management

To oversee the enhanced services, additional Project Management resources are requested.

Project Manager: 120 Hours **\$22,500**

In summary, the total budget request from BRI for services approved in May and additional services identified since the initial request is \$90,000.

LSA - Environmental Revalidation:

LSA has been requested to provide an amendment to their original scope of services. The intent of this amendment is to provide an additional revalidation of the environmental documents (originally an MND/FONSI). Although the McKinley Interchange Project received environmental certification (a previous revalidation) in November of 2020 there have been delays in the project due to right of way acquisition and utilities.

In order to move to the next phase of the project it has been determined by Caltrans that a new revalidation is required. LSA will prepare a one-page revalidation form of the environmental document. This will also include a current environmental species list. Based on coordination with Caltrans, it is not anticipated that changes to the project's design or environmental setting have occurred since the last recertification. If an additional environmental analysis is required outside of the one-page revalidation, that effort would be considered out of scope.

Task 9– Contingency/Additional Support as needed - (Optional)

ATTACHMENT 1

This project has been difficult to plan for as complex right of way & utility transactions have caused schedule delays and additional contract amendments. This task proposes to provide a source of money that can be used for unanticipated items that are not included in this scope of services. These funds can only be used by expressed written approval by the City project manager.

Budget

Based on the tasks described in this proposal, HDR proposes a fee of \$163,652.98 for this scope of work. The following table shows a breakdown of costs per task.

Task		Amount
Task 1 - HDR Project Management		\$20,039.99
Task 5 - HDR Additional Utility Relocations and Right of Way Acquisitions		\$42,895.99
Task 6 - HDR Final PS&E		\$16,801.07
Task 7 - Preparation of Bid Documents and Bid Support		\$36,483.70
Task 8 - HDR Subconsultants Additional Services	Bender Rosenthal	\$90,000.00
	LSA	\$2,000.00
	Total Subconsultants	\$92,000.00
Task 9 - Contingency/Additional Support as needed (Optional)		\$20,000.00
ODC		\$300.00
Amendment 7 Project Total		\$228,520.76

HDR requests that a contract amendment be approved for the additional out of scope work identified above, which amounts to a total of \$228,520.76. After you have had a chance to review this letter, please contact me at (916) 640-4310 or via email at glenn.armstrong@hdrinc.com if you have any questions. It is our pleasure serving the City of Manteca.

Sincerely,



Glenn Armstrong, PE
HDR Engineering, Inc.
Project Manager

ATTACHMENT 1

SR120/MCKINLEY - AMENDMENT NO. 7

Task 1 - HDR Project Management

Task 5 - HDR Utility Relocations and Right of Way Acquisition

Task 6 - HDR Final PS&E

Task 7 - Preparation of Bid Documents & Bid Support

Task 8 - HDR Subconsultants Additional Services

Task 9 - Contingency/Additional Support as needed (Optional)

HDR									
Name	Classification	Direct Labor Rate	Task 1	Task 5	Task 6	Task 7	Task 8	Task 9	Total Hours
Mike Higgins	PIC	\$ 101.34	2	4	2	2			10
Glenn Armstrong	Project Manager	\$ 74.29	80	200	4	20			304
John Maniscalco	Structures Depart Lead	\$ 113.47			4	8			12
Chengwen Liu	Bridge Engineer III	\$ 80.00			16	40			56
Praveen Chilakapati	Civil Engineer III	\$ 75.87			32	60			92
Mark Shippen	Civil Engineer III	\$ 82.29			16	32			48
Bradley Helmer	Project Controller	\$ 49.24	20						20
Total Hours			102	204	74	162	0	0	542
Direct Labor Cost			\$ 7,130.68	\$ 15,263.36	\$ 5,978.20	\$ 12,981.72	\$ -	\$ -	\$ 41,353.96
Loaded Labor Cost			\$ 20,039.99	\$ 42,895.99	\$ 16,801.07	\$ 36,483.70	\$ -	\$ 20,000.00	\$ 136,220.76
									\$ 136,220.76
ODC									
Travel									\$ 100.00
Prints/Mail, Misc.									\$ 200.00
									\$ 300.00
Subconsultants									
BRI (Right of Way Acquisition)							\$90,000.00		\$ 90,000.00
LSA (Environmental Revalidation)							\$2,000.00		\$ 2,000.00
									\$ 92,000.00
AMENDMENT 7 PROJECT TOTAL									\$ 228,520.76