



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Authorize Amending an Existing Contract with CDM Smith for Program Management and Related Services for the Sunnyvale Cleanwater Program (F21-028)

REPORT IN BRIEF

Staff requests approval to amend an existing contract with CDM Smith of Walnut Creek to provide Program Management services related to the Sunnyvale Cleanwater Program reconstruction of the Water Pollution Control Plant (WPCP). The Fourth Amendment would increase the contract not to exceed amount by \$10,099,549; increasing the total not-to-exceed contract amount from \$21,303,039 to \$31,402,588 and will extend the term of the agreement through December 31, 2023. Approval is also requested to increase the remaining contingency by \$34,284 to \$833,086 (5% of the remaining and added core services). Total expenses for the contract term, including contingencies, will not exceed \$32,235,674 subject to annual appropriation of funds.

Overall services under this contract include quality assurance of design work products; coordination of new construction; records management; financial and schedule oversight; regulatory and environmental operational compliance; public outreach program implementation; coordination of simultaneous plant projects, new facilities commissioning; and automation and controls systems integration.

EXISTING POLICY

Pursuant to Section 2.08.040 of the Sunnyvale Municipal Code City Council approval is required for the procurement of goods and/or services exceeding \$100,000 in any one transaction.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) in that it has no potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment.

BACKGROUND AND DISCUSSION

The existing WPCP was initially built in 1956. With additions over the subsequent 15-20 years, it has grown to a tertiary treatment facility with an average dry weather flow rate of 14 million gallons per day (MGD). It has a permitted average dry weather flow rate of 29.5 MGD. An asset condition assessment conducted in 2006 identified several critical WPCP structures as at-risk and in need of immediate rehabilitation. Based on this assessment, the City began implementing several rehabilitation projects. It also developed a long-term Strategic Infrastructure Plan (SIP) to serve as a road map for the physical improvements and process enhancements needed to maintain a high level of treatment and to meet current and expected regulatory requirements and stewardship objectives.

In 2013, to help implement the SIP, the City secured the professional services of an engineering design team of consultants. The design team developed a comprehensive Master Plan, which included the “basis of design” development for the various process areas to be rebuilt and a programmatic environmental impact report (PEIR). City Council adopted the Master Plan in 2016.

Due to the magnitude and complexity of the Sunnyvale Cleanwater Program, a consultant team was selected to provide the management services necessary to oversee the program. As a result of the Request for Proposal (RFP) process, Council awarded a three-year contract to CDM Smith on March 25, 2014 (RTC No. 14-0264) and approved a three-year contract extension on March 28, 2017 (RTC No. 17-0271). Council approved a second amendment to include services for the application and administration of a Water Infrastructure Financing and Innovation Act (WIFIA) on July 16, 2019 (RTC No. 19-0719). A third amendment to extend the contract term utilizing existing agreement funding was approved under the City Manager authority. CDM Smith has demonstrated technical strength and capability to continue to assist the City in the rebuild of the WPCP. This fourth amendment will modify the agreement to increase funding and extend the term for an additional three years.

Current projects active at the WPCP include the removal and dewatering of sediment (biosolids) from the oxidation ponds and digesters, construction of new headworks and primary treatment facilities, oxidation pond levee repair, food waste codigestion piloting, and the interim replacement of the oxidation pond effluent pipeline. Future projects underway at the WPCP will focus on new secondary treatment facilities and rehabilitation of existing facilities, in addition to a new administration and laboratory building (Cleanwater Center). The construction will occur while maintaining plant operations at all times with the existing infrastructure to ensure fully compliant discharge of treated wastewater.

Under the current contract, CDM Smith has provided oversight of master planning efforts; oversight and coordination of multiple design and construction contracts; and coordination of the program with ongoing WPCP operations. As the program continues, the consultant will also plan and coordinate projects to comply with the Programmatic Environmental Impact Report (PEIR) and the City’s National Pollutant Discharge Elimination System (NPDES) permit. Several phases of work may require simultaneous coordination to provide efficiency and optimum value to the City.

The City anticipates awarding multiple consulting contracts over the next several years. CDM Smith will be required to coordinate its work with the City and other city consultants who will be working simultaneously on the Headworks and Primary Treatment Facility; Oxidation Pond Effluent Pipeline Interim Repair; Existing Plant Rehabilitation; Secondary Treatment Improvements- Stage 1; Cleanwater Center; Master Plan Update; Phase 3 Condition Assessment; Filter Control Building; Digester Number 5; Food Waste Facility; Cogeneration Upgrade; Oxidation Pond Levee Repairs; Environmental Mitigation; and Waste Gas Burner Upgrade.

To continue to provide comprehensive program management services, complete the design of several projects, update the Master Plan and initiate several new projects, an amendment to the current contract is necessary. Council approval of the recommended contract amendment for CDM Smith will allow the Sunnyvale Cleanwater Program to proceed seamlessly with current consultant staff that are well aware of the issues at the site and understand the program.

FISCAL IMPACT

Budgeted funding is available in capital project 830240, Sunnyvale Cleanwater Program, Program

Management Services, and capital project 834900, Sunnyvale Cleanwater Program Financing Support. Funding is provided in the Wastewater Management Fund.

PUBLIC CONTACT

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

RECOMMENDATION

Take the following actions:

- Approve the Fourth Amendment to Consultant Services Agreement with CDM Smith, in substantially the same form as Attachment 1 to the report, increasing the not-to-exceed amount by \$10,099,549 for a new not-to-exceed amount of \$31,402,588, and extending the term of the agreement for three years, through December 31, 2023;
- Authorize the City Manager to execute the Fourth Amendment when all necessary conditions have been met; and
- Approve an increase to the contract contingency in the amount of \$34,284 for a contingency total of \$833,086.

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Ramana Chinnakotla, Director of Environmental Services

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Draft Fourth Amendment to Consultant Services Agreement