



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen  
Albert Balagso  
John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 04-25-07

Approved

*Deanna Jatra*

Date

*5/2/07*

**COUNCIL DISTRICT:** 3

**SUBJECT: MASTER AGREEMENT WITH URS CORPORATION FOR CIVIL  
ENGINEERING CONSULTANT SERVICES FOR WATSON COMMUNITY PARK**

## RECOMMENDATION

Approval of a master agreement with URS Corporation for civil engineering consultant services for the civil design improvements, preparation of construction and other supporting documents and bid and construction assistance services for the Watson Community Park Project from the date of execution through December 31, 2010 in an amount not to exceed \$500,000.

## OUTCOME

Approval of this master agreement will enable the City to hire a consultant to prepare construction documents for Watson Park that balance remediation requirements and flood plain modification with long-term park goals.

## BACKGROUND

In May 2004, the City began construction on the Watson Skate Park. During excavation activities for the concrete skate park, the contractor uncovered refuse materials indicative of an old burn dump site. After some preliminary evaluations of the soil conditions at Watson Park, the City took the precautionary action of closing the park pending further study. The park remains closed.

The City subsequently entered into a Voluntary Cleanup Agreement with the State of California, Department of Toxic Substances Control ("DTSC") for the characterization and cleanup of the Watson Park site. Following a competitive selection process, the City entered into a master agreement with URS Corporation to perform a variety of services related to conducting a comprehensive burn dump site investigation and characterization for Watson Park. Pursuant to the master agreement, URS Corporation has provided services relating to locating, identifying, and analyzing the burn ash and dump debris at the site. This work culminated in a Preliminary Waste Characterization Report approved by DTSC in December 2006.

Pursuant to the master agreement, URS is currently working on completing a Remedial Action Plan (“RAP”) for Watson Park. The RAP will identify a preferred alternative for remediating the burn ash and dump debris identified at the site. Once DTSC approves the RAP, the City will be ready to move on to the next phase of work: the design and construction of improvements at Watson Park that seek to both implement the preferred remedial alternative identified in the RAP and prepare for park restoration. The proposed new master agreement addresses this next phase of work.

### **ANALYSIS**

Staff proposes using a master agreement to engage the specialty engineering services needed for this project. The services will involve designing improvements and preparing construction documents to implement long-term goals for the use of Watson Park. These services will be complicated by the fact that the improvements, and the design and construction documents implementing those improvements, will also need to implement the remediation of hazardous material in compliance with all applicable federal, state, and local regulations. Further complicating the project is the fact that it will also involve modifications to the flood plain.

Staff undertook a consultant selection process in February-April 2007 for the project. A Request for Qualifications was advertised seeking interested consultants to submit a Statement of Qualifications (SOQ). Five consulting firms submitted an SOQ. One firm, LFR, Inc., was disqualified in the preliminary screening because of their stated exception to the City’s standard Agreement for Professional Consultant Services, a basic requirement of the RFQ. The remaining SOQs were screened by a panel composed of one community member and four staff. Based upon the screening, the panel invited the remaining four firms to interview for the project. One firm, Brown & Caldwell, subsequently declined. From the firms interviewed, the panel ranked URS Corporation first, O’Brien & Gere Engineers second and Earth Tech, Inc. third. Through the interview, URS Corporation clearly demonstrated its experiences with burn site remediation similar to Watson Park, discussed previous and ongoing work with DTSC and other local and regulatory agencies and communicated an understanding of the site specific issues and the City’s community process.

Staff recommends approval of a Master Agreement with URS Corporation for civil engineering consultant services for the civil design improvements, preparation of construction and other supporting documents and bid and construction assistance services for the Watson Community Park project from the date of execution through December 31, 2010 in an amount not to exceed \$500,000.

Once DTSC approves the RAP, staff will provide Council with an updated project timeline that includes overall project milestones to complete the design, construction contract award, and anticipated construction completion.

## POLICY ALTERNATIVES

### *Alternative #1: No Action*

**Pros:** Operations and maintenance costs are minor due to lack of public access.

**Cons:** Park remains fenced and closed to the community.

**Reason for not recommending:** Does not meet the community's desire of park restoration and full use.

### *Alternative #2: In-house design*

**Pros:** Staff will build knowledge in hazardous material/ flood plain document development.

**Cons:** Staff does not possess the expertise necessary for developing the required documentation for this specific project. Project timeline and budget impact will result from training staff to gain knowledge and expertise.

**Reason for not recommending:** Does not meet the community's desire of park restoration and full use in a timely manner.

## PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This consultant selection was conducted in accordance with the City's Qualification Based Consultant Selection (QBCS) Policy for Architectural, Landscape Architectural, Engineering, Environmental, Land Surveying and Construction Management Consultant, revision date 12/01/04. The Request for Qualifications (RFQ) was advertised in the San Jose Post Record and on the City's Bid Hotline.

In accordance with QBCS policy, staff is recommending the approval of a master agreement with URS Corporation, the top-ranked firm. The remaining interviewed consultants were notified of their rankings and that staff is recommending the approval of the master agreement with the top ranked firm.

## COORDINATION

This consultant selection and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Finance, the City Attorney's Office, and the City

Manager's Budget Office. This agreement has also been coordinated with the City's Contracting-in Committee.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with the Council-approved Budget Strategy to continue with capital projects that spur construction spending in our local economy.

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$500,000
2. COST ELEMENTS OF AGREEMENT/CONTRACT: All work performed under this Master Agreement shall be authorized by a specific Service Order. Each Service Order given by the City shall detail the nature of the specific services to be performed by the Consultant, the time limit within which such services must be completed and the compensation for such services. Such details shall include a description of the project for which Consultant shall perform the services, the geographic limits of the project, the type and scope of services to be performed, the format and schedule for deliverables, the schedule of performance, and the schedule of compensation. Consultant shall not perform any services unless authorized by a fully executed Service Order.
3. SOURCE OF FUNDING: 001 – General Fund, Capital Improvements
4. OPERATING COSTS: No funding is needed to approve this master agreement. Funds are available in the General Fund to begin the construction documents for the implementation of the RAP. Staff will return to Council to appropriate additional funding if necessary to fund additional service orders.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
<b>Current Funding Available</b>						
001	6696	Watson Site Clean-up and Restoration	\$5,288,000		V-379	10/17/2006 Ord. No. 27888
001	5110	Watson Site Planning & Remediation Contingency	\$2,000,000		V-1237	
001	2584	Public Works Unfunded Projects	\$225,871*		Operating Budget Page IX-15	10/17/2006 Ord. No. 27888
<b>Total Funding for Project</b>			<b>\$7,438,000</b>			

\* Of the total appropriation, \$39,000 has been allocated for this project.

HONORABLE MAYOR AND CITY COUNCIL

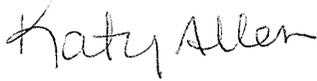
04-25-07

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**CEQA**

CEQA: Exempt, File No. PP05-156.



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