

County of Santa Clara
Roads and Airports Department



24-3352

DATE: February 27, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: Harry Freitas, Director, Roads and Airports Department

SUBJECT: Sixth Amendment to Professional Service Agreement (PSA) with Consor North America, Inc. formerly Quincy Engineering, Inc.

RECOMMENDED ACTION

Consider recommendations relating to Professional Service Agreement (PSA) with Consor North America, Inc., formerly Quincy Engineering, Inc. (LA-1)

Possible action:

- a. Approve Sixth Amendment to Agreement with Consor North America, Inc., formerly Quincy Engineering Inc., relating to providing professional engineering services increasing the maximum contract amount by \$140,000 from \$920,000 to \$1,060,000, and extending the Agreement for a 12-month period through December 31, 2025, that has been reviewed and approved by County Counsel as to form and legality. An exception to Board of Supervisors Policy 5.4.5.4, Length of Term of Contracts, has been approved by the Office of Countywide Contracting Management.
- b. Approve delegation of authority to the County Executive, or designee, to negotiate, execute, amend, or terminate PSA with Consor North America, Inc., relating to providing professional engineering services in an amount not to exceed \$50,000 and a contract term that begins no earlier than February 27, 2024 and ends no later than December 31, 2025, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2025.

FISCAL IMPLICATIONS

There is no impact to County General Fund. Sufficient funds for the recommended amendment to the agreement with Consor North America, Inc. are available in Fiscal Year (FY) 2023 - 2024 Road Fund budget, account 603-62907-0020, Bridge Rehabilitation and Replacement. This project is federally funded under Highway Bridge Program with a reimbursement rate of 88.53%.

CONTRACT HISTORY

The original Agreement with Quincy Engineering Inc. (now named Consor North America, Inc.) for Professional Engineering Services, related to the Replacement of Uvas Creek Bridge on Uvas Road (Bridge No. 37C0094), was approved by the Board on May 11, 2010. The original agreement specified a maximum compensation amount of \$400,000 and an expiration date of December 31, 2012.

The First Amendment to the agreement, approved by the Board on December 18, 2012, provided for incorporation of Santa Clara Habitat Conservation Plan requirements into the project and the related delay/review costs. The amendment increased the maximum contract amount to \$500,000 and extended the expiration date to December 31, 2015.

The Second Amendment, approved by the Board on December 15, 2015, provided for modification of project scope to address new requirements from the State Regional Water Quality Control Board, prepare a Storm Water Pollution Prevention Plan (SWPPP), update design details to incorporate Caltrans 2015 Standards, and allowed for additional permit related costs. The amendment increased the maximum contract amount to \$600,000 and extended the expiration date to December 31, 2018.

The Third Amendment, approved by the Board on December 15, 2018, provided for professional services to prepare final construction documents, support during bidding and award phases, and preparation of record drawings (“as-built” plans) at project completion. The amendment increased the maximum contract amount to \$800,000 and extended the expiration date to December 31, 2021.

The Fourth Amendment, approved by the Board on December 14, 2021, provided for construction support services including compliance with Regional Water Board Construction Permit requirements. The amendment increased the maximum contract amount to \$920,000 and extended the expiration date to December 31, 2024.

Subsequent to the Fourth Amendment, Quincy Engineering, Inc., was acquired by Consor North America, Inc. The “Assignment, Assumption of Liability, and Consent to Assign agreement from Quincy Engineering, Inc. to Consor North America, Inc.,” was approved by Delegation of Authority on June 22, 2023.

The Fifth Amendment, approved by Delegation of Authority on June 29, 2023, provided for the addition of a sub-consultant Achieve Engineering for construction support.

REASONS FOR RECOMMENDATION AND BACKGROUND

The Sixth Amendment to the Agreement with Consor North America, Inc., will provide for funding for continued construction support services through the completion of construction activities.

The Uvas Creek Bridge Replacement project is currently in construction and is anticipated to be completed in 2024.

Bridge-related capital projects typically involve long development timelines and thus agreements with project engineering consultants often require amendments extending the term beyond five years. An exception to Board of Supervisors Policy 5.4.5.4, Length of Term

of Contracts, has been approved by the Office of Countywide Contracting Management for the above amendments.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

The report will not be received.

STEPS FOLLOWING APPROVAL

Upon execution of the Amendments, the Clerk of the Board shall take the following actions:

Forward one (1) executed original of the respective Amendments to:

Conzor North America, Inc.:
11017 Cobblestone Drive, Suite 100
Rancho Cordova, California 95670
Attention: Carolyn Davis

Send notification of completed processing to:

1. Kelly Roberts, Roads and Airport Department – Administration.
2. Barni Roncal, Solomon Tegegne, and Rocelia Kmak, Roads and Airport Department – Infrastructure Development Division.

ATTACHMENTS:

- Sixth Amendment to Professional Service Agreement with Consor
- Beyond 5yr Request Approval_01.09.2024
- Fifth Amendment for PSA with Consor Engineers_ Approved
- Assignment from Quincy Engineers to Consor 6-22-23_ Approved
- Fourth Amendment for PSA with Quincy Engineers_ Complete_ Approved
- Third Amendment for PSA with Quincy Engineers_ Complete_ Approved
- Second Amendment for PSA with Quincy Engineers_ 12.15.15
- First Amendment for PSA with Quincy Engineers_ 12.18.12
- PSA with Quincy Engineering_ Approved