



## PUBLIC WORKS DEPARTMENT

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### CITY COUNCIL STAFF REPORT

#### SUPPLEMENTAL 1

Meeting: March 5, 2024

#### Agenda Item #05

#### Subject

Second Amendment to the master agreement with Richard Yau to provide program and project management consultant services on various Capital Improvement Program (CIP) projects, for a not-to-exceed amount of \$470,000.

#### Recommended Action

Authorize the City Manager to execute a Second Amendment to the master agreement with Richard Yau to provide program and project management consultant services on various Capital Improvement Program projects, increasing the contract amount by \$300,000 for a new total not-to-exceed contract amount of \$470,000 and extending the term of the agreement to June 30, 2027.

**Staff's responses to questions received from councilmember are shown in italics.**

Q1: I have pulled up all accounts payable and agreements with Richard Yau, the CSG project management agreement (and attached the pages showing which projects they are contracted for), and found some, but definitely not all of the Service Orders from 4Leaf.

Some observations:

1. The 4Leaf contracts that would cover construction management do not specify projects. See the following agreements:
  - a. 20-093
  - b. 20-138
  - c. 23-132
2. There are several missing service orders in the records, gaps in numbering with each of these entities

3. There is the appearance of having two contractors performing management duties which is awkward.

**(Moore)**

*Staff response:*

*Master Agreements differ from stand-alone agreements: Master Agreements establish the terms of the legal relationship for future contracts (service orders) on specific projects. The Master Agreements are not typically limited to one project. Of the three contracts listed above, #20-093 is a stand-alone agreement initiated by CDD for Inspections. The other two (20-138 and 23-132) are PW Master Agreements.*

*4Leaf, Inc. and CSG provide different scopes and services than Richard Yau. All have the capability to provide Project Management and/or Construction Management services. However, on the projects mentioned above and others where the City has contracted with these entities to work on CIP projects, 4Leaf, Inc. and CSG have provided Construction Management services and Richard Yau has provided Project Management services. These are administrative and operational aspects of project delivery that the project teams review and implement based on their experience in where services are required.*

*In short, Construction Management (CM) services include management of construction such as organizing and documenting meetings, making sure inspections are scheduled, reviewing submittals, RFIs, etc. Project Management (PM) is less specific to construction: observing construction meetings and site visits, reviewing project documentation, ensuring the project is on schedule and within budget, managing the CM firm, ensuring City ordinances are being met, and in this case, providing assistance to the City's Capital Improvement Program Manager.*

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*4 Leaf's Service Orders to date, from the 2020 Master Agreement:*

<b>S.O. #</b>	<b>Description</b>	<b>Account No.</b>	<b>S.O. Amount Encumbered</b>	<b>Amount Expensed</b>
1	Orange Avenue Sidewalk	270-90-958 900-905 ST 013.03.02	<del>153,114</del>	144,330.40
2	CIP Software Application Testing	100-32-308 700-702	1,408	835.00
3	Wilson Park BB Court	420-99-252 900-905 PVAR 012.03.02	66,175	66,175.00
4	Wilson Park Garden	420-99-083 900-905 PVAR 009.03.02	57,919	57,919.00
5	Regnart Rd Improvement - Ph 1	420-99-068 900-905 ST 033.03.02	157,157	9,233.63
6	Wilson Comm Garden (additional services)	420-99-083 900-905 PVAR 009.03.02	10,000	8,400.37
7	Wilson Park BB Court (additional services)	420-99-252 900-905 PVAR 012.03.02	20,000	19,876.40
8	McClellan Rd Bikeway Ph 3	420-99-036 ST 047	180,449	15062.72 to date

*With the exception of SO#2, all the service orders are for construction management services.*

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*CSG's Service Orders to date, from the 2020 Master Agreement:*

S.O. #	Description	Account No.	S.O. Amount Encumbered	Amount Expensed
1	SCB Bike Ph 1 (2/2)	420-99-036-900-905-ST036-03-02	68,860.00	29,285.00
2	BBF Pole Assessment	420-99-047-700-702	8,800.00	4,400
3	VOIDED			
4	Regnart Creek Trail	420-99-036-900-905-ST0369-03-02	135,410.00	43,045
5	Bubb Rd Improvements	420-99-036-900-905-ST036-03-02	46,200.00	33,263.50
6	Memorial Park Pond	420-99-047-700-702	800.00	VOIDED
7	Regnart Creek Trail (additional services)	420-99-036-900-905-ST 039-03-02	187,550.00	185,494
8	Regnart Creek Fencing	420-99-036-900-905-ST 054-03-02	36,800.00	36,781.00
9	Regnart Creek Fencing (additional services)	420-99-036-900-905-ST 054-03-02	73,600.00	73,455.00
10	Regnart Creek Trail (additional services)	420-99-036-900-905-ST 039-03-02	75,000.00	74,986.25
11	BBF Pole Inspection Yr 2	100-82-804-700-702	2,640.00	1,980.00
12	Regnart Creek Trail (additional services)	420-99-036-900-905-ST 039-03-02	25,000.00	11,773.75
13	Memorial Park Ponds Repurposing	280-99-254 900-905	65,520.00	65,502.50
14	Homestead-N. De Anza Traffic Signal Modification	270-99-856 900-905 ST 060-00-03	71,420.00	30,580.00
15	Memorial Park Pond CM (additional services)	280-99-254 900-905	10,000.00	10,000.00
16	Memorial Park Pond CM (additional services)	280-99-254 900-905 MEM 002.03.02	10,900.00	10,900.00
17	Regnart Creek Fencing (additional services)	420-99-036-900-905 ST 054	57,600.00	57,599.00
18	Service Center Gate	100-87-829 900-905	18,000.00	13,474.00
19	Memorial Park Pond CM (additional services)	280-99-254 900-905 MEM 002.03.02	8,500.00	8,482.50
20	RCT Fencing Final	420-99-036-900-905-ST 054-03-02	18,000.00	14,610.00
21	Pumpkin-Fiesta SD	210-99-256 900-905 SC 005.03.02	89,850.00	89,707.50
22	SCB/Calabazas Creek SD Emergency Work	420-99-266 900-905 SD 007	38,800.00	35,970.00 to date(open)

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*Richard Yau's Service Orders to date, from the 2021 Master Agreement:*

S.O. #	Description	Account No.	S.O. Amount Encumbered	Amount Expensed
1	Tamien Innu (Junipero Serra Trail)	420-99-036-900-905-ST-046-02-03	15,000.00	15,000.00
2	Regnart Rd Improvements – Phase 1	420-99-068-900-905-ST 033-02-03	15,000.00	13,275.00 to date (Open)
3	Regnart Creek Trail	420-99-036-900-905-ST 039-03-03	15,000.00	15,000.00
4	Bubb Road Separated Bikeways	420-99-080-900-905-ST 041-03-03	7,500.00	7,500.00
5	SCB Cl 4 Phase 2	420-99-036-900-905-ST 053-02-03	15,000.00	15,000.00
6	Regnart Creek Privacy Fencing	420-99-036-900-905-ST 054-03-03	15,000.00	15,000.00
7	Orange Avenue Sidewalk	270-90-958-900-905-ST-013-02-03	7,500.00	7,500.00
8	McClellan Rd Bikeway Ph 3	420-99-036-900-905-ST047-03-03	11,250.00	11,250.00
9	Regnart Creek Privacy Fencing	420-99-036-900-905 ST054-03-03	10,500.00	10,500.00
10	Orange Avenue Sidewalk (additional services)	270-90-958-900-905-ST-013-02-03	5,250.00	5,250.00
11	Memorial Park Specific Plan	420-99-255-700-702 MEM 004-02-03	3,000.00	3000.00,
12	Pumpkin-Fiesta Storm Drain Phase 1	210-99-256 900-905	2,500.00	2,475.00
13	SCB Cl 4 Ph 2 (additional services)	420-99-036-900-905 ST053-02-03	2,500.00	2,475.00
14	Memorial Park Specific Plan (additional services)	420-99-083 900-905 PVAR 09.03.02	1,500.00	1,500.00
15	Wilson Garden	420-99-252 900-905 PVAR 012.03.02	1,500.00	1,500.00
16	Wilson BB Court		1,500.00	1,500.00
17	Capital Project Support	420-99-048	15,000.00	15,000.00
18	Pumpkin-Fiesta Storm Drain Phase 1 (additional services)	210-99-256 900-905	4,500.00	4,500.00
19	SCB-Calabazas SD	420-99-266 900-905 SD007	3,000.00	3,000.00

Attachments Provided with Original Staff Report:

A - Draft Second Amendment

B – Exemption Request

Attachments Provided with Supplemental 1: