



Town of Moraga	Agenda Item
CONSENT	6.6

Meeting Date: November 14, 2018

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

From: Edric Kwan, Public Works Director / Town Engineer

Subject: Consider Resolution ____ - 2018 Authorizing the Town Manager to Enter into a Third Amendment to the On-Call Civil Engineering Services Contract with BKF Engineers (Walnut Creek) for an Additional \$180,000 for a Total Amount Not to Exceed \$280,000 for the Third Year of the Agreement for Staff Augmentation Services to Maintain the Essential Services that the Assistant Engineer (Vacant) Provided and to Assist with Processing Time-Sensitive Federally-Funded Town Projects for a Total Contract Amount Not to Exceed \$530,000

Request

Authorize Town Manager to amend the On-Call Civil Engineering Services contract with BKF Engineers in order to provide staffing to maintain essential services that the vacant Assistant Engineer provided and to assist with processing time-sensitive federally-funded Town projects. This \$180,000 contract amendment will provide eight months of staff augmentation services for one part-time contract assistant engineer and one full-time contract engineer for a three month period of time and will be funded by salary and benefit savings due to the vacancy and charges to developer deposit accounts and capital improvement project budgets.

Background

The Public Works Department requires licensed professional civil engineers to provide on-call civil engineering services for a variety of programmed capital improvement projects, development projects, and stormwater program and flood plain management support. In October 2016, following a Request for Qualifications (RFQ) process, the Town entered into on-call civil engineering services contracts with the following six firms - BKF Engineers, CSG Consultants, Inc., Harrison Engineering, Inc., Kennedy & Associates, NCE, and Schaaf & Wheeler - for a period of three years in the amount of \$100,000 per year for each consultant. Consulting expenses are paid from the approved operating budget, development deposits, and adopted capital improvement projects annually.

1 The Town's Assistant (Civil) Engineer position, who is responsible for the Town's clean
2 water requirements, encroachment permits, engineering's geographic information
3 system, traffic action requests and analysis, right-of-way code violations, and assists the
4 Senior Engineer and Public Works Director/Town Engineer with the pavement
5 management program and other projects, has been vacant since June 2018. To
6 maintain these essential Town services and enable the Town to respond to the needs of
7 the community and continue the provision of services, a selection process for an
8 assistant-level contract engineer was completed and the services of a consultant from
9 BKF Engineers was retained. On June 27, 2018, Town Council amended the On-Call
10 Civil Engineering Services contract with BKF Engineers for the second contract year
11 (October 26, 2017 – October 25, 2018) in an amount not to exceed \$30,000 for a total
12 amount of \$130,000 for staff augmentation services during the recruitment process for
13 an Assistant Engineer.

14
15 As the recruitment process did not result in a successful hire, on September 12, 2018,
16 the Town executed a second amendment to the On-Call Civil Engineering Services
17 contract with BKF Engineers in an amount not to exceed \$20,000 for a total amount of
18 \$150,000 for the second year of the contract (October 26, 2017 – October 25, 2018) to
19 cover the costs of a part-time contract engineer for an additional two months.

20
21 The second recruitment process for an Assistant Engineer, which concluded in October,
22 similarly did not result in a successful hire. Interest in the position has been limited and
23 staff is currently evaluating why the recruitment has been unsuccessful. In the
24 meantime, the position is open until filled. No new applications have been received to
25 date.

26 27 **Discussion**

28
29 The Town operates with minimal staff and contracts out for additional service needs.
30 With only three engineers in the Public Works Department (as compared to neighboring
31 jurisdictions of Orinda and Lafayette which have six and seven respectively), a long-
32 term vacancy impacts the Town's ability to respond to the needs of the community,
33 developers, and consultants and makes it impossible to manage the \$6.37 million
34 capital improvement program, National Pollutant Discharge Elimination system
35 (NPDES) clean water program, and roll out the new storm drain operations and
36 maintenance program. The Town's engineering staffing level has remained flat over the
37 past six years; however, the workload has increased due to the following:

- 38
- 39 • New pavement management program, primarily funded by Measure K local sales
40 tax, was launched in 2012.
 - 41 • Land development activities, including a series of subdivision projects, require
42 ongoing engineering plan check and construction oversight services.
 - 43 • Substantial insurgence of Town capital improvement projects funded through
44 leveraging limited local funds with outside grant opportunities. In fiscal years
45 2009-2013 the Town completed, on average, \$1.2 million in capital improvement
46 projects annually. In fiscal years 2014-2017, the Town completed, on average,
47 \$5.8 million in capital improvement projects annually.

- Two unanticipated emergencies occurred consisting of the Rheem Boulevard Sinkhole and Storm Drain Replacement project and the Temporary Canyon Road Bridge project.
- Implementation of a new Storm Drain Operations and Maintenance program.

Continued assistance from a part-time contract engineer is required to maintain many of the essential services that the Assistant Engineer provided until the position is filled. Staff is recommending an additional \$105,000 be added to BKF's contract in order to backfill the Assistant Engineer position with part-time contract engineer services through the end of the fiscal year. This cost will primarily be funded by \$132,000 in salary savings due to the vacancy, along with charges to developer accounts and capital improvement project budgets. It should be noted, however, that it is costing \$155,000 a year for the part-time, approximately 24 hours a week, engineering consultant who is only able to complete a portion of the full-time Assistant Engineer position responsibilities.

The Public Works department is also managing significant capital improvement and land development projects and has had to retain the services of a full-time contract engineer in order to meet time-sensitive deadlines on federally-funded Town projects, including the following submittals:

- Canyon Road Bridge Replacement – Request for Construction (\$8.2M)
- Moraga Way and Canyon Road/Camino Pablo Improvements – Request for Construction (\$1.2M);
- Rheem Boulevard Sinkhole and Storm Drain Replacement – Final Request for Reimbursement and Project Close Out;
- Moraga Road Sidewalk Gap Closure – TDA Grant Reimbursement (\$80K)
- Temporary Canyon Road Bridge – Grant Reimbursement (≈\$2.9M)
- Moraga Road Resurfacing (St. Mary's Road to Draeger Drive) Final Request for Reimbursement and Project Close Out (\$6K)

The estimated cost for three months of a full-time contract engineer is \$75,000 which will be paid from capital improvement project budgets which are funded by grants and other non-General Fund revenue sources.

The Town's engineering staffing needs will be assessed as part of the Fiscal Year 2019/20 budgeting process as it may increase the Town's ability to deliver projects in a timely manner and be cost effective to bring some of the contracted services in-house.

Staff recommends the Town Council approve a third amendment to the On-Call Civil Engineering Services contract with BKF Engineers in an amount not to exceed \$180,000 for an amount not to exceed \$280,000 for the Third Year of the Agreement for a total contract amount not to exceed \$530,000 through October 25, 2019.

Fiscal Impact

This \$180,000 contract amendment will be funded with the remaining \$82,000 in salary savings from the vacant Assistant Engineer position as well as charges to developer deposits and capital improvement project budgets.

1 **Alternatives**

- 2
- 3 1) Adopt Resolution ____ - 2018 authorizing the Town Manager to enter into a third
4 amendment to the On-Call Civil Engineering Services contract with BKF
5 Engineers for an additional \$180,000 for an amount not to exceed \$280,000 for
6 the third year of the agreement for staff augmentation services to maintain the
7 essential services that the Assistant Engineer provided and to assist with
8 processing time-sensitive federally-funded Town projects for a total contract
9 amount not to exceed \$530,000; or
- 10 2) Adopt Resolution ____ - 2018 with modifications; or
- 11 3) Not adopt and provide direction to staff.
- 12

13 **Recommendation**

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15 Adopt Resolution ____ - 2018 authorizing the Town Manager to enter into a third
16 amendment to the On-Call Civil Engineering Services contract with BKF Engineers for
17 an additional \$180,000 for a total amount not to exceed \$280,000 for the third year of
18 the contract for staff augmentation services to maintain the essential services that the
19 Assistant Engineer provided and to assist with processing time-sensitive federally-
20 funded Town projects for a total contract amount not to exceed \$530,000.

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22 **Report reviewed by: Cynthia Battenberg, Town Manager**

23

24 **Attachments:**

- 25
- 26 A. Resolution ____ - 2018 Authorizing the Town Manager to Enter into a Third
27 Amendment to the On-Call Civil Engineering Services Contract with BKF
28 Engineers (Walnut Creek) for an Additional \$180,000 for a Total Amount Not to
29 Exceed \$280,000 for the Third Year of the Agreement for Staff Augmentation
30 Services to Maintain the Essential Services that the Assistant Engineer (Vacant)
31 Provided and to Assist with Processing Time-Sensitive Federally-Funded Town
32 Projects for a Total Contract Amount Not to Exceed \$530,000
- 33

ATTACHMENT A

Resolution ____ - 2018 Authorizing the Town Manager to Enter into a Third Amendment to the On-Call Civil Engineering Services Contract with BKF Engineers (Walnut Creek) for an Additional \$180,000 for a Total Amount Not to Exceed \$280,000 for the Third Year of the Agreement for Staff Augmentation Services to Maintain the Essential Services that the Assistant Engineer (Vacant) Provided and to Assist with Processing Time-Sensitive Federally-Funded Town Projects for a Total Contract Amount Not to Exceed \$530,000

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Authorizing the Town Manager to Amend)
the On-Call Civil Engineering contract)
with BKF Engineers (Walnut Creek) for)
an Additional \$180,000 for a Total)
Amount Not to Exceed \$280,000 for the)
Third Year of the Agreement for Staff)
Augmentation Services to Maintain the)
Essential Services that the Assistant)
Engineer (Vacant) Provided and to Assist)
with Processing Time-Sensitive)
Federally-Funded Town Projects for a)
Total Contract Amount Not to Exceed)
\$530,000)

Resolution No. ____- 2018

WHEREAS, in October 2016, following a Request for Qualifications (RFQ) process, the Town entered into on-call civil engineering services contracts with the following six firms - BKF Engineers, CSG Consultants, Inc., Harrison Engineering, Inc., Kennedy & Associates, NCE, and Schaaf & Wheeler - for a period of three years in the amount of \$100,000 per year for each consultant; and

WHEREAS, on June 4, 2018, the Town’s Assistant Engineer provided a two week notice for his resignation; and

WHEREAS, to provide staffing during the recruitment period, the Public Works department conducted a selection process for staff augmentation services to hire an assistant-level contract engineer or inspector while the Assistant Engineer was still employed during his last week to ensure proper transition of duties and knowledge and selected the top candidate from BKF Engineers; and

WHEREAS, on June 27, 2018, Town Council amended the On-Call Civil Engineering Services contract with BKF Engineers in an amount not to exceed \$30,000 for a total amount of \$130,000 for staff augmentation services during the recruitment process for an Assistant (Civil) Engineer; and

WHEREAS, the recruitment process for an Assistant (Civil) Engineer did not result in a successful hire; therefore, the Town engaged in a second recruitment process; and

WHEREAS, on September 12, 2018, Town Council approved a second amendment to the On-Call Civil Engineering contract with BKF Engineers in an amount not to exceed \$20,000 for a total amount of \$150,000 for staff augmentation services for

the second year of the agreement in order to conduct the second recruitment process for an Assistant (Civil) Engineer; and

WHEREAS, the second recruitment process for an Assistant (Civil) Engineer did not result in a successful hire; therefore, the Town is pausing to consider options that may increase interest from prospective candidates but will keep the position open until filled; and

WHEREAS, continued assistance from a part-time contract engineer is required to maintain the essential services that the Assistant Engineer (vacant) provided until this position is filled; and

WHEREAS, an additional full-time contract engineer is recommended to assist staff with meeting time-sensitive deadlines on federally-funded Town projects; and

WHEREAS, the third amendment for a total amount not to exceed \$180,000, for the third year of the agreement with BKF Engineers and will provide for staff augmentation services of three months for one (1) full-time and 8 months for one (1) part-time contract engineer and will be funded by salary and benefit savings due to the vacancy and charges to the capital improvement project budgets.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Moraga hereby authorizes the Town Manager to enter into a third amendment to the On-Call Civil Engineering Services contract with BKF Engineers (Walnut Creek) for an additional \$180,000 for an amount not to exceed \$280,000 for the third year of the agreement for staff augmentation services to maintain the essential services that the Assistant Engineer provided and to assist with processing time-sensitive federally-funded Town projects for a total contract amount not to exceed \$530,000.

BE IT FURTHER RESOLVED, that the Town Manager is hereby authorized to execute the contract, with minor revisions that may be approved by the Town Manager and the Town Attorney, and to execute any other necessary documents to effectuate the terms of the contract.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a special meeting held on November 14, 2018 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dave Trotter, Mayor

Attest:

Marty C. McInturf, Town Clerk