



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Award of a Contract for Design Services to Upgrade the SMaRT Station Stormwater Management System in Conjunction with the San Francisco Baykeeper Settlement (F16-71)

REPORT IN BRIEF

Approval is requested to award a contract to Geosyntec of Oakland in the amount of \$149,563 for design and preparation of bid documents and construction support services for the SMaRT Station Stormwater Management System Upgrade project. Approval is also requested for a 10% design contingency in the amount of \$14,956.

EXISTING POLICY

Policy EM-10.3 - Reduced Runoff and Pollutant Discharge requires the incorporation of appropriate stormwater treatment and control measures for industrial and commercial facilities as identified in the stormwater municipal regional permit.

Consistent with the provisions of Chapter 2.08 of the Sunnyvale Municipal Code, civil engineering design work is solicited through a Request for Proposals (RFP) process, unless otherwise exempt from the competitive bidding process.

ENVIRONMENTAL REVIEW

This award is for the design phase and does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. It is anticipated that the CEQA determination for the actual construction will be a Class 1 categorical exemption pursuant to CEQA Guidelines Section 15301 for alterations to existing facilities involving negligible or no expansion of use beyond that which presently exists.

BACKGROUND AND DISCUSSION

In 2013, San Francisco Baykeeper filed a lawsuit claiming that the City had failed to comply with the Industrial Stormwater Permit requirements of the federal Clean Water Act with regard to stormwater runoff at the SMaRT Station and various locations on the closed Sunnyvale Landfill. On December 6, 2013, a negotiated settlement agreement between the City and Baykeeper became effective.

A requirement of the Baykeeper settlement agreement was the preparation of a Feasibility Study and implementation plan to determine the most effective Best Management Practices (BMPs) for managing industrial stormwater runoff at the SMaRT Station. In September 2014, the City Council approved a contract with Geosyntec for this purpose following a RFP process (RTC 14-0803). The study evaluated three options for managing industrial stormwater at the SMaRT Station. The option

selected by the City was to divert the runoff from the SMaRT Station to the Water Pollution Control Plant (WPCP) for treatment and discharge into the Bay. In May 2015, Baykeeper approved a plan and timeline for the implementation of this alternative.

On July 1, 2015, the State Water Resources Control Board (SWRCB) adopted a revised Industrial General Permit (Order No. 2014-0057-DWQ) which changed the delineation of the site's industrial area to include the portion of Carl Road where vehicles enter and exit the SMaRT Station. This required an addendum to the Feasibility Study to include this area in the system of diversion to the WPCP. Geosyntec submitted a proposal, and was awarded a contract to prepare this addendum in September 2015 (RTC 15-0794). The addendum was completed in late November 2015, and this allowed the project to move forward with the design phase. .

A Request for Proposals (RFP No. F16-71) to design the necessary improvements was distributed in December 2015 to five known firms with expertise in stormwater management systems. No responses were received. Pursuant to Sunnyvale Municipal Code Section 2.08.070 (14), in situations where competitive proposals have been solicited and no proposals are received, the solicitation may be reissued, or the City Manager may authorize the procurement without additional competitive bidding. In this instance, a new RFP was not issued in order to adhere to the timeline agreed to by the City and Baykeeper (to have upgrades constructed by June 30, 2018).

Staff contacted the solicited firms to determine why no proposals were received. Varying responses were provided, including availability of key staff with the necessary experience, current overall workload, and the tight scheduling timeframe to complete the project. Based on this information, staff concluded that the likelihood was low that multiple responses would be received if another RFP were issued. Given their extensive knowledge with the City's requirements and expertise in both the WPCP Pretreatment Program and stormwater management design, staff contacted Geosyntec to ask them to reconsider submitting a proposal. A proposal in the amount of \$112,494 was subsequently received (\$95,314 in base tasks and \$17,180 in optional services). This proposal included the design of a gravity flow system to divert the runoff.

During scope and fee discussions with Geosyntec, it was concluded that additional services would be needed to evaluate a diversion option which includes a pumping system. This type of system is more complex than gravity conveyance, and it may be needed if utility conflicts or other space constraints are discovered during the site investigation and preliminary design phases of the project. In anticipation of this design and construction possibility, optional services in the amount of \$37,069 were added to the contract. The approval of a 10% contingency is especially important on this project since it is possible that field conditions or design requirements that cannot be ascertained in advance will dictate the need for minor revisions to the work scope, and the timeframe specified in the Baykeeper Settlement will require an immediate decision and expeditious action to keep the project on schedule.

FISCAL IMPACT

The total not-to-exceed amount for the contract, including base and optional services and a 10% contingency, is \$164,519. The City shares the costs for improvements to the SMaRT Station with the partner cities of Palo Alto and Mountain View. Expenses are largely related to equipment replacement as appropriated for in Capital Project 811250, SMaRT Station Equipment Replacement. The cost for these improvements have been included in this project.

Funding Source

This project is funded by SMaRT Station Fund 490. Expenses are shared among the cities of Mountain View, Palo Alto and Sunnyvale consistent with the SMaRT Station Memorandum of Understanding. Sunnyvale's share will be 55.28% of the total amount spent or approximately \$91,000.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

1) Award a contract, in substantially the same form as Attachment 1 of this report and in an amount not to exceed \$149,563 to Geosyntec Consultants; and 2) approve a 10% design contingency in the amount of \$14,956.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Timothy J. Kirby, Acting Director, Finance

Reviewed by: John Stufflebean, Director, Environmental Services

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Draft Consultant Services Agreement