



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: December 1, 2021

REPORT TO:	Mayor and City Council
REPORT THRU:	Daphne Hooper, City Manager
REPORT FROM:	Jessica Dover, Senior Project Manager
REVIEWED BY:	Brandi Jensen, City Attorney
REVIEWED BY:	Denise Lewis, City Treasurer

FINANCIAL IMPACT: Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	CURRENTLY BUDGETED: Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	FUND/ACCOUNT: 100-475-745, 510-166-100, 520-166-100
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ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

AGENDA ITEM: Staff Report (For Possible Action): Possible Action to Approve Amendment No. 1 to the existing Lumos and Associates, Inc. Contract for Engineering Services, for the Cottonwood LN Reconstruction Project, in an amount not to exceed \$48,300.

Agenda Item Brief:
Lumos and Associates, Inc. (Lumos) is the City's Engineering Design Consultant for the Cottonwood LN Reconstruction Project; effective date of Contract August 21, 2019. As the Project has progressed, additional Scope items have been identified and evaluated for inclusion in the Project (see Project Summary Section, below). In addition, Project delays were incurred from approximately March 2020 to Summer 2021 due to COVID-19 impacts. As a result, Lumos is requesting that the City consider formal changes to Project Scope, Fee, Schedule and Team, to be incorporated into the existing Contract for Engineering services via Amendment No. 1.

Recommended Motion:
"I move to Approve Amendment No. 1 to the existing Lumos and Associates, Inc. Contract for Engineering Services, for the Cottonwood LN Reconstruction Project, in an amount not to exceed \$48,300."

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

1. City Council may approve Amendment No. 1 to the Lumos and Associates, Inc. Contract for Engineering Services, originally awarded August 21, 2019
2. City Council may reject proposed Amendment No. 1 and provide additional direction to the City Manager

PROJECT SUMMARY:

Lumos and Associates, Inc. was awarded the Contract for Engineering Services for the Cottonwood LN Reconstruction Project on August 21, 2019. The Project is ongoing and currently at 90% design. This Project is tentatively scheduled to bid FY 22/23, pending final Right-of-Way Acquisitions, Utility Relocation Agreements, and NDOT, NDEP and USBR coordination and permitting requirements.

As the Project has progressed, additional Scope items have been identified and evaluated for inclusion in the Project. In addition, Project delays were incurred from approximately March 2020 to Summer 2021 due to COVID-19 impacts. As a result, Lumos and Associates, Inc. is requesting that the City consider formal changes to Project Scope, Fee, Schedule and Team, to be incorporated into the existing Contract for Engineering Services (Contract) via Amendment No. 1.

The *Cottonwood LN Budget Re-allocation and Augmentation Request Letter and Attachment A*, Amendment No. 1 to the City of Fernley Standard Contract for Engineering Service, include the following Additional Scope Items:

- Structure Protection and T-intersection safety improvements near the intersection of Cottonwood LN/SR 828
- Safety improvements at the T-intersection of Cottonwood LN/Hardie LN
- Addition of a retaining wall and slope stabilization near the City's Cottonwood Shop
- Additional Title Reports for easements associated with PE #11 and PE #15
- Paved approaches to both the entrances to the Cottonwood Shop
- Safety/Access Improvements to TCID Access west of the Cottonwood Shop
- Redesign proposed sidewalk to 5-ft on the south side of Cottonwood LN, from approximately Cook WY to Rosewood DR
- SR 828 MUP replacement design
- Pavement and sidewalk re-evaluation due to length of Project
- As-built survey to capture As-built improvements resulting from completion of the Cottonwood Lane Storage Project, and FY 20/21 NDOT US 50A/95A Improvement Project
- Ramp redesign for the first (3) ramps on the north side of Cottonwood LN, east from the US 50A/95A/Cottonwood LN intersection
- Additional resident coordination
- Extended Project Schedule, resulting in additional Lumos Project Management Tasks/Coordination
- Drainage Report update to accommodate drainage contribution associated with a portion of Cottonwood Shop drainage
- Additional On-Call Services (OPTIONAL)
- Engineering Services Contract, Paragraph 3, *Contract Term*, indicates an effective Contract date of August 21, 2019 and a termination date of June 30, 2020; Amendment No. 1 will extend the termination date of the Contract to accommodate Project completion.

BACKGROUND:

Overview

Cottonwood LN is a critical East-West Minor Collector for the City and provides residential and commercial access between US 50A/95A and SR 828 (Farm District RD). A portion of the street between Cook WY and Bardot WY is currently in a state of disrepair with a Pavement Condition Index (PCI) of less than 24. A portion

of the street between Hardie LN and US 50A/9A has a PCI of less than 50. These PCI rankings indicate preventative maintenance is no longer appropriate for these sections of roadway and that reconstruction is required. The remaining sections of the street are in good condition and will be treated with a preventative maintenance technique such as slurry or chip seal.

The road also has areas of missing curb, gutter and sidewalk and drainage issues that will need to be addressed to prevent future deterioration of the roadway.

A portion of 18-inch water main is missing between Rosewood DR and Cook WY. This missing section will need to be connected to the existing line and has been identified in the City's 2008 Water Master Plan as a project that will improve the operation of the distribution system. Another section of water main that extends from US 50A/95A to Hardie LN will be upsized to 18" as part of this Project; a jack and bore will be performed across US 50A/95A to connect the new 18" line to the (E) 6" line at the west side of US 50A/95A.

Various sanitary sewer manholes within the Project area are nearing the end of their useful service life and will be removed/replaced or rehabilitated as part of this Project.

Right-of-Way Services for the Project commenced during FY 20/21; Staff anticipates RoW acquisitions will be complete Spring 2022. The City has been working with Utilities to relocate infrastructure currently impacting proposed Improvements. City has been coordinating with NDOT, NDEP and USBR to obtain required permits and approvals for the Project.

Contract modifications to date; re-allocation between Tasks

The City's Standard Contract language allows the Consultant to submit a written request to the City's Project Manager to re-allocate not-to-exceed amounts between Tasks if: (1) the requested re-allocation does not change the intent of the original Project Scope, and (2) Consultant shall not be compensated in excess of the Total not-to-exceed Contract amount.

The following additional Work has been authorized utilizing re-allocation between Tasks:

- January 2020, City authorization for Lumos to proceed with Proposed Work regarding advance design of the new 18" waterline across US 50A/95A
 - o The intent of advancing design was to potentially have the flexibility to install the waterline via open-cut construction, in conjunction with Construction of NDOT's US 50A/95A Improvements
- June 2020, City authorization to re-allocate a portion of Task 6 Final Design and Permitting to Task 5 90% Design and Permitting
 - o The City directed Lumos to research PROWAG and evaluate various corner ramp options for the Project
 - o The City directed Lumos to prepare and maintain an easement acquisition spreadsheet through Project duration
- July 2020, City authorization to re-allocate a portion of Task 16 to Task 12
 - o Incorporate additional USBR easement information into the Final Plan Set
 - o Original Scope includes easement preparation for (5) easements; (13) total easements were required approaching the 90% Submittal

LEGAL IMPLICATIONS:

Policy Reference

Nevada Statutes:

- NRS 625.050 Practice of Professional Engineering
- NRS 625.530 Section 3 Restrictions upon Public Works

- NRS 332.115.b

Other:

- City of Fernley Transportation Master Plan (TMP), Resolution #20-014
- City of Fernley 2017 Parks Master Plan (Bike and Ped Facilities)
- 2015 Pavement Management Program, Resolution #2015-008
- 2008 Water Master Plan Update, Resolution #08-028
- FY 18/19 ADA TP Infrastructure Survey, Inventory and Final Report

FINANCIAL IMPLICATIONS:

Project appropriations are included in the approved FY 2022 Budget as part of the Capital Improvement Plan:

- \$2,053,000 (100-475-745), Cottonwood LN Reconstruction Project (Page 169, 218, A-12)
- \$671,100 (510-166-100), Cottonwood LN Waterline Replacement and Extension (Page 222, A-47)
- \$164,845 (520-166-100), Cottonwood LN Sanitary Sewer Rehab/Reconstruct (Page 224, A-58)

Proposed Amendment No. 1 to the Existing Contract for Engineering Services, Lumos and Associates, Inc.

The following Tasks have been included in the proposed amended Scope of Work (Attachment A of Amendment No. 1 to the City of Fernley Standard Contract for Engineering Services, Lumos and Associates, Inc.) as OPTIONAL:

- Task 10, On-Call Services

If it is necessary to perform work to be paid from this task, Lumos will prepare and submit a written request detailing the need, scope and not-to-exceed budget for any proposed work. Work under these tasks shall proceed only with the City Project Manager's prior written approval.

Total Additional ENGR Services, Amendment No. 1: (Tasks 6, 7, 12, 13,15)	\$41,300
<u>Total Additional OPTIONAL ENGR Services: (Task 10)</u>	<u>\$7,000</u>
Total Additional (Including OPTIONAL Services):	\$48,300

Existing Contracts, Cottonwood LN Reconstruction Project

Lumos Standard Contract for ENGR Services	\$262,600
Shaw Engineering, Water/Sewer Modeling TOA	\$9,000
<u>Atkins Contract for Professional Right-of-Way Services</u>	<u>\$124,375</u>
Total (E) Contracts (Including OPTIONAL Services):	\$395,975

Estimated Actuals to date, Cottonwood LN Reconstruction Project

Lumos Standard Contract for ENGR Services	\$227,788.79
Shaw Engineering, Water/Sewer Modeling TOA	\$2,295.00
<u>Atkins Contract for Professional Right-of-Way Services</u>	<u>\$75,156.12</u>
Total Actuals (Including OPTIONAL Services):	\$305,239.91

Projected Remaining Contract Balance, Cottonwood LN Reconstruction Project

Lumos Standard Contract for ENGR Services	\$34,811.21
Shaw Engineering, Water/Sewer Modeling TOA	\$6,705.00
<u>Atkins Contract for Professional Right-of-Way Services</u>	<u>\$49,218.88</u>
Total Contract Balance (Including OPTIONAL Services):	\$90,735.09

The remaining Contract balance of the (E) Lumos Contract for ENGR Services is \$34,811.21. With approval of Amendment No. 1, Lumos' total remaining Contract balance to complete ENGR Design Services will be \$83,111.21; the total remaining balance of all (E) Contracts, including Amendment No. 1, will be \$139,035.09.

The Scope of Work, as amended, excludes Engineering During Construction (EDC) Services; a proposal for these services will be brought to City Council under a separate Scope at a future date.

ATTACHMENTS:

- 1.) Amendment No. 1 to the City of Fernley Standard Contract for Engineering Services, Lumos and Associates, Inc.