



NEWPORT BEACH

City Council Staff Report

July 23, 2024
Agenda Item No. 9

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot Project (15T09) – Approval of Additional Construction Contingency with Reyes Construction (Contract No. 8020-6), and Approval of Amendment No. Two to Professional Services Agreement with Ardurra (Contract No. 8020-8) and Amendment No. Five to Professional Services Agreement with Dokken Engineering (Contract No. 8020-5)

ABSTRACT:

The Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project is currently under construction. As a result of several unforeseen field conditions, in addition to experiencing an above normal amount of inclement weather over the past two winters, the project's original completion date has been delayed. Additional construction contingency and construction management and support services are also needed to address these changed field conditions and delays.

RECOMMENDATIONS:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve Budget Amendment No. 25-005, transferring \$805,874 from the unappropriated FFP: Parks/Community Centers fund balance into Account No. 56201-980000-15T09;
- c) Increase the construction contract contingency by \$500,000 to \$1,342,000 (approximately 12.8% of the contract award amount) with Reyes Construction (Contract No. 8020-6) to cover additional costs associated with unforeseen field conditions;
- d) Authorize payment of \$54,583.54 from the CIP Storm Drain Repair Account No. 01201926-980000-25D02 (Neighborhood Enhancement funds) to T.E. Roberts under its existing on-call contract;
- e) Approve Amendment No. Two to Professional Services Agreement with Ardurra (Contract No. 8020-8) for construction oversight of the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project in the amount of \$286,874 for a total not-to-exceed amount of \$1,537,020, and authorize the Mayor and City Clerk to execute the amendment; and

- f) Approve Amendment No. Five to Professional Services Agreement with Dokken Engineering (Contract No. 8020-5) for additional design services for the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project in the amount of \$19,000 for a total not-to-exceed amount of \$2,121,499, and authorize the Mayor and City Clerk to execute the amendment.

DISCUSSION:

The Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project is currently under construction and is approximately 80% complete. Construction started on January 23, 2023, and the contractor was allowed 320 consecutive working days to complete the work. This put the original completion date at May 3, 2024.

Thus far, there has been a total of 25 inclement weather-related delay days that disrupted the project schedule. Additionally, staff has approved 34 additional working days to complete the approved change order work. The contractor has also requested additional working days beyond the current approved and extended contract completion date of July 29, 2024. Staff is reviewing this request.

The City Council awarded the construction contract to Reyes Construction on November 29, 2022. The contract amount was \$10,518,759 and the approved contingency was \$842,000, which is approximately 8% of the awarded contract amount.

During the field sampling of the existing soil for the construction of the segmental wall, the soil parameters were not as favorable as the in-situ samples that were analyzed by the geotechnical engineer during design. As a result, the segmental wall design had to be modified to account for the weaker than anticipated soil. A revised wall design was required, which involved a significant amount of additional structural excavation and backfill. Several change orders related to the segmental wall were negotiated and approved. The additional cost for the revised segmental walls was approximately \$572,000. Staff is requesting to increase the construction contingency by \$500,000 to a total of \$1,342,000 (approximately 12.8% of the awarded contract amount) with Reyes Construction to account for the significant changes to the segmental walls due to unforeseen poor soil conditions.

The project team also encountered unforeseen perched groundwater while trenching for the proposed new storm drain system this spring. Since Reyes Construction does not have the resources to handle groundwater, the contractor provided a quote for \$190,000 to bring on a subcontractor to temporarily divert the groundwater so the storm drain improvements could be completed. During these discussions, staff recognized that Reyes Construction was unfamiliar with handling and constructing within high groundwater. Staff met with one of the City's on-call contractors, T.E. Roberts, which is very familiar with pipeline installation and handling groundwater. T.E. Roberts provided a quote for \$170,000 to temporarily divert the groundwater and to install the storm drain improvements under its existing on-call contract.

Reyes Construction agreed to descope and credit the City for this work and to have T.E. Roberts complete the storm drain improvements. T.E. Roberts' quote assumed 15 working days to complete the work. Unfortunately, there were three inclement weather days while T.E. Roberts was completing the work. The rain worsened the groundwater condition and made it much more difficult to complete the storm drain improvements. T.E. Roberts was able to complete the work in 19 working days for a total cost of \$224,583.54. Payment for the original quote of \$170,000 has been processed. Staff requests City Council's authorization to pay the remaining \$54,583.54 worth of work required due to rain and added groundwater handling under the existing on-call contract with T.E. Roberts.

City Council approved a Professional Services Agreement with Ardurra on March 22, 2022, for construction management services. Amendment No. One was approved to extend the term of the agreement. The construction management fee of \$1,250,146 is largely tied to the anticipated construction duration, which was assumed to be 320 working days. The construction duration has been extended as described above. Staff recommends approving Amendment No. Two to the Professional Services Agreement with Ardurra in the amount of \$286,874 for additional construction management services. If approved, the total not-to-exceed amount would be \$1,537,020.

The City approved a Professional Services Agreement and four amendments with Dokken Engineering for preliminary design, permitting, final design, value engineering, and construction support services for both the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project and the West Coast Highway and Superior Avenue Intersection Improvement project. Additional construction design support services are needed to address the numerous Requests for Information (RFIs) that have been submitted by Reyes Construction. Some of the RFIs pertain to the design and can only be answered by Dokken Engineering as the engineer of record. Staff recommends approving Amendment No. Five to the Professional Services Agreement with Dokken Engineering in the amount of \$19,000 for additional construction support services. The total not-to-exceed amount would be \$2,121,499.

FISCAL IMPACT:

Upon approval of the proposed Budget Amendment, sufficient funding is available to increase the construction contingency with Reyes Construction and to approve the two amendments with Ardurra and Dokken Engineering. The additional payment authorization for T.E. Roberts will be expended from the CIP Storm Drain Repair Account No. 01201926-980000-25D02 (Neighborhood Enhancement funds) for storm drain improvements.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

- Attachment A – Location Map
- Attachment B – Budget Amendment
- Attachment C – Amendment No. Two with Ardurra
- Attachment D – Amendment No. Five with Dokken Engineering