

CITY COUNCIL REGULAR SESSION

Resolution authorizing the execution of a four-year Professional Services Agreement with Jacobs Associates to provide on-call claim support and dispute resolution services for Transportation federal-aid projects, in an amount not to exceed \$300,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$75,000, plus all applicable taxes, with the same terms and conditions.

Paula Stevens, Interim Director, 452-6468

Ron Kessack, Assistant Director, 452-4631

Mike Mattar, Design Division Manager, 452-4318

Paul Krawczyk, Senior Project Manager, 452-4362

Transportation Department

EXECUTIVE SUMMARY

This Resolution provides claim support and dispute resolution services as requested by the City on a task order basis. The contract is for a four-year term with an option to extend for an additional year, if needed.

RECOMMENDATION

Move to adopt Resolution No. 9593

If approved, effective date: 05/20/2019

BACKGROUND/ANALYSIS

The following Capital Investment Program (CIP) projects are partially funded by federal grants and loans, such as the Transportation Infrastructure Finance and Innovation Act (TIFIA), and must follow certain federal requirements and procedures in the procurement of services:

- 120th Avenue NE: NE 12th Street to NE 16th Street (Stage 3)
- 124th Avenue NE: NE 8th Street to NE 12th Street
- 124th Avenue NE: NE 12th Street to NE Spring Boulevard
- 124th Avenue NE: NE Spring Boulevard to Ichigo Way
- 124th Avenue NE: Ichigo Way to Northup
- 130th Avenue NE: BelRed Road to NE 20th Street
- NE Spring Boulevard Multi-Modal Corridor Zone 1A and Zone 1B
- NE Spring Boulevard Zone 2: 120th Avenue NE to 124th Avenue NE
- NE Spring Boulevard Zone 4: 130th Avenue NE to 132nd Avenue NE (EB and WB)
- Mountains to Sound Greenway (Factoria Boulevard to 150th Avenue SE)
- Mountains to Sound Greenway (A) (150th Avenue SE – Sunset Pedestrian Bridge)
- Mountains to Sound Greenway (A) (Pedestrian Bridge to Lakemont)
- Mountains to Sound Greenway (B) (I-405 to Factoria Boulevard)
- Northup Way Non-Motorized Safety Improvements

- King Countywide Non-Motorized Program (Eastgate Way Bike Lanes)
- Sherwood Elementary and Interlake High School Non-Motorized Safety Improvements
- Bel-Red Road Resurfacing and ADA Improvements
- Richards Road Lake Hills Connector Overlay

The existing City on-call professional services agreements could not be used on the above projects. Staff worked with WSDOT and the Federal Highway Administration (FHWA) to develop on-call professional service agreements that meet the federal procurement requirements, to provide support services specifically for the above projects.

This contract will provide construction claim support and dispute resolution services. The anticipated scope of services includes:

- Assist in identifying cause and effect, magnitude of construction disputes, claims and damages;
- Provide strategic counsel to avoid or minimize construction claims, disputes, and litigation; and
- Evaluate, prepare documentation and facilitate resolution of claims and disputes.

A Request for Proposals (RFP No. 19017) was published in *The Seattle Times* and *The Seattle Daily Journal of Commerce* on January 3, January 10, and January 17. The RFP closed February 11, and five firms submitted proposals. After reviewing the proposals, the City selected the following two firms to provide claim support and dispute resolution services:

- Jacobs Associates (dba McMillen-Jacobs)
- Rider Levitt Bucknall Ltd.

The selection criteria used to evaluate the proposals included:

- Qualifications/expertise of firm (150 Points)
- Qualifications/expertise of project managers/lead facilitators (100 Points)
- Team member qualifications (100 Points)
- Experience specific to the tasks proposed in the RFP (75 Points)
- Cost (75 Points)
- The firm's understanding of the project and proposed methodology (50 Points)
- Proposed work plan and description of deliverables (50 Points)

Jacobs Associates was selected because of their demonstrated knowledge of the construction claims process; clear presentation of their claim methodology and approach; demonstrated proven history of delivery on similar projects; project manager experience; level of experience of key personnel; and demonstrated understanding of critical issues and challenges. Resolution materials for Rider Levitt Bucknall Ltd. are presented under a separate agenda memo tonight.

POLICY & FISCAL IMPACTS

Policy Impact

Bellevue City Code 4.28.030(B) (1)

The City has promulgated policies, standards, and operational procedures that support open, fair, and transparent procurement of goods and services in accordance with all applicable laws. Such policies, standards and procedures may define the levels of authority pertaining to review and approval of contract change orders and shall be followed by all City departments.

Fiscal Impact

This action will obligate the City to a maximum of \$300,000, plus all applicable taxes, with Jacobs Associates, to provide claim support and dispute resolution services. The contract is for a four-year term with an option to extend the contract for an additional year and \$75,000, plus all applicable taxes, with the same terms and conditions. Sufficient funds exist in the 2019-2025 CIP through the individual Transportation CIP project budgets to fund these services. Funding for future years will be contingent upon approved capital funds.

OPTIONS

1. Adopt the Resolution authorizing the execution of a four-year Professional Services Agreement with Jacobs Associates to provide on-call claim support and dispute resolution services for Transportation federal-aid projects, in an amount not to exceed \$300,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$75,000, plus all applicable taxes, with the same terms and conditions.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

Proposed Resolution No. 9593

AVAILABLE IN COUNCIL LIBRARY

Professional Services Agreement