



# OPERATIONS COMMITTEE

## Agenda Report

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**File #:** 2023-2988

**Agenda Date:** 11/6/2024

**Agenda Item No:** 10.

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**FROM:** Robert Thompson, General Manager  
Originator: Mike Dorman, Director of Engineering

**SUBJECT:**

**SOUTH PERIMETER WALL AND SOIL IMPROVEMENTS AT PLANT NO. 2, CONTRACT NO. P2-128A AS PART OF DIGESTER REPLACEMENT AT PLANT 2, PROJECT NO. P2-128**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve a Professional Construction Services Agreement with Brown and Caldwell to provide construction support services for South Perimeter Wall and Soil Improvements at Plant No. 2, Contract No. P2-128A for a total amount not to exceed \$2,048,122; and
- B. Approve a contingency of \$204,812 (10%).

**BACKGROUND**

Brown and Caldwell was selected as part of a competitive, qualifications-based solicitation process to design the South Perimeter Wall and Soil Improvements project at Plant No. 2, Contract No. P2-128A. At the time of the solicitation, the Orange County Sanitation District (OC San) documented its intent to award a subsequent agreement to the design consultant for continuation of engineering services during construction.

This project will replace the perimeter chain link fence at Plant No. 2 along the Talbert Marsh with a cast-in-place concrete wall to protect the facilities from lateral spread, sea level rise, and meet OC San's security requirements.

**RELEVANT STANDARDS**

- Comply with California Government Code Section 4526 to engage the best qualified firm "on the basis of demonstrated competence and qualifications" and "negotiate fair and reasonable fees"
- Ensure public's money is wisely spent

**PROBLEM**

This project requires the design consultant to provide as-needed services during construction including submittal review, responding to the Contractor's requests for information, reviewing

construction change orders, participating in meetings, attending site visits, and preparing record drawings. Given the project's location and the extensive excavation and soil stabilization involved, the design consultant will also monitor construction activities to mitigate any potential biological or archaeological impacts and to oversee the geotechnical aspects of the work.

## **PROPOSED SOLUTION**

Approve a Professional Construction Services Agreement with the design consultant, Brown and Caldwell, to provide engineering support services during construction.

## **TIMING CONCERNS**

Engineering support services will be required at the start of construction. Construction is anticipated to start in December 2024.

## **RAMIFICATIONS OF NOT TAKING ACTION**

The engineering support services needed to facilitate and review construction activities would not be available by the Engineer of Record, which may negatively impact the contract execution.

## **PRIOR COMMITTEE/BOARD ACTIONS**

July 2020 - Approved a Professional Design Services Agreement with Brown and Caldwell to provide engineering services for Temperature Phased Anaerobic Digestion (TPAD) Digester Facility at Plant No. 2, Project No. P2-128, for an amount not to exceed \$39,300,000; and approved a contingency of \$3,930,000 (10%).

## **ADDITIONAL INFORMATION**

Brown and Caldwell successfully furnished engineering services for the design of this project and their support services during construction will provide continuity through the completion of the project.

Staff negotiated with Brown and Caldwell for these support services in accordance with OC San's adopted policies and procedures. A review of the proposed price was conducted using estimated quantities of requests for information, submittals, meetings, site visits, change order review, and design revisions, as well as the level of effort for preparing record drawings. Based on this review, staff determined the negotiated fee to be fair and reasonable for these services. Staff is requesting a 10% contingency in case unanticipated professional services are needed during construction.

## **CEQA**

The project is included in the Addendum to the Final Program Environmental Impact Report for Biosolids Master Plan, State Clearinghouse No. 2017071026.

**FINANCIAL CONSIDERATIONS**

This request complies with the authority levels of OC San's Purchasing Ordinance. This item has been budgeted (Budget FY 2024-25 and 2025-26, Section 8, Page 70, Digester Replacement at Plant No. 2, Project P2-128) and the budget is sufficient for the recommended action.

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Draft Professional Construction Services Agreement

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