

CITY COUNCIL REGULAR SESSION

Ordinance authorizing 1) execution of Amendment No. 3 to the Professional Services Agreement with McMillen Jacobs Associates in the amount of \$20,000, plus all applicable taxes, for a total contract amount of \$350,000, plus all applicable taxes, to provide additional claims support needed during the negotiation of the construction claims for the 120th Avenue NE, Stage 2, from NE 7th Street to NE 12th Street Project (CIP Plan No. PW-R-164); 2) amending the 2019-2025 General Capital Investment Program (CIP) Plan to increase the budget for PW-R-164 by \$1,245,000; and, 3) amending the 2019-2020 General CIP Fund appropriation by \$1,245,000.

Andrew Singelakis, Director, 452-6864
Ron Kessack, Assistant Director, 452-4631
Mike Mattar, Design Division Manager, 452-4318
Paul Krawczyk, Senior Project Manager, 452-7905
Transportation Department

EXECUTIVE SUMMARY

This Ordinance allows for final payment for expert report and testimony required during the construction claim process between the City and the 120th Avenue NE Stage 2 roadway designer and construction contractors.

RECOMMENDATION

Move to adopt Ordinance No. 6510

BACKGROUND/ANALYSIS

The City hired McMillen Jacobs Associates to provide support for construction claims and third-party structural engineering review. McMillen Jacobs work helped the City negotiate and settle a construction claim involving the failure of three retaining walls for the 120th Avenue NE Stage 2 Project (CIP-PW-R-164). Hiring subject matter experts in this field allowed the City to be in the best position to recover damages as a result of the replacement of the walls. This contract increase with McMillen Jacobs Associates reflects the additional work and time needed to arrive at settlement agreement(s) with the associated parties.

Project Scope

The 120th Avenue NE Stage 2 Project widened 120th Avenue NE into a five-lane arterial between NE 7th Street and NE 12th Street. The new roadway has two travel lanes in each direction and a center turn lane where necessary. Full street frontage improvements are also provided on both sides of the road, including bike lanes, sidewalks, illumination, landscaping, and installation of new stormwater detention and treatment system.

Relevant Past Council Actions

On August 4, 2014, Bid No. 14018, 120th Avenue NE Improvement Project, NE 7th Street to NE 12th Street NE, Stage 2 (CIP Plan No. PW-R-164); Utility Facilities for 120th Avenue NE Improvements (CIP Plan No. S-63); Sewer System Pipeline Replacement (CIP Plan No. S-66); and, Small Diameter Water

Main Replacement (CIP Plan No. W-16) was awarded to Goodfellow Bros., Inc. as the lowest responsible and responsive bidder, in the amount of \$14,948,961.04.

On October 17, 2016, Council approved Ordinance No. 6312 amending the construction contract with Goodfellow Bros., Inc. (Bid No. 14018) by \$5,323,122, for a total contract amount of \$20,272,083, for the 120th Avenue NE (Stage 2) – NE 8th to NE 12th Street Project (CIP Plan No. PW-R-164); and, amending of the 2015-2021 Capital Investment Program (CIP) Plan to increase the project budget for the 120th Avenue NE (Stage 2) – NE 8th to NE 12th Street Project by \$5,603,486 for a total amended project budget of \$45,394,554 by recognizing additional revenue restricted to the project, additional general tax revenue, and a budget transfer from the NE Spring Boulevard Zone 1 project (CIP Plan No. PW-R-172).

POLICY & FISCAL IMPACTS

Policy Impact

Comprehensive Plan

Mobility Management:

- TR-25: Provide adequate roadway, pedestrian and bicycling connections in newly developing and redeveloping areas of the City, promoting both internal access and linkage with the rest of the City.
- TR-28: Involve affected neighborhoods and other interested citizens in the planning and design of transportation system improvements.

Circulation:

- S-BR-62: Include pedestrian and bicycle facilities in the design of arterial and local streets.
- S-WI-28: Improve arterial streets to provide enhanced pedestrian and bicycle access, safety and comfort throughout the non-residential areas of the subarea.

Bellevue City Code 4.28 provides for the fair and equitable treatment in the purchasing process. Because the amount of the contract exceeds \$90,000, Council approval is required.

Fiscal Impact

This action obligates the City to an increase to the contract with McMillen Jacobs Associates, in the amount of \$20,000, plus all applicable taxes, for additional work needed to recover costs associated with the replacement of three soldier pile retaining walls on the west side of 120th Avenue NE (CIP Plan No. PW-R-164), resulting in a total contract of \$350,000, plus all applicable taxes (see table below).

Professional Services Agreement with McMillen Jacobs Associates	
Original Contract (No. 1650056)	\$90,000
Amendment No. 1	210,000
Amendment No. 2	30,000
Amendment No. 3 (Tonight's Action)	20,000
Amended Contract	\$350,000

The following table provides the financial status of the project.

(\$000)

	Current Budget	Life to Date Expenditures	Total Projected Expenditures	Projected Balance	<i>This Action</i>	Actual / Projected Completion Date
Phase I (Design)	\$3,802	\$4,374	\$4,374	(\$572)	<i>\$0</i>	Q2-2016
Phase II (Right-of-Way)	18,005	18,277	18,277	(272)	<i>0</i>	Q2-2016
Phase III (Construction)	23,588	23,947	23,989	(401)	<i>20</i>	Q4-2017
Total	\$45,395	\$46,598	\$46,640	(\$1,245)	<i>\$20</i>	

The 120th Avenue NE, Stage 2 project was completed in 2017 and this contract amendment represents the final contract expenditures involving the recently settled claim by the City against the 120th Avenue NE Stage 2 roadway designer and contractor. The total projected project cost of \$46,640,000 is \$1,245,000 over budget. With this action the project budget will be increased by \$1,245,000 funded through the proceeds received by the City from the settled claim.

OPTIONS

1. Adopt the Ordinance authorizing 1) execution of Amendment No. 3 to the Professional Services Agreement with McMillen Jacobs Associates in the amount of \$20,000, plus all applicable taxes, for a total contract amount of \$350,000, plus all applicable taxes, to provide additional claims support needed during the negotiation of the construction claims for the 120th Avenue NE, Stage 2, from NE 7th Street to NE 12th Street Project (CIP Plan No. PW-R-164); 2) amending the 2019-2025 General Capital Investment Program (CIP) Plan to increase the budget for PW-R-164 by \$1,245,000; and, 3) amending the 2019-2020 General CIP Fund appropriation by \$1,245,000.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Vicinity Map
- B. CIP Project Description (PW-R-164)
- Proposed Ordinance No. 6510

AVAILABLE IN COUNCIL LIBRARY

N/A