

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Public Works

BOARD AGENDA #: *C-1

AGENDA DATE: February 28, 2017

SUBJECT:

Approval of Amendment No. 1 to the Agreement with Mark Thomas & Company for All-Inclusive Engineering Services for the Claribel Road and Roselle Avenue Intersection Project

BOARD ACTION AS FOLLOWS:

No. 2017-87

On motion of Supervisor Withrow, Seconded by Supervisor Olsen

and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

Urgent

Routine

BOARD AGENDA #: *C-1

AGENDA DATE: February 28, 2017



CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval of Amendment No. 1 to the Agreement with Mark Thomas & Company for All-Inclusive Engineering Services for the Claribel Road and Roselle Avenue Intersection Project

STAFF RECOMMENDATIONS:

1. Approve Amendment No. 1 to the Agreement with Mark Thomas & Company for \$62,915 to provide additional project management, utility relocation design, right-of-way engineering, and appraisals / acquisition services for the Claribel Road and Roselle Avenue Intersection Project.
2. Authorize the Director of Public Works to execute the amendment with Mark Thomas & Company in the amount of \$62,915 and to sign necessary documents.

DISCUSSION:

In cooperation with the City of Riverbank, Stanislaus County is proposing to construct a signalized intersection at Claribel Road and Roselle Avenue which will include widening the existing two-lane roadway at the intersection to accommodate turn lanes for truck and light vehicle traffic. Traffic signalization at the intersection would address safety, operational conditions, and air quality concerns.

On March 25, 2014, the Board awarded a Professional Design Services Agreement to Mark Thomas & Company for \$409,065. This agreement expired on February 26, 2016. On June 28, 2016 the Board awarded a new Professional Design Services Agreement to Mark Thomas & Company for \$434,903 that included all existing amendments, specified a new expiration date, and did not introduce any additional scope of work.

The purpose of Amendment No. 1 is to provide additional project management, utility relocation design, right-of-way engineering, and appraisals / acquisition services that were not envisioned with the original scope of the Professional Design Services Agreement. A brief summary of these items is provided below:

- Project Management - Additional project management time is needed to facilitate the additional right-of-way work.
- Right-of-Way Engineering - Additional surveying services are needed to cover the additional right-of-way required for the project. This will include the existing right-of-way

Approval of Amendment No. 1 to the Agreement with Mark Thomas & Company for All-Inclusive Engineering Services for the Claribel Road and Roselle Avenue Intersection Project

resolution and preparation of four additional plats and legals (two Temporary Construction Easements; two Fee Acquisitions).

- Appraisal and Acquisition Services - Additional appraisal and acquisition services are needed to cover the two additional parcels that are outside of the existing scope of work.
- Utility Relocation – Relocation of a Modesto Irrigation District (MID) vent pipe and replacement/realignment of the existing 30” MID irrigation line is needed and are outside of the existing scope of work.

Construction of the project is expected to start in the spring of 2018.

POLICY ISSUE:

The Board of Supervisors must approve any amendments to existing professional services agreements that exceed \$100,000.

FISCAL IMPACT:

The requested Amendment No. 1 for \$62,915 will bring the total contract amount to a not exceed amount of \$497,818. The preliminary engineering phase of this project is funded with a combination of sources including Congestion Mitigation and Air Quality Improvement (CMAQ) funding in the amount of \$300,000 and Public Facilities Fees. Funding for the project is available in Fiscal Year 2016-2017 Public Works Road Projects budget.

Cost of recommended action:	\$	62,915
Source(s) of Funding:		
Public Facilities Fees	\$	62,915
Funding Total:		<u>62,915</u>
Net Cost to County General Fund	\$	<u>-</u>

Fiscal Year:	2016-2017
Budget Adjustment/Appropriations needed:	No

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions support the Board’s priorities of providing A Safe Community, A Healthy Community and A Well-Planned Infrastructure System by ensuring efficient delivery of the project.

STAFFING IMPACT:

Existing Public Works staff is managing the services of the consulting firm.

Approval of Amendment No. 1 to the Agreement with Mark Thomas & Company for All-Inclusive Engineering Services for the Claribel Road and Roselle Avenue Intersection Project

CONTACT PERSON:

Matt Machado, Public Works Director

Telephone: (209) 525-4153

ATTACHMENT(S):

1. Agreement Amendment No. 1 with Mark Thomas & Company

ATTACHMENT 1

AGREEMENT AMENDMENT NO. 1 WITH MARK THOMAS & COMPANY

STANISLAUS COUNTY

First Amendment to Professional Design Services Agreement
Claribel Road at Roselle Avenue Intersection Project – Contract No. 9606

This Amendment is made and entered into this 28th day of February, 2017, in the City of Modesto, State of California, by and between the County of Stanislaus (“County”) and Mark Thomas & Company, (“Consultant”), for and in consideration of the promises, and the mutual promises, covenants, terms, and conditions, hereinafter contained.

WHEREAS, on June 28, 2016, the Stanislaus County Board of Supervisors awarded a Professional Design Services Agreement (“Agreement”) to Consultant for the Claribel Road at Roselle Avenue Intersection project;

WHEREAS, the Stanislaus County Board of Supervisors authorized the Director of Public Works to execute the agreement with the Consultant and to sign necessary documents, including any amendments to the Agreement not to exceed 10%;

WHEREAS, there is a need for additional services as shown in “Exhibit 1-A”, attached hereto and made a part of this Amendment;

WHEREAS, an increase of Sixty-Two Thousand Nine Hundred Fifteen Dollars (\$62,915) to the Agreement is necessary to cover the additional services;

\$434,905	Agreement
<u>+62,915</u>	1 st Amendment
\$497,818	Total

WHEREAS, Consultant has continued to diligently perform the services requested to support this project in good faith; and,

NOW THEREFORE, the parties agree as follows:


1. Section 1.1 of the Agreement: Scope of Services is amended to include additional services as shown in Exhibit “1-A” attached hereto and made a part of this Amendment.
2. Section 3.1 of the Agreement: Compensation is amended to include additional fees of Sixty-Two Thousand Nine Hundred Fifteen Dollars (\$62,915) as shown in Exhibit “1-A” attached hereto and made a part of this Amendment. Consultant’s compensation shall in no case exceed Four Hundred Ninety-Seven Thousand Eight Hundred Eighteen Dollars (\$497,818).
3. All other terms and conditions of the Agreement shall remain in full force and effect.

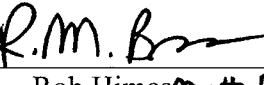
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IN WITNESS WHEREOF, the parties have executed this First Amendment effective on the date written above.

COUNTY OF STANISLAUS

MARK THOMAS & COMPANY

By: 
Matt Machado, Director
Department of Public Works

By: 
~~Rob Himes~~ ~~President~~ ~~Principal~~ ~~Vice President~~
Matt Brogan
Vice President

APPROVED AS TO FORM
John P. Doering, County Counsel

By: 
Amanda DeHart
Deputy County Counsel



MARK THOMAS & COMPANY

Providing Engineering, Surveying & Planning Services

EXHIBIT 1-A

November 23, 2016

File No. SA-14107 (004)

OFFICES

Cupertino
Fresno
Irvine
Oakland
Sacramento
Carmel
San Jose
Belmont
Walnut Creek

Mr. Nathaniel Tumminello
Stanislaus County
Public Works Department
1716 Morgan Road
Modesto, CA 95358

**RE: CLARIBEL ROAD AT ROSELLE AVENUE INTERSECTION
CONTRACT NO. 9606, CML-5938(181) – AMENDMENT #1 REQUEST**

Dear Mr. Tumminello:

As we discussed in recent meetings, MTCO is requesting a budget amendment for the subject project. The amendment is needed to cover additional project management, right of way engineering, and appraisals / acquisition services that were not envisioned with the original scope. A brief summary of these items is provided below, and a detailed scope of work is attached.

- **Project Management** - Additional project management time is needed to facilitate the additional right of way work.
- **Right of Way Engineering** - Additional surveying services were needed to cover the additional right of way required for the project. This will include existing right of way resolution and preparation of four (4) additional plats and legals (2 TCE's; 2 Fee Acquisitions; 4 total).
- **Appraisal and Acquisition Services** - Additional appraisal and acquisition services are needed to cover the two additional parcels that are outside the existing scope of work.
- **Utility Relocation** – Relocation of MID's vent pipe and replacement/realignment of the existing 30" MID irrigation line is needed and are outside the existing scope of work.

Budget Request

MTCO is requesting an additional **\$62,915.00** in budget to cover the items discussed above, a detailed Cost Detail is attached.

SCOPE OF WORK – Amendment #1 Request

Task 1 - Project Management

Task 1.1 Project Management

This task includes additional project management time to manage the amended scope tasks below. MTCO is requesting supplemental budget for this task.

Task 1 Deliverables

- Project Management

Task 2 – Surveying and Base Mapping

Task 2.1 Existing Right of Way Delineation

Utilizing the record right of way and record property line information gathered, MTCO will review and analyze the property/right of way ties obtained in during Right of Way & Control Surveys to confirm the western property line of APN 075-014-026. MTCO will update the Land Net drawing in AutoCAD format showing the resolved location of property lines and right of way lines.

Task 2 Deliverables

- Updated Right of Way Land Net (AutoCAD Civil 3D 2013)

Task 3 – Right of Way Engineering

Task 3.1 Additional Legal Descriptions and Plat Maps

After right of way retracement is complete and necessary acquisitions are identified, MTCO will prepare acquisition exhibits showing the areas of acquisition for the additional one (1) parcel. The 11 x 17 paper exhibit will be in color and show existing easements on the parcel, areas of acquisition and the remainder of the parcel. This exhibit will be used to assist OPC during the appraisal process.

Once the right of way limits are finalized, MTCO will prepare one (1) description and accompanying 8 ½ x 11 plat describing each of two (2) acquisitions on one additional (1) parcel. The will undergo one (1) review with the County and then be stamped and signed for acquisition. It is assumed that the full take parcel will not require a legal and plat because the parcel can be described by the parcel APN.

Task 3.2 Right of Way Staking

During the appraisal process, MTCO will provide one (1) set of “show me” stakes on each parcel to help the owner and appraiser visualize the impacts of the right of way acquisition. These stakes will be

wooden lathe with flagging and will be set at approximately 100-foot intervals. It is assumed that "show me" stakes will be completed in one mobilization.

Task 3 Deliverables

- Legal and Plat (2 acquisitions on 1 parcel)
- "Show me" stakes

Task 4 – Appraisals and Acquisitions

Task 4.1 Additional Appraisal and Acquisitions

OPC will appraise the additional two (2) parcels including a full acquisition, (4 total parcels) based on appraisal exhibits prepared by MTCO.

Per Federal and State regulations, (Uniform Act) a qualified reviewing appraisal shall examine all appraisals to assure they meet applicable appraisal requirements and shall, prior to acceptance, see necessary correction or revisions. In addition, the review appraiser shall certify that the opinion of fair market value is reasonably supported by an acceptable appraisal.

The hours for negotiations and title and escrow coordination are based on experience with the County's desire to avoid litigation through protracted negotiations and the additional time necessary to obtain title clearance including subordination agreements to easements from lenders.

OPC will develop all necessary contracts, conveyance documents and escrow instructions necessary to make offers based on the Client's process.

MTCO will respond to written questions regarding design intent to support the appraisal effort.

Task 4.2 Relocation Assistance

OPC will provide relocation assistance if it is determined at the time of negotiations for APN 075-025-009 is occupied with a residential tenant. OPC will also provide business relocation if applicable for APN 075-025-009.

Residential Tenant Relocation

OPC will provide the following relocation services to support the acquisition if the property is occupied with a residential tenant:

1. Secure basic case information and set up case file; maintain the necessary case documentation and contact diary throughout the course of our involvement with the claimant.
2. Conduct initial in-depth field interview with claimant: document rents, income, family size, names/ages of occupants, and determine relocation needs, preferences and special requirements; provide general information notices and brochure; explain relocation process, rights and benefits available.

3. Provide on-going advisory assistance to minimize hardships on claimants, including referrals to and coordination with community service resources, public housing, and other public services as needed.
4. Document rent with rental agreement, receipts or economic rent if needed.
5. Document/verify income using pay stubs, budget worksheets, tax returns, certification and/or cash affidavit as necessary. Use rent-to-rent method if income cannot be verified.
6. Create rent schedule for project as appropriate and if authorized by client.
7. Search for and document comparables for each claimant, provide initial referrals and three sets of additional housing referrals every 4-6 weeks, as necessary.
8. Prepare letter of eligibility based on most appropriate comparable or rent schedule and seek authorization of client.
9. Deliver letter of eligibility to claimant and discuss findings and impacts to occupants' particular needs. Amend the letter of eligibility one additional time if the economics of the comparable's availability changes over the course of our assignment.
10. Prepare and deliver 90-day notices to vacate no later than 12 weeks after general information notices have been delivered.
11. Arrange for transportation to view replacement sites if needed. Assist Claimants with their selection of a replacement site, with lease offers, with review of rental agreements and with move bids or fixed moving payment.
12. Inspect selected site to ensure it meets decent, safe, and sanitary requirements.
13. Monitor the replacement site escrow and explain the relocation process to agent and escrow officer as necessary.
14. Verify vacation of the displacement site and secure a certificate of abandonment.
15. Determine eligibility for proposed amount of relocation benefits, including actual and reasonable moving payments, rental/purchase differential payments and fixed payments as applicable.
16. For residential moves, secure and process an advance claim to assist with the move and a second final claim incorporating the moving costs and rental/purchase differential payment once family has moved to selected displacement site.
17. Each claim will be signed by the claimant, supported by appropriate back-up (schedules, receipts, etc.) and will be reviewed by OPC's project manager for recommendation before submitting to client for approval. Each claim check will be delivered to claimant in person (as feasible) and a receipt of payment will be secured.

Business Relocation

A small business, farm, or nonprofit organization, including a non-occupant landlord, whose sole activity at the site is providing space at the site to others, is eligible for a Reestablishment Expense Payment up to \$25,000. The owner does not have to own or rent personal property that must be moved in connection with the displacement. Typical examples of leased space are:

- Mobile Home Parks
- Business properties (e.g., warehouses, office space) including bare land used for storage of equipment
- Farms and ranches (or any bare land used for agricultural or livestock grazing)
- Coin operated laundries or any other vending operation (newspapers)

- Residential units

To be eligible for this payment, the displacee must establish that the renting or leasing of space is a bona fide business activity, and not part of a real estate investment or family situation, as supported by the displacee's income tax records (Schedule C).

Task 4 Deliverables

- Appraisal and acquisition Services
- Relocation Assistance

Task 5 – Utility Relocation Design

Task 5.1 MID Relocation Plan

MTCO will include the relocation of MID's vent pipe and replacement/realignment of the existing 30" MID irrigation line. This scope assumes approximately 100 feet of irrigation line may need to be replaced as part of this effort. The relocation will be shown on the Utility and Drainage Plans and it is anticipated that MTCO will include MID standard details on an additional Utility Detail sheet.

- MID Relocation Plans (modifying Utility and Drainage Plan and new Utility Plan Detail sheet)

COST PROPOSAL FOR PROJECT SCOPE: Stanislaus-Claribel at Rosell IS (AM #1)

	MARK THOMAS & COMPANY INC. HOURS										SUBCONSULTANT FEES													
	Survey Manager I	Engineer VI	Engineer V	Engineer I	Project Surveyor I	Survey Technician	Project Coordinator I	1 Person Field Chief and Vehicle	2 Person Field Party and Vehicle	MTCO HOURS	Survey Manager I	Engineer VI	Engineer V	Engineer I	Project Surveyor I	Survey Technician	Project Coordinator I	1 Person Field Chief and Vehicle	2 Person Field Party and Vehicle	MTCO SUBTOTAL	Overland Pacific Cutler	SUBCONSULTANT SUBTOTAL	TOTAL FEE	
											150.00	164.00	142.00	100.00	121.00	100.00	80.00	160.00	235.00					
1.0 PROJECT MANAGEMENT																								
1.1 Project Management		6								8		\$984					\$180			\$1,144			\$1,144	
Subtotal Task 1		6								8		\$984					\$180			\$1,144			\$1,144	
2.0 SURVEYING & BASE MAPPING																								
2.1 Existing Right of Way Delineation	2				12	16			8	38	\$300			\$1,452	\$1,600		\$1,280			\$4,632			\$4,632	
Subtotal Task 2	2				12	16			8	38	\$300			\$1,452	\$1,600		\$1,280			\$4,632			\$4,632	
3.0 RIGHT OF WAY ENGINEERING																								
3.1 Additional Legal Descriptions & Plat Maps	10				36	64				110	\$1,500			\$4,356	\$8,400					\$12,256			\$12,256	
3.2 Right of Way Staking					4	6			10	20				\$484	\$600			\$2,350			\$3,434			\$3,434
Subtotal Task 3	10				40	70			10	130	\$1,500			\$4,840	\$7,000			\$2,350		\$15,690			\$15,690	
4.0 APPRAISALS & ACQUISITIONS																								
4.1 Additional Appraisals & Acquisitions			4	4						8										\$968	\$15,194	\$15,194	\$16,162	
4.2 Relocation Assistance																					\$7,907	\$7,907	\$7,907	
Subtotal Task 4			4	4						8										\$968	\$23,101	\$23,101	\$24,069	
5.0 UTILITY RELOCATION																								
5.1 MID Relocation Plan		2	6	32						40		\$328	\$852	\$3,200						\$4,380			\$4,380	
Subtotal Task 5		2	6	32						40		\$328	\$852	\$3,200						\$4,380			\$4,380	
REIMBURSEABLES																				\$500	\$12,500	\$12,500	\$13,000	
TOTAL	12	8	10	36	52	86	2	8	10	224	\$1,800	\$1,312	\$1,420	\$3,500	\$6,292	\$8,600	\$160	\$1,280	\$2,360	\$27,314	\$35,601	\$35,601	\$62,915	