



# OPERATIONS COMMITTEE

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## Agenda Report

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**File #:** 2021-1529

**Agenda Date:** 5/5/2021

**Agenda Item No:** 14.

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**FROM:** James D. Herberg, General Manager  
Originator: Kathy Millea, Director of Engineering

**SUBJECT:**

**A-SIDE PRIMARY CLARIFIERS REPLACEMENT AT PLANT NO. 2, CONTRACT NO. P2-98A**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve a Professional Construction Services Agreement with Black & Veatch Corporation to provide construction support services for A-Side Primary Clarifiers Replacement at Plant No. 2, Contract No. P2-98A, for an amount not to exceed \$8,400,000; and
- B. Approve a contingency of \$840,000 (10%)

**BACKGROUND**

Black & Veatch Corporation (Black & Veatch) was selected as part of a competitive, qualifications-based solicitation process to design Primary Treatment Rehabilitation at Plant No. 2, Project No. P2-98. The project includes A-Side Primary Clarifiers Replacement at Plant No. 2, Contract No. P2-98A. 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 \$111 million construction contract will build four new primary clarifiers, a new odor control and chemical facility, a new electrical distribution center, and ancillary utilities and facilities. After the new facilities are completed, the project will also demolish four primary clarifiers, a power building, and an air treatment facility.

**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 the 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, providing personnel training, preparation of standard operating procedures, providing startup assistance, and preparing record drawings.

**PROPOSED SOLUTION**

Approve a Professional Construction Services Agreement with the design consultant, Black & Veatch, to provide engineering services during construction.

**TIMING CONCERNS**

Engineering support services will be required at the start of construction. Construction is anticipated to start in July 2021.

**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 2016 - Approved a Professional Design Services Agreement with Black & Veatch Corporation to provide engineering design services for Primary Treatment Rehabilitation at Plant No. 2, Project No. P2-98, for an amount not to exceed \$18,141,423 and approved a contingency of \$1,814,142 (10%).

**ADDITIONAL INFORMATION**

Black & Veatch has successfully furnished engineering services for this project and their support services during construction will provide continuity through the completion of this project. Staff negotiated with Black & Veatch 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 support, as well as level of effort for preparing record drawings. Based on this review, staff determined the negotiated fee to be fair and reasonable for these services.

**CEQA**

This project is exempt from CEQA under the Class 2 categorical exemptions set forth in California Code of Regulations Sections 15302. This is because the project involves replacement or reconstruction of existing structures and facilities where the new structure replaced will have substantially the same purpose and capacity as the structure replaced. A Notice of Exemption was filed with the Orange County Clerk-Recorder on April 26, 2018.

## **FINANCIAL CONSIDERATIONS**

This request complies with authority levels of OC San's Purchasing Ordinance. This item has been budgeted. (Adopted Budget, Fiscal Years 2020-2021 and 2021-22, Section 8, Page 82, Primary Treatment Rehabilitation at Plant No. 2, Project No. P2-98) 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:*

- Professional Construction Services Agreement
- Presentation

SN:dm:gc