

**TO: HONORABLE CITY COUNCIL**

**FROM: CITY MANAGER**

**DEPARTMENT: UTILITIES**

**DATE: OCTOBER 5, 2009**

**CMR: 389:09**

**REPORT TYPE: CONSENT**

**SUBJECT: Approval of Amendment No. 1 to Contract C08126041 with Siegfried Engineering, Inc. in the Amount of \$70,069 for a Total Not To Exceed Amount of \$614,436 for the Eleanor Pardee Park and Main Library/Community Gardens Emergency Water Supply Wells Project**

**RECOMMENDATION**

Staff recommends that Council:

Approve and authorize the City Manager or his designee to execute the attached Amendment No. 1 to Contract C08126041 (Attachment A) in the amount of \$70,069 for consultant's additional well drilling services on the Eleanor Pardee Park and the Main Library/Community Gardens Emergency Water Supply Wells Project.

**BACKGROUND**

The Eleanor Pardee Park and the Main Library/Community Gardens Emergency Water Supply Wells Project (Wells Project) is part of the overall Emergency Water Supply Project (EWSP), WS-08002. This project's purpose is to ensure an adequate emergency water supply source is available to meet the City's emergency water needs.

On March 5, 2007, Council adopted a Park Improvement Ordinance for Eleanor Pardee Park authorizing construction of a new below-grade well, tree-trimming and removal of one Modesto Ash in poor condition (CMR:161:07). This work will not require permanent closure of the park to public use and no loss of parkland will occur.

Council's approval in June 2008 (CMR:291:08) of the design-build resolution and the contract with Siegfried Engineering, Inc. (SEI) authorized City staff to complete preliminary design for the construction of two new emergency supply water wells to be used during water system supply shortages.

**DISCUSSION**

During the pre-design phase, SEI conducted a geotechnical investigation of the two well sites by drilling two pilot holes for the wells. The original estimate for the depth of the pilot holes for each site was 450 feet. When this depth was reached it was determined that the estimated well

water yields would not meet the required 1000 gallon per minute flow rate. To ensure the wells could produce at the required yield, the pilot holes were extended an additional 350 feet at each site. The cost of extending the pilot holes exceeded the original estimates by \$70,069.

**RESOURCE IMPACT**

Funds required for Contract Amendment No. 1 in the amount of \$70,069 are included in the WS-08002 Emergency Water Supply Project CIP.

**POLICY IMPLICATIONS**

Approval of Contract Amendment No. 1 (Attachment A) does not represent a change to existing City policies.

**ENVIRONMENTAL REVIEW**

The field work, including drilling work, conducted during pre-design, as well as the project for construction of wells in Eleanor Pardee Park and at the Main Library/Community Gardens site, are part of the overall project EIR for the Emergency Water Supply Project (SCH #2066022038), which Council certified on March 5, 2007 as being adequate to meet the requirements of the California Environmental Quality Act (CEQA).

**ATTACHMENT**

A: Contract Amendment No. 1, Siegfried Engineering, Inc.

**PREPARED BY:**

*RA* Romel Antonio, Senior Project Engineer  
*JS* Greg Scoby, GWG Engineering Manager  
*MM* Momm Marshall, Assistant Utilities Director

**DEPARTMENT HEAD:**

*vofong*  
\_\_\_\_\_  
VALERIE O. FONG  
Director of Utilities

**CITY MANAGER APPROVAL:**

*James Keene*  
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JAMES KEENE  
City Manager

**AMENDMENT NO. ONE TO CONTRACT NO. C08126041  
BETWEEN THE CITY OF PALO ALTO AND  
SIEGFRIED ENGINEERING, INC.**

This Amendment No. One to Contract No. C08126041 ("Agreement") is entered into October 5, 2009, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and SIEGFRIED ENGINEERING, INC., a California corporation, located at 3244 Brookside Road, Suite 100, Stockton, CA 95219 ("CONTRACTOR").

**R E C I T A L S:**

WHEREAS, the Contract was entered into between the parties for the provision of pre-design and procurement services for design-build of Eleanor Pardee Park and Library Community Gardens Water Production Wells and Emergency Water Supply and Storage; and

WHEREAS, the parties wish to amend the Agreement;

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the parties agree:

SECTION 1. The section entitled "SCOPE OF SERVICES" is hereby amended to read as follows:

"SCOPE OF SERVICES". To extend the depth of drilling and logging for the test holes in order to locate additional water bearing stratas for the emergency well sites at Eleanor Pardee Park and Library Community Gardens.

SECTION 2. The section entitled "COMPENSATION" is hereby amended to read as follows:

"COMPENSATION" for the full performance of this Agreement: CITY shall pay and CONTRACTOR agrees to accept as not-to-exceed compensation for the full performance of the Services and reimbursable expenses, if any, the total maximum lump sum compensation of Six Hundred Fourteen Thousand Four Hundred Thirty Six Dollars (\$614,436)."

SECTION 3. The following exhibit(s) to the Agreement are hereby amended to read as set forth in the attachment(s) to this Amendment, which are incorporated in full by this reference:

- a. Exhibit "A" entitled "Scope of Services".
- b. Exhibit "B" entitled "Compensation".

SECTION 4. Except as herein modified, all other provisions of the Contract, including any exhibits and subsequent amendments thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have by their duly authorized representatives executed this Amendment on the date first above written.

CITY OF PALO ALTO

SIEGFRIED ENGINEERING, INC.

APPROVED:

By: 

9/18/09

\_\_\_\_\_  
City Manager

Name: Paul J. Schneider, P.E.

Title: Vice President

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Attorney

Attachments:

EXHIBIT "A": SCOPE OF SERVICES  
EXHIBIT "B": COMPENSATION

Scope of Services

Exhibit A

To extend the depth of drilling and logging for the test holes in order to locate additional water bearing stratas for the emergency well sites at Eleanor Pardee Park and Library/Community Gardens.

**SIEGFRIED**

Engineering. Innovation. Success.

July 20, 2009

Mr. Romel Antonio  
 City of Palo Alto  
 Water-Gas-Wastewater Utilities Engineering  
 1007 Elwell Court  
 Palo Alto, CA 94303

*via email: romel.antonio@cityofpaloalto.org  
 original to follow*

Dear Romel:

**Subject: Revised Change Order No. 1, dated July 20, 2009  
 Extension of Test Hole Drilling Depth  
 Emergency Well Sites**


Enclosed is Revised Contract Change Order No. 1, dated July 20, 2009, to extend the depth of drilling and logging for the test holes in order to locate additional water bearing stratas for the emergency well sites at Eleanor Pardee Park and Library/Community Gardens. The change order is based upon actual final invoices received by Kleinfelder from the drilling contractor. This Revised Change Order No. 1 supercedes the Contractor Change Order No. 1 previously transmitted by letters dated September 3, 2008 and January 8, 2009.

Enclosed are the following copies of emails between Jim Flanigan and Chris Johnson of Kleinfelder on Thursday, July 31, 2008 at the time of the test hole drilling which led to the determination of extending the depth of the test hole:

- 8:34 am, Chris Johnson to Jim Flanigan,
- 10:05 am, Jim Flanigan to Chris Johnson, and
- 10:11 am, Chris Johnson to Jim Flanigan.

Also, enclosed is Kleinfelder's letter dated October 23, 2008, to Siegfried Engineering 1) requesting the change order, 2) describing the extra work performed and the cost for the extra work, and 3) Kleinfelder's Invoice No. 53661 together with the supporting documents or invoices from the test hole drilling contractors. The increase to our original contract as a result of Revised Change Order No. 1 is \$70,069 (including a 10% markup).

Very truly yours,  
 Siegfried Engineering, Inc.

  
 Lex A. Corrales, P.E.  
 President

LAC/akw

enclosures