

# Mayor and Council Communication

**DATE:** 10/25/22

**M&C FILE NUMBER:** M&C 22-0873

**LOG NAME:** 20RAY WHITE ROAD AMENDMENT 2

**SUBJECT**

(CD 4 and CD 7) Authorize Execution of Amendment No. 2 in the Amount of \$210,301.00 to an Engineering Services Agreement with Burns & McDonnell Engineering Company, Inc. for the Ray White Road Project for a Revised Contract Amount of \$2,598,129.00 (2022 Bond Program)

**RECOMMENDATION:**

It is recommended that the City Council authorize execution of Amendment No. 2 to an engineering services agreement with Burns & McDonnell Engineering Company, Inc. (City Secretary No. 56195) in the amount of \$210,301.00 for the Ray White Road project for a revised contract amount of \$2,598,129.00 (City Project No. 103270).

**DISCUSSION:**

In the fall of 2021 funds were administratively allocated to advance delivery of the 2022 Bond Program projects. On August 19, 2021, an Engineering Services Agreement with Burns & McDonnell Engineering Company, Inc. (City Secretary Number 56195) in the amount of \$98,870.00 was administratively authorized. The Agreement was subsequently amended on June 28, 2022 in the amount of \$2,288,958.00 to provide for additional scope to fully design the project. This Mayor and Council Communication (M&C) will authorize the execution of Amendment Number 2 to the Agreement and increase the contract amount by \$210,301.00 for a revised contract amount of \$2,598,129.00 for the Ray White Road Project.

The additional contract capacity being requested with this M&C is needed to obtain services for right-of-way acquisition and add scope to the engineering services agreement to manage this additional work. A decision was made by staff to have Burns & McDonnell provide the right-of-way acquisition services in order to expedite the delivery of the project.

The following table summarizes previous contract action and amendments:

<b>M&amp;C</b>	<b>Amount</b>	<b>Justification</b>	<b>Number</b>	<b>Date</b>
Initial Contract CSN 56195	\$98,870.00	Advance delivery of 2022 Bond Program Projects	Administratively Approved	August 19, 2021
Amendment No. 1 CSN 56195-A1	\$2,288,958.00	Amendment to prepare design plans for Ray White Road between Mirage Drive and bridge over Big Bear Creek and assist City with preparing CMAR proposal.	M&C 22-0530	June 28, 2022
Amendment No. 2	\$210,301.00	See above		
<b>Contract Total</b>	<b>\$2,598,129.00</b>			

The funding for the project is summarized in the table below:

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<b>Fund</b>	<b>Existing Funding</b>	<b>Additional Funding</b>	<b>Total</b>
30104 Developer Contribution Fund	\$1,800,000.00	\$0.00	\$1,800,000.00
30108 Transportation Impact Fee Capital Fund	\$500,000.00	\$0.00	\$500,000.00
39403 Street Improvements Fund	\$250,000.00	\$0.00	\$250,000.00
34027 2022 Bond Program Fund	\$11,652,500.00	\$0.00	\$11,652,500.00
<b>Total Funding:</b>	<b>\$14,202,500.00</b>	<b>\$0.00</b>	<b>\$14,202,500.00</b>

Funding is budgeted in the TPW Dept Highway & Streets Department's 2022 Bond Program Fund for the purpose of funding the Ray White Road project, as appropriated.

This project is included in the 2022 Bond Program. The City's Extendable Commercial Paper (ECP) (M&C 22-0607; Ordinance 25675-08-2022) provides liquidity to support the appropriation. Available resources will be used to actually make any interim progress payments until debt is issued. Once debt associated with a project is sold, debt proceeds will reimburse the interim financing source in accordance with the statement expressing official Intent to Reimburse that was adopted as part of the ordinance canvassing the bond election (Ordinance 25515-05-2022).

M/WBE – Burns and McDonnell agrees to maintain its initial M/WBE commitment of 20% that it made on the original agreement and extend and maintain that same M/WBE commitment of 20% to all prior amendments up to and inclusive of this Amendment No. 2. Therefore Burns and McDonnell remains in compliance with the City's M/WBE Ordinance and attests to its commitment by its signature on the Acceptance of Previous M/WBE Commitment form executed by an authorized representative of its company.

The project is located in COUNCIL DISTRICT 4 & 7.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated in the 2022 Bond Program Fund for the Ray White Road project to support the approval of the above recommendation and execution of the contract amendment. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

**Submitted for City Manager's Office by:** William Johnson 5806

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