



DATE: May 17, 2021

TO: Mayor and Members of the City Council

VIA: Peter Pirnejad, City Manager

FROM: Paul Nagengast, Project Advisor, Regional Government Services

SUBJECT: CONTRACT AMENDMENT NO. ONE (1) IN THE AMOUNT OF \$491,500 WITH TANNER PACIFIC, INC., FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 327-657)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing the Mayor to execute Contract Amendment No. One (1) to the existing agreement with Construction Management and Support Services contract with Tanner Pacific, Inc., in the amount of \$491,500, thereby authorizing an amended scope of work to include Quality Control material testing for the Levee Protection Planning and Improvements Project (CIP 327-657).

Funding will be provided by the budget established for the Levee Protection Planning and Improvements Project (CIP 327-657).

EXECUTIVE SUMMARY

If approved, Contract Amendment No.1 to Tanner Pacific, Inc., would amend the scope of work to be performed by Tanner Pacific, Inc. (TPI) to include Quality Control material testing necessary for the concrete and lightweight cellular fill items. The testing would be conducted by Tanner Pacific, Inc.'s subcontractor by Consolidated Engineering Laboratories for the not to exceed amount of \$491,500. City Council action is required to amend the scope of work and find these additional services necessary.

BACKGROUND

A robust Quality Control materials testing program, performed by a certified testing laboratory and supported by a Quality Management Plan (QMP) must be provided to meet the requirements of regulatory agencies for the Levee Improvements Project.

TPI's current contract scope of work includes "intermittent verification testing" only. This means that TPI is responsible to conduct Quality Assurance testing as a periodic check of the Quality Control testing being implemented by a third party. TPI's subconsultant, Cal Engineering & Geology (CEG) is performing the Quality Assurance (verification) testing for the Project as called for in TPI's current scope of work.

Section 01 45 00 – 1.01.B of the levee contract Specifications indicates:

"The City will employ one or more testing laboratories that will provide materials testing services during construction".

The geotechnical engineer of record, ENGEO, subconsultant to Schaaf & Wheeler, included Quality Control testing of the earthwork (soils and paving) portion of the levee improvements in their scope of work. However, other Quality Control testing required per the Contract Documents, primarily related to concrete and lightweight cellular fill, is not included in the scope of work for either Schaaf and Wheeler or TPI.

Pursuant to direction from the City, TPI requested a quote from Consolidated Engineering Laboratories (CEL), to perform Quality Control testing related to the concrete and lightweight cellular fill for the project. CEL's quote for performing the Quality Control material testing as outlined in the Levee Improvements Project Quality Management Plan exclusive of earthwork testing is \$491,500 including all allowed mark ups for TPI.

In order to avoid a delay, for any concrete that is currently being poured and placed, TPI's subconsultant, CEG, is performing the necessary Quality Control materials testing, thereby avoiding any cost and time impacts to the Project.

ANALYSIS

In order to be assured the Project meets the requirements of the regulatory agencies, a robust Quality Control program for materials testing must be performed by a certified testing laboratory. ENGEO has been performing Quality Control earthwork testing since the Project commenced and has scope and budget to continue the earthwork testing as part of Schaaf & Wheeler Phase III contract. Staff now recommends that the TPI scope of work be amended, thereby authorizing the certified testing laboratory, CEL, to perform Quality Control testing on the concrete and lightweight cellular fill

materials for the remainder of the Project for the not to exceed amount of \$491,500.

CEG has and will continue to perform Quality Control testing of the concrete materials until the CEL contract through TPI has been approved by City Council. As noted above, TPI's subconsultant, CEG, has been performing required Quality Control materials testing pending the City Council's review of this item. TPI is closely monitoring this work and costs associated with it

Approval of Amendment No. 1 to TPI Construction Management and Support Services contract ensures the Project will meet the requirements of regulatory agencies and the necessary Quality Control testing programs for the Project.

FISCAL IMPACT

With the execution of Contract Amendment No. One (1), the revised contract amount is \$7,190,377:

Const Mngmt & Insp Contract	\$6,698,877
Contract Amendment #1	\$491,500
Revised Contract Amount	<u>\$7,190,377</u>

Adequate funding is available in the budget for the Project (CIP 327-657).

CITY COUNCIL VALUE/PRIORITY AREA

This action supports the Levee Protection and Improvements Planning Project, which falls under the "Facilities and Infrastructure" Value/Priority Area. The key outcome is to provide Quality Control materials testing to meet the requirements of regulatory agencies, performed by certified testing laboratories. This project also aligns with the City's Vision and Mission statement as it has implications related to all three elements related to the Sustainable Foster City.

Attachments:

- Attachment 1 – Resolution
- Attachment 2 – Contract Amendment No. One (1)
- Attachment 3 – Letter dated April 30, 2021, Tanner Pacific, Inc. request for Contract Amendment No. One (1)