



# REQUEST FOR CITY COUNCIL ACTION

<b>MEETING DATE:</b>	May 18, 2016	<input checked="" type="checkbox"/> Motion
<b>DEPARTMENT:</b>	Finance	<input type="checkbox"/> Resolution
<b>DIVISION:</b>	Purchasing	<input type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

**TITLE:**

Contract: Fourth Avenue Gateway (Additional Design Services)

**SUMMARY RECOMMENDATION:**

Authorize the City Administrator to execute a contract with POINT Engineers in the amount not to exceed \$130,549.72 for additional design services to include a northbound right turn lane on Fourth Avenue.

(Engineering RFQ 2013-20000098) (Joshua Scott)

**REPORT:**

In February 2013 the City entered into a contract with Principle Engineering Group (PEG) following a Request for Qualifications solicitation (RFQ) conforming to Arizona Department of Transportation (ADOT) and Federal Highways Administration (FHA) guidelines.

The contract terms required PEG to design a multi-use pathway including lighting, landscaping, and decorative planters along 4<sup>th</sup> Avenue from 1<sup>st</sup> Street to Interstate 8 (the project). In October 2015, the City requested a design change order from PEG to include the addition of a northbound right turn lane on Fourth Avenue into the future Pivot Point development. This design change prompted ADOT to issue a letter to the City. ADOT's letter, which is attached, acknowledges the project bid advertisement of December 2015 will be postponed and that the City will bear the responsibility of the "increased costs" for ADOT review and design and construction costs. The crux of ADOT's letter with respect to this proposed contract is the statement by the ADOT Southwest District Engineer that,

"We also must emphasize that if the project is not ready for bid advertisement in 1<sup>st</sup> quarter of FY 2017 [September 2016], federal funding will no longer be available."

In March 2016, PEG wrote to the City that PEG "has decided to withdraw our proposal so the City can pursue other avenues to accomplish this change order work." After consulting with ADOT on the various options to accomplish the change order, the City recommends contracting directly with POINT Engineers, LLC (the engineer of record) who designed the original plans and specifications for the project under PEG's contract. Using any other engineering firm would jeopardize the City obtaining

federal construction funds because no other firm is capable of meeting the City's deadline of a completed project design, modified to accommodate the right turn lane into the existing design before the September 2016 deadline. If the full design is not bid-ready by September 2016, the City risks losing over \$500,000 in federal funding for the construction.

Pursuant to Yuma City Code Section 36-35(A), a professional services contract may be awarded for a service without competition "in those situations where negotiation procedure is more appropriate as when only one known contractor can meet all requirements or when competitive solicitation is impractical." Such action is also consistent with Arizona Revised Statutes § 34-606, which permits an agent to procure professional services "if a situation exists that makes compliance with [Title 34] impracticable, unnecessary, or contrary to the public interests . . . ." This contract recommendation has been determined appropriate based on the schedule to complete the necessary work and reviews by ADOT, who is administering the advertisement and construction contract in accordance with Joint Project Agreement No. 2011-162.13.

Approving this motion authorizes the City to enter into the contract with POINT Engineers, LLC. The existing contract and purchase order with PEG has been closed.

FISCAL REQUIREMENTS	CITY FUNDS:	\$130,549.72	BUDGETED:	\$130,549.72
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: 331-97-97.8120 \$55,549.72 122-97-77.8120 \$75,000.00 CIP 0071-Heritage1	
		\$0.00		
		\$0.00		
TOTAL:	\$130,549.72			
FISCAL IMPACT STATEMENT: Funding is available in the Fiscal Year 2016 Capital Improvement Program budget.				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input checked="" type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			5/10/2016
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files for Steven W. Moore			5/10/2016
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Pat Wicks			5/2/2016	
WRITTEN/SUBMITTED BY:			DATE:	
Robin R. Wilson			5/2/2016	