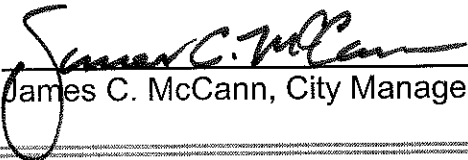


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: James M. Smith, Senior Civil Engineer
VIA: Dan Takasugi, Public Works Director/City Engineer
DATE: October 21, 2008
SUBJECT: Consideration of a Resolution Authorizing Amendment No. 6 to the Professional Services Agreement with Eler & Kalinowski, Inc. in an amount Not to Exceed \$157,966 for Water Facilities Improvements

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

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ISSUE: Consideration of a Resolution authorizing Amendment No. 6 to the Professional Services Agreement with Eler & Kalinowski, Inc. in an amount not to exceed \$157,966 for Water Facilities Improvements at Kimball Water Treatment Plant and Kimball Reservoir.

RECOMMENDATION: Adopt the Resolution.

BACKGROUND / DISCUSSION: In August of 1996, the State Department of Health Services (now Dept. of Public Health) issued the City of Calistoga a Compliance Order related to the City's ability to provide an adequate and dependable water supply to its customers. One of the steps the City took in response to the Compliance Order was the preparation in 2000 of the Water Facilities Plan (WFP). The WFP addressed many of the Compliance Order issues and included a prioritized list of water system improvements necessary to meet operational and system storage requirements.

One of the projects identified in the WFP included a package of reservoir, water treatment plant, and water transmission pipeline improvements. The first phase of this overall project, consisting of the replacement of the Kimball and Myrtledale/Grant transmission pipelines, was successfully completed in December 2005.

The second and final phase of the project includes work at the Kimball Water Treatment (primarily) and at the Kimball Reservoir. This project includes an additional filter bank, tube settlers in the existing clarifier, upgraded pumping facilities, various process

25 measurement and instrumentation improvements, a safety harness system for spillway
26 access, and ancillary system improvements.

27
28 The City of Calistoga entered into a Professional Services Agreement (Agreement) with
29 Erler & Kalinowski, Inc. in 2001 to provide program management, project planning,
30 funding coordination, preliminary and detailed project design, construction management
31 and inspection, and related required professional services for both phases of the project
32 as described above. The Agreement has been modified by five prior amendments, which
33 were executed in response to changes in the scope of the work as the project was
34 refined through the planning and preliminary design stages.

35
36 This Amendment No. 6 will increase the budget for construction management,
37 administration, and inspection services for this second phase of the project. Note that the
38 scope of construction for this second phase is substantially larger and more complex than
39 previously planned. That was a result of budget savings from the first phase of this
40 project, which allowed the City to include additional project elements into the remainder
41 of the project. The second-phase construction contract, awarded last month to TICO
42 Construction, is for just over one million dollars, whereas the original project at Kimball
43 was originally for less than three hundred thousand dollars. Therefore, with the final
44 scope of this second project much larger than previously planned, this amendment
45 provides for the increased professional services necessary to complete this larger
46 project.

47
48 Under the proposed scope of services, Erler and Kalinowski will be responsible for
49 project quality assurance, ensuring conformance with the plans and specifications,
50 regular and special (concrete, welding, etc.) inspection, administration of the
51 construction contract, and providing engineering support of the design during
52 construction (including structural and electrical).

53
54 **GENERAL PLAN CONFORMANCE AND ENVIRONMENTAL REVIEW:**

55
56 This project is consistent with General Plan Section 7-I – Water Facilities Services,
57 Objectives I-1.1 and I-1.2.

58
59 All required environmental review for the project, at both the State and Federal levels,
60 has been completed.

61
62 **FISCAL IMPACT:** This water facilities improvement project is funded, in large part, by
63 the United States Dept. of Agriculture (USDA). The \$3.51M USDA funding package
64 includes a loan in the amount of \$2.51M and a grant in the amount of \$1.0M. The first
65 project phase (replacement of the transmission pipelines) used \$2.3M, and the remaining
66 amount of \$1.2M is available for this second phase project. Following are the sources
67 and uses of funding for this project:

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Sources of Funds

USDA Loan	\$ 254,193
USDA Grant	1,000,000
Water Capital	490,192
Total Sources	<u>\$ 1,744,385</u>

Uses of Funds

Administration/Inspection	\$ 182,000
Planning/Design/Environmental	360,747
Property Acquisition	0
Improvements	1,091,638
Contingency	110,000
Total Uses	<u>\$ 1,744,385</u>

70
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72 Funds are budgeted for this project in the approved Fiscal Year 2008-09 budget within
73 Water Treatment Capital Improvements (12-5424).

74

75 Note that the total cost of the subject professional services for this phase of the project is
76 \$193,000. However, since the existing Agreement with Erler & Kalinowski included
77 \$13,696 for management, plus \$21,338 for inspection, the net amount of this amendment
78 is for \$157,966.

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ATTACHMENTS:

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81 1. Resolution

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83 2. Amendment No. 6

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RESOLUTION 2008- _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING
AMENDMENT NO. 6 TO THE AGREEMENT FOR ENGINEERING
SERVICES WITH ERLER & KALINOWSKI, INC. FOR CONSTRUCTION
ENGINEERING, CONSTRUCTION MANAGEMENT AND INSPECTION
SERVICES RELATED TO THE
WATER FACILITIES IMPROVEMENT PROJECTS**

WHEREAS, on April 15, 2001, the City of Calistoga approved an Agreement for Engineering Services with Erler & Kalinowski, Inc. (EKI) to provide certain program management, coordination, design, and contract administration services in connection with a loan application to the United States Department of Agriculture (USDA) for the Water Facilities Improvement Projects for an amount not to exceed \$594,000; and

WHEREAS, on July 15, 2003, the City of Calistoga approved Amendment No. 1 to the Agreement for Engineering Services in an amount not to exceed \$58,500 for additional services required to coordinate and submit a complete funding application to USDA; and

WHEREAS, on December 21, 2004, the City of Calistoga approved Amendment No. 2 to the Agreement for Engineering Services to reduce the contract budget by \$37,500; and

WHEREAS, on December 19, 2006, the City of Calistoga approved Amendment No. 3 to the Agreement for Engineering Services for a Preliminary Engineering Report for a new filter bank and new filter-to-waste system, and to augment the budget for prior projects completed over a six-year period; and

WHEREAS, on November 6, 2007, the City of Calistoga approved Amendment No. 4 to the Agreement for Engineering Services for final design for additional project elements, including final drawings, specifications, and environmental services, in the amount of \$136,000; and

WHEREAS, on April 15, 2008 the City of Calistoga approved Amendment No. 5 to the Agreement for Engineering Services for design of three redundant pumps to be incorporated in the overall design package as part of the Water Treatment Plant improvements including final drawings and specifications; and

WHEREAS, the City requested and received a proposal from EKI for additional construction engineering, construction management and inspection services for the final scope of construction improvements to the Kimball Water Treatment Plant and Kimball Reservoir in the amount of \$157,966, and staff recommends acceptance of the proposal.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Calistoga hereby approves Amendment No. 6 (Exhibit "A") to the Agreement for Engineering Services; and

49 **BE IT FURTHER RESOLVED** that the City Manager is authorized to execute the
50 agreement subject to review and approval by the City Attorney.

51
52 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga
53 at a regular meeting held this **21st day of October 2008**, by the following vote:

54
55 **AYES:**
56 **NOES:**
57 **ABSTAIN/ABSENT:**

58
59
60 _____
JACK GINGLES, Mayor

61 **ATTEST:**

62
63 _____
64 **SUSAN SNEDDON, City Clerk**

AGREEMENT NO. _____

**AMENDMENT NO. 6 TO AGREEMENT FOR ENGINEERING SERVICES
BETWEEN THE CITY OF CALISTOGA AND
ERLER & KALINOWSKI, INC. FOR WATER FACILITIES IMPROVEMENTS**

THIS AMENDMENT NO. 6 to Agreement for Engineering Services between the City of Calistoga and Erler & Kalinowski, Inc. (hereinafter Amendment No. 6) is hereby entered into as of the 21st day of October, 2008, by and between the City of Calistoga, a municipal corporation (hereinafter referred to as "City") and Erler & Kalinowski, Inc. (hereinafter referred to as "Consultant").

RECITALS

WHEREAS, City and Consultant have previously entered into an Agreement for Engineering Services in conjunction with design for the Water Facilities Improvement Projects (hereinafter referred to as "Agreement"); and

WHEREAS, City and Consultant have previously entered into Amendment No. 1 to the Agreement for Engineering Services, dated July 15, 2003, which is described in the "Proposal for Performing Out-of-Scope Activities Related to the Selection of Water System Projects and the Coordination and Submittal of the USDA Funding Application for Water Facilities Improvements" dated June 11, 2003; and

WHEREAS, City and Consultant have previously entered into Amendment No. 2, dated December 21, 2004, to provide a lump sum reduction for Kimball Reservoir Inflatable Dam Project as described in EKI's letter dated December 10, 2004; and

WHEREAS, City and Consultant have previously entered into Amendment No. 3, dated December 19, 2006, to provide a Preliminary Engineering Report for certain additional Water Treatment Plant improvements and provide for other budget augmentations as described in the "Request for Budget Augmentation for USDA Rural Development Program Funded Water System Projects" dated November 27, 2006; and

WHEREAS, City and Consultant have previously entered into Amendment No. 4, dated November 6, 2007, to provide additional design services related to the construction of a new filter bank and a new filter to waste system as described in the "Request for Budget Augmentation for USDA Rural Development Program Funded Water Systems Projects" dated October 18, 2007; and

WHEREAS, City and Consultant have previously entered into Amendment No. 5, dated April 15, 2008, to provide design for three redundant pumps to be incorporated into the overall design package as part of the Water Treatment Plant improvements

EKI Water Facilities Agreement
Amendment No. 6

including final drawings and specifications in the "Proposal for Design of Redundant Pumps – Kimball Water Treatment Plant Upgrades" dated March 26, 2008; and

WHEREAS, City and Consultant now desire to enter into Amendment No. 6 to provide additional engineering services during construction, construction management, and construction inspection services described in the "Request for Budget Augmentation – Water Systems Projects" dated October 10, 2008, attached as Exhibit "A".

NOW, THEREFORE, the parties do hereby mutually agree to amend the Agreement as follows:

1. Amend Attachment 1 of the Agreement for Engineering Services to include additional engineering services during construction, construction management, and construction inspection services described in the "Request for Budget Augmentation – Water Systems Projects" dated October 10, 2008 in the amount of \$157,966.

2. Attachment 1 of the Agreement (Total Engineering Services) is hereby amended to read \$1,002,916.

3. Changes in Compensation. Consultant will not undertake any work that will incur costs in excess of One Million Two Thousand Nine Hundred Sixteen Dollars (\$1,002,916), without prior written amendment to this Agreement.

4. Except as specifically modified by this Amendment No. 6, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Consultant have executed this Amendment No. 6 as of the date first above written.

CITY OF CALISTOGA

ERLER & KALINOWSKI, INC.

By: _____
James C. McCann

By: _____
Steven A. Tarantino

Title: City Manager

Title: Vice-President

APPROVED AS TO FORM:

ATTEST:

Michelle Marchetta Kenyon
City Attorney

Su Sneddon
City Clerk