

ITEM 4.13

CITY MANAGER'S REPORT SEPTEMBER 9, 2024 CITY COUNCIL REGULAR MEETING

ITEM: **APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT WITH WSP USA, INC. FOR THE MANTHEY ROAD BRIDGE REPLACEMENT PROJECT, CIP PS 12-04 AND APPROVE BUDGET AMENDMENT**

RECOMMENDATION: **Adopt Resolution to Approve Amendment No. 5 to Professional Services Agreement with WSP USA, Inc. for the Manthey Road Bridge Replacement Project, CIP PS 12-04 and Approve Budget Amendment**

SUMMARY:

The existing Manthey Road Bridge across the San Joaquin River was built in 1926 and has been identified by Caltrans for rehabilitation or replacement to maintain public safety. The City applied for and received grant funding for the replacement of the bridge from the Federal Highway Administration (FHWA) through the Highway Bridge Program (HBP). Caltrans administers the Federal funding on behalf of FHWA and oversees the environmental clearance process.

Recently, Caltrans requested additional services to complete the environmental clearance process that were not previously identified, triggered by two new events. The events are as follows:

- Reversal of decision by Caltrans on documentation needed to satisfy Section 106 (cultural studies) requirements.
- The recent change in status for the SF Bay-Delta Long Fin Smelt.

Staff is requesting Council approve Amendment No. 5 with WSP for a total cost of \$59,034.13 to provide additional services. An additional \$90,000 is needed for incidental and unforeseen costs associated with the project such as miscellaneous costs and staff time. Therefore, staff is also requesting Council approve a budget amendment transferring \$75,000 from the W/C Lathrop Local Transportation CFF Fund 2320 and \$75,000 from the RTIF Lathrop Local West CFF Fund 2360 to the Manthey Road Bridge Replacement Project.

BACKGROUND:

On February 3, 2014, Council approved a contract with WSP in the total amount of \$1,411,350 for Preliminary Engineering and Environmental Services associated with the Manthey Road Bridge Replacement Project CIP PS 12-04. The existing bridge

SEPTEMBER 9, 2024 CITY COUNCIL REGULAR MEETING**APPROVAL OF AMENDMENT NO. 5 WITH WSP USA, INC. FOR PROFESSIONAL SERVICES AGREEMENT FOR THE MANTHEY ROAD BRIDGE REPLACEMENT PROJECT, CIP PS 12-04**

across the San Joaquin River was built in 1926 and has been identified by Caltrans for rehabilitation or replacement to maintain public safety. The project will replace the existing Manthey Road Bridge which is located approximately 0.3 miles northeast of Stewart Road.

On July 20, 2015, Council approved Amendment No. 1 to amend the original project scope and include the preparation of an Extended Phase I (XPI) cultural survey, a Feasibility Study, and a Water Quality Assessment Report per Caltrans direction. The cost of including the additional services was \$162,019, which was included in the FY 15/16 budget for the Manthey Road Bridge Replacement Project PS 12-04.

In order to expand the technical studies, continue the Extended Phase I (XPI) cultural survey, and prepare a higher class of action for National Environmental Policy Act (NEPA) compliance, Council approved Amendment No. 2 with WSP on April 9, 2018. The total amount for Amendment No. 2 was \$330,957 with a termination date of June 30, 2019. However, more time was needed for the completion of the original scope of services and City staff extended the term of the Agreement by an additional 36 months through a letter agreement known as Amendment No. 3. No additional cost was identified, and the termination date was extended to June 30, 2022.

Furthermore, Amendment No. 4 dated April 27, 2022 was added to satisfy the requirements from Caltrans Cultural Studies Office (CSO), a project-specific Programmatic Agreement (PA) was needed to address archaeological sensitivity. WSP also need to perform additional preliminary engineering and cost estimates to evaluate the cost impact to the project due to elimination of the Reinforced Concrete Box (RCB). The Total amount for Amendment No. 4 was \$86,900.

Staff is requesting Council approve Amendment No. 5 with WSP to provide additional coordination services (included as Attachment B) and extend the term of the Agreement until June 30, 2025. Staff is also requesting Council approve a budget amendment transferring \$75,000 from the W/C Lathrop Local Transportation CFF Fund 2320 and \$75,000 from the RTIF Lathrop Local West CFF Fund 2360 to the Manthey Road Bridge Replacement Project to fund Amendment No. 5 and the incidental and unforeseen costs associated with the project.

REASON FOR RECOMMENDATION:

Approval of Amendment No. 5 with WSP USA, Inc. will allow the project to move forward as intended. Staff is requesting City Council to approve Amendment No. 5 between the City of Lathrop and WSP USA, Inc. to provide the additional coordination services needed. The proposed Amendment No. 5 will also include a budget amendment to add the cost of \$59,034.13 for the additional services needed.

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FISCAL IMPACT:

Staff request City Council approve a budget amendment transferring \$75,000 from the W/C Lathrop Local Transportation CFF Fund 2320 and \$75,000 from the RTIF Lathrop Local West CFF Fund 2360 to the Manthey Road Bridge Replacement Project, CIP PS 12-04 as follows:

Increase Transfer Out 2320-9900-990-9010		\$75,000
Increase Transfer Out 2360-9900-990-9010		\$75,000
Increase Transfer In 3310-9900-393-0000	PS 12-04	\$150,000
Increase Expenditure 3310-8000-420-8300	PS 12-04	\$150,000

ATTACHMENTS:

- A. Resolution Approving Amendment No. 5 to the Professional Services Agreement with WSP USA, Inc. for the Manthey Road Bridge Replacement Project, CIP PS 12-04 and Approving Budget Amendment
- B. Contract Amendment No. 5 with WSP USA, Inc. to Professional Services Agreement for the Manthey Road Bridge replacement Project, CIP PS 12-04

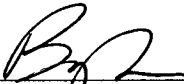
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APPROVALS:



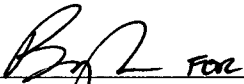
Leisser Mazariegos
Project Manager

9.3.2024
Date



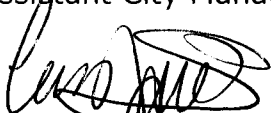
Brad Taylor
City Engineer

9/4/2024
Date



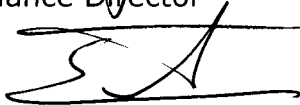
Michael King
Assistant City Manager

9/4/2024
Date



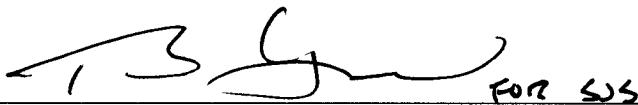
Cari James
Finance Director

9/4/2024
Date



Salvador Navarrete
City Attorney

9-4-2024
Date



Stephen J. Salvatore
City Manager

9/4/2024
Date

RESOLUTION NO. 24 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT WITH WSP USA, INC. FOR THE MANTHEY ROAD BRIDGE REPLACEMENT PROJECT, CIP PS 12-04 AND APPROVING BUDGET AMENDMENT

WHEREAS, on February 3, 2014, Council approved a Professional Consulting Services Agreement with WSP USA, Inc. (formerly Parsons Brinckerhoff, Inc.) in the total amount of \$1,411,350 for Preliminary Engineering and Environmental Services associated with the Manthey Road Bridge Replacement Project, CIP PS 12-04; and

WHEREAS, on July 20, 2015, Council approved Amendment No. 1 to amend the original project scope and include the preparation of an Extended Phase I (XPI) cultural survey, a Feasibility Study, and a Water Quality Assessment Report per Caltrans direction, in the amount of \$162,019; and

WHEREAS, in order to expand the technical studies, continue the Extended Phase I (XPI) cultural survey and prepare a higher class of action for National Environmental Policy Act (NEPA) compliance, Council approved Amendment No. 2 with WSP on April 9, 2018, in the amount of \$330,957; and

WHEREAS, the termination date for Amendment No. 2 was on June 30, 2019. However, more time was needed for the completion of the original scope of services and the City extended the term of the Agreement by an additional 36 months through a letter agreement known as Amendment No. 3 dated May 20, 2020. No additional cost was identified and the new termination date was extended to June 30, 2022; and

WHEREAS, on April 11, 2022, Council approved Amendment No. 4 to amend the project scope for a project-specific Programmatic Agreement (PA) that was needed in order to satisfy the requirements from the California Department of Transportation (Caltrans) Cultural Studies Office (CSO). WSP also needed to provide additional coordination services that include preliminary engineering and cost estimates to evaluate the cost impact to the project due to elimination of the Reinforced Concrete Box (RCB); and

WHEREAS, staff requests Council approve Amendment No. 5 with WSP USA, Inc. for a total cost of \$59,034.13 to provide additional coordination services related to the environmental clearance process for the Project (detailed in Attachment B of the City Manager's Report) and extend the term of the Agreement until June 30, 2025. An additional \$90,000 is needed for incidental and unforeseen costs associated with the project such as miscellaneous cost and staff time; and

WHEREAS, staff also requests City Council approve a budget amendment transferring \$75,000 from the W/C Lathrop Local Transportation CFF Fund 2320 and \$75,000 from the RTIF Lathrop Local West CFF Fund 2360 to the Manthey Road Bridge Replacement Project, CIP PS 12-04 as follows:

Increase Transfer Out 2320-9900-990-9010		\$75,000
Increase Transfer Out 2360-9900-990-9010		\$75,000
Increase Transfer In 3310-9900-393-0000	PS 12-04	\$150,000
Increase Expenditure 3310-8000-420-8300	PS 12-04	\$150,000

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve Amendment No. 5 with WSP USA, Inc. to provide additional coordination services (detailed in Attachment B of the City Manager’s Report), and extend the term of the Agreement until June 30, 2025; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Lathrop also approves a budget amendment as detailed above.

The foregoing resolution was passed and adopted this 9th day of September 2024, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

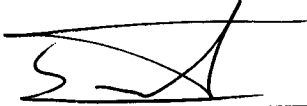
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

AMENDMENT NO. 5

**TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN
THE CITY OF LATHROP AND WSP USA, INC. DATED FEBRUARY 3, 2014**

FOR THE MANTHEY ROAD BRIDGE REPLACEMENT PROJECT, CIP PS 12-04

THIS AMENDMENT (hereinafter “AMENDMENT NO. 5”) to the agreement between WSP USA, Inc. and the City of Lathrop dated February 3, 2014, (hereinafter “AGREEMENT”) dated for convenience this **9th day of September 2024** is by and between **WSP USA, Inc.** (“CONSULTANT”) and the **City of Lathrop** (“CITY”), a California municipal corporation.

RECITALS:

WHEREAS, CONSULTANT and CITY entered into an AGREEMENT to provide Professional Consulting Services for the Manthey Road Bridge Replacement Project, CIP PS 12-04 dated February 3, 2014, in the amount of \$1,411,350.00; and

WHEREAS, on July 20, 2015, CONSULTANT and CITY entered into AMENDMENT NO. 1 for additional Professional Consulting Services including the preparation of an Extended Phase I (XPI) cultural survey, a Feasibility Study, and a Water Quality Assessment Report, in the amount of \$162,019.00; and

WHEREAS, on April 9, 2018, CONSULTANT and CITY entered into AMENDMENT NO. 2 for additional Professional Consulting Services including the preparation of a higher class of action for National Environmental Policy Act (NEPA) compliance, in the amount of \$330,957.00; and

WHEREAS, on May 20, 2020, CONSULTANT and CITY entered into a letter agreement known as AMENDMENT NO. 3 to extend the term of the Agreement by an additional 36 months to a new termination date of June 30, 2022; and

WHEREAS, on April 11, 2022, CONSULTANT and CITY entered into a letter agreement known as AMENDMENT NO. 4 for additional Professional Consulting Services and to extend the term of the Agreement until June 30, 2024; and

NOW, THEREFORE, CONSULTANT and CITY agree as follows:

(1) Scope of Service. Section (1) of the AGREEMENT for Consulting is hereby amended to add the following:

CONSULTANT agrees to perform services in accordance with the scope of work and fee proposal provided by CONSULTANT, attached hereto as Exhibit “A” and incorporated fully herein by this reference. The aforementioned work is in addition to the scope of work in the original AGREEMENT dated February 3, 2014, Amendment No. 1 dated July 20, 2015, Amendment No. 2 dated April 9, 2018, letter agreement known as Amendment No. 3 dated May 20, 2020 and Amendment No. 4 dated April 11, 2022 for Professional Consulting Services.

CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and the CITY’S satisfaction.

(2) Compensation. Section (2) of the AGREEMENT for Consulting Services is hereby amended as follows:

City hereby agrees to pay CONSULTANT an additional sum of **\$59,035.00** for the Professional Consulting Services set forth in Exhibit "A" of this AMENDMENT NO. 5, with a total sum not to exceed of \$2,050,261.00 (\$1,411,350.00 for the original AGREEMENT, \$162,019.00 for Amendment No. 1, \$330,957.00 for Amendment No. 2, letter agreement known as Amendment No. 3 at no additional cost, \$86,900.00 for Amendment No. 4 and \$59,035.00 for AMENDMENT NO. 5. CONSULTANT shall be paid within thirty (30) days of receipt of billings containing all information contained in Paragraph 5 of the original AGREEMENT. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in the original scope of work, and this AMENDMENT unless a written change order or authorization describing the extra work and payment terms has been executed by CITY'S Authorized Representative prior to the commencement of the work.

(3) Effective Date and Term

The effective date of AMENDMENT NO. 5 is **SEPTEMBER 9, 2024** and it shall terminate no later than **June 30, 2025**. AMENDMENT NO. 5 hereby extends the term of the original AGREEMENT to June 30, 2025. All other terms of the original AGREEMENT shall remain in full force and effect.

(4) Applicability To Original Consultant AGREEMENT

All terms and conditions set forth in the AGREEMENT dated February 3, 2014 and Amendment No. 1 dated July 20, 2015, Amendment No. 2 dated April 9, 2018, Letter agreement known as Amendment No. 3 dated May 20, 2020 And Amendment No. 4 dated April 11, 2022 are still in effect and are incorporated by reference herein and said AGREEMENT is incorporated by reference herein.

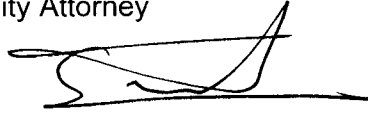
(5) Signatures

The individuals executing this AMENDMENT NO. 5 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this AMENDMENT NO. 5 on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP – WSP USA, INC.
AMENDMENT NO. 5 FOR PROFESSIONAL CONSULTING SERVICES FOR THE MANTHEY
ROAD BRIDGE REPLACEMENT PROJECT, CIP PS 12-04

Approved as to Form:

City of Lathrop
City Attorney



Salvador Navarrete

9-4-2024

Date

Recommended for Approval:

City of Lathrop
Public Works Director

Michael King

Date

Accepted By:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

WSP USA, Inc.
2329 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833

Fed ID # 11-1531569
Lathrop Business License # 20842

Signature

Date

Print Name and Title



Date: 8/12/2024

Department of Public Works
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330
Attention: Michael King

RE: Manthey Road Bridge Replacement Project
Contract Amendment #5

Dear Michael,

WSP has prepared this contract amendment for the above project. This contract amendment covers reinitiating consultation with the USFWS due to the listing of longfin smelt, completing the Section 106 process, and revising the draft Final IS/EA and decision documents due to incorporate text related to cultural and biological resources and revisions to the IS/EA template.

For more details concerning added scope of services and corresponding budget amounts, please see the attached information.

Please don't hesitate to contact me with any questions.

Sincerely,
WSP USA Inc

A handwritten signature in black ink, appearing to read 'James Gomez'.

James Gomez
Project Manager

Enclosed: Supplemental #5 Scope and Cost Proposal



Scope of Work

WSP is requesting to extend this contract through 6/30/2025. There are several remaining deliverables/issues that have been delayed primarily due to Caltrans schedules. Those include conferencing or reinitiating consultation with the USFWS, completing the Section 106 process, and completing the Final IS/EA and decision documents.

Since ESA Section 7 consultation with the USFWS on the Manthey Road Bridge project was completed, longfin smelt, a fish species with potential to occur in the project area, has been proposed as an endangered species and is likely to be listed within the next year. Since the project will almost certainly still be in construction when longfin smelt is listed, the USFWS Biological Opinion (BO) would need to be updated at some point. Preparing an addendum to the biological assessment (BA) to add longfin smelt and re-initiating consultation will be necessary.

Section 106 consultation has been ongoing for several years. Originally, Caltrans District determined the appropriate document would be a Post-Review Discovery Plan (PRDP), but Caltrans Cultural Studies Office determined a Cultural Resources Management Plan and implementing Programmatic Agreement would be required. These documents were prepared and have been through multiple reviews and revisions. It has now been determined that the PRDP is the appropriate document and that it must but updated address the disposition of materials from work on the levee and incorporate pertinent revisions from the CRMP.

For the Final IS/EA, the delays in the Section 106 process have resulted in the need to update the text to reflect the most recent template, and to rerun species lists and update the biological resources section several times.

The scope of work below details the steps necessary to complete the BA Addendum, the Section 106 documentation, and the Final IS/EA and decision documents.

Task 1 - Project Management

WSP anticipates that the additional scope of work included in this amendment will require an additional 12 months of project management and administration. WSP assumes 4 hours per month for the WSP project manager and 2 hours per month for its project accountant for this task. The WSP project manager will attend calls, prepare meeting notes, and will prepare progress reports.

ICF shall provide progress reporting, schedule and deliverable updates, and coordination with WSP, the City, and Caltrans. For the purposes of estimating costs, ICF assumes that 3 hours per month will be expended on project management.



Task 5.7.5 Technical Studies

Biological Resources:

An ICF fish biologist will coordinate with Caltrans to determine the type and format of the BA addendum and then prepare the addendum for City and Caltrans review. The ICF fish biologist will also support Caltrans in agency coordination. For purposes of preparing the BA addendum, it is assumed that no substantial changes to the proposed project have occurred since the BO was issued; therefore, the BA addendum will focus on evaluating project effects on longfin smelt only. It is further assumed that there will be one round of concurrent review by WSP and the City, and one round of review with Caltrans and each round of review will include a live edit call to ensure all comments are addressed. It is further assumed that ICF will address any agency comments and participate in one call with the City, Caltrans and/or USFWS.

Cultural Resources:

Caltrans CSO has determined that a PRDP is the appropriate document and that a PA and CRMP are not necessary. ICF cultural resources staff will review the 2021 PRDP in comparison to the latest CRMP and make the PRDP consistent with revisions that were incorporated into the CRMP (for instance, relating to distinguishing between resources associated with the known site and unassociated resources). A discussion of the treatment and disposition of any materials recovered from work associated with the construction of abutments or piers from beneath the levee will be added. To minimize review time and comments, the document will go through a light edit and will be formatted. We assume that there will be minimal revisions to figures and no revisions to the APE. We assume that there will be one round of review at the District level and one round of review at CSO.

Task 7 – Final Environmental Document (ED)

ICF will update the discussion of biological resources and agency consultation. The ICF fish biologist will update these sections to include the current status of the species and the initiation of conferencing with USFWS for longfin smelt. A wildlife biologist will rerun species lists at resource agencies and update the discussion as necessary. ICF will review the cultural resources discussion and update it to reference the appropriate document and dates. Some budget has been allotted for editing new text and stacking the document.

SUPPLEMENT NO. 5 COST PROPOSAL

		WSP				ICF		Total Cost
TASK	Project Manager	Project Administrator	Total Labor Hours	Total Labor Cost	Total Labor Hours	Total Labor Cost		
	Gamez \$122.87	Tran \$49.60						
1	Project Management	48	72	\$20,162.98	24	\$6,496.66	\$26,659.64	
	Project Management	48	72	\$20,162.98	24	\$6,496.66	\$26,659.64	
7	Environmental Analysis	0	0	\$ -	198	\$32,374.49	\$32,374.49	
	BA Addendum - Draft and Final				64	\$8,718.51	\$8,718.51	
	USFWS/Caltrans Coordination				6	\$1,185.20	\$1,185.20	
	Cultural Resources				62	\$11,549.48	\$11,549.48	
	FED revisions				66	\$10,921.30	\$10,921.30	
	Total for Supplemental Tasks	48	72	\$20,162.98	222	\$38,871.15	\$59,034.13	
			OVERHEAD	158.60%				
			FIXED FEE	10.00%				
			DIRECT COSTS	\$ -			\$0.00	
			TOTAL COST	20,162.98		\$38,871.15	\$59,034.13	