



# City of Palo Alto

## City Council Staff Report

(ID # 11798)

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**Report Type: Consent Calendar**

**Meeting Date: 5/3/2021**

**Summary Title: Approval of Highway 101 Bike Bridge Design Contract Amendment**

**Title: Approval of Amendment Number 3 to Contract Number C16162262 With Biggs Cardosa Associates, Inc., to Extend the Term of the Contract Through December 31, 2021, at no Added Cost to the City, for Continued Construction Support Services for the Highway 101 Pedestrian/Bicycle Overpass Project (PE-11011)**

**From: City Manager**

**Lead Department: Public Works**

### **Recommendation**

Staff recommends that Council approve and authorize the City Manager or his designee to execute Amendment No. 3 to Contract No. C16162262 with Biggs Cardosa Associates, Inc. (Attachment A), to extend the term of the contract through December 31, 2021 to continue construction support services for the Highway 101 Pedestrian/Bicycle Overpass Project (CIP PE-11011) at no additional cost to the City.

### **Background and Discussion**

The Highway 101 Pedestrian/Bicycle Overpass Project (Project) includes construction of a new year-round, grade-separated, shared bicycle and pedestrian crossing over Highway 101 and construction of the Adobe Creek Reach Trail.

On May 23, 2016, Council approved a design contract with Biggs Cardosa Associates, Inc. (BCA) to provide design and engineering services (Staff Report ID# [6578](#)). The design contract was amended to provide final design and right-of-way services in December 2017 (Amendment No. 1, Staff Report ID# [8659](#)) and to provide construction support services in June 2019 (Amendment No. 2, Staff Report ID# [10339](#)). The contract term ends on May 11, 2021.

On November 18, 2019, Council approved a construction contract with Granite Construction Company (Staff Report ID# [10646](#)). Construction began in January 2020 and is anticipated to be completed by summer 2021.

Since the project construction is in progress, BCA's construction support services will need to continue through the duration of construction. The contract term extension through December 31, 2021 will provide this continued support at no added cost to the City.

### **Resource Impact**

There are no financial impacts associated with the recommendation in this report for the contract term extension per Amendment No. 3.

### **Stakeholder Engagement**

Stakeholder coordination and engagement was not required for approval of Contract Amendment No. 3.

### **Policy Implications**

The project is consistent with the City's Comprehensive Plan goals, policies, and programs.

### **Timeline**

The project construction is anticipated to be completed by summer 2021. The next significant milestone, placement of the two bridge sections across West and East Bayshore Roads, is scheduled for the nights of April 29 and April 30, weather permitting. The third bridge section across Highway 101 that will require full freeway closure is pending transport permit approval by Caltrans. The construction support services will continue through the duration of construction and will include preparation of as-built drawings after the construction is complete.

### **Environmental Review**

No environmental review is necessary for approval of the Contract Amendment No. 3.

### **Attachments:**

- Attachment A: Contract Amendment No. 3

**AMENDMENT NO. 3 TO CONTRACT NO. C16162262  
BETWEEN THE CITY OF PALO ALTO AND  
BIGGS CARDOSA ASSOCIATES, INC.**

This Amendment No. 3 (this "Amendment") to Contract No. C16162262 (the "Contract" as defined below) is entered into as of April 12, 2021, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and BIGGS CARDOSA ASSOCIATES, INC. a California corporation, located at 865 The Alameda, San Jose, CA 95126, ("Consultant"). CITY and CONSULTANT are referred to collectively as the "Parties" in this Amendment.

**RECITALS**

A. The Contract (as defined below) was entered into by and between the Parties for the provision of Phase 1 design services for the Highway 101 Pedestrian and Bicycle Overpass Project, including environmental assessment and coordination, and engineering, landscape and architectural design development to up to 65% design, as detailed therein.

B. The Contract was amended by Amendment No.1 to extend the term of the Contract through December 31, 2020 and add Phase 2 services to complete final design and PS&E, as detailed therein.

C. The Contract was amended by Amendment No.2 to add Phase 3 bidding and construction support services and extend the term of the through May 11, 2021, as detailed therein.

D. The Parties now wish to amend the Contract in order to extend the term through December 31, 2021, at no added cost to the CITY, to complete construction support services for the project, as detailed herein.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the Parties agree:

**SECTION 1. Definitions.** The following definitions shall apply to this Amendment:

- a. **Contract.** The term "Contract" shall mean Contract No. C16162262 between CONSULTANT and CITY, dated May 23, 2016, as amended by:

Amendment No.1, dated December 11, 2017, and  
Amendment No.2, dated June 24, 2019.

- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 2, "TERM," of the Contract is hereby amended to read as follows:

"The term of this Agreement shall be from the date of its full execution through completion of the services in accordance with the Schedule of Performance attached at Exhibit "B", but in no event later than December 31, 2021, unless terminated earlier pursuant to Section 19 of this Agreement."

SECTION 3. The following exhibit(s) to the Contract is/are hereby amended or added, as indicated below, to read as set forth in the attachment(s) to this Amendment, which is/are hereby incorporated in full into this Amendment and into the Contract by this reference:

- a. Exhibit "B" entitled "SCHEDULE OF PERFORMANCE, AMENDMENT NO. 3", AMENDED, REPLACES PREVIOUS.

SECTION 4. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 5. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

*(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)*

**SIGNATURES OF THE PARTIES**

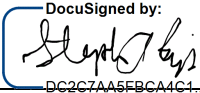
IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

**CITY OF PALO ALTO**

**BIGGS CARDOSA ASSOCIATES, INC.**

\_\_\_\_\_  
City Manager

**Officer 1**

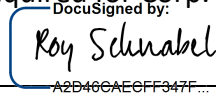
By:  \_\_\_\_\_  
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Name: Stephen Biggs, President

Title: President

APPROVED AS TO FORM:

**Officer 2 (Required for Corp. or LLC)**

By:  \_\_\_\_\_  
DocuSigned by:  
A2B40CAE0FF347F...

Name: Roy Schnabel

Title: Principal/VP

\_\_\_\_\_  
City Attorney or designee

**Attachments:**

Exhibit "B" entitled "SCHEDULE OF PERFORMANCE, AMENDMENT No. 3" (AMENDED-REPLACES PREVIOUS)

**EXHIBIT B**  
**SCHEDULE OF PERFORMANCE, AMENDMENT NO. 3**  
**(AMENDED- REPLACES PREVIOUS)**

CONSULTANT shall perform the Services so as to complete each milestone within the number of days/weeks specified below. The time to complete each milestone may be increased or decreased by mutual written agreement of the project managers for CONSULTANT and CITY so long as all work is completed within the term of the Agreement. CONSULTANT shall provide a detailed schedule of work consistent with the schedule below within 2 weeks of receipt of the notice to proceed.

**PHASE 1 – DESIGN DEVELOPMENT AND CALTRANS PA&ED**

<b>Milestones</b>	<b>No. of Weeks Completion from Phase 1 NTP</b>
1. Task 1. Preliminary Design	98 weeks
2. Task 2. Caltrans Approval Document	98 weeks
3. Task 3. PS&E (65%)	98 weeks

**PHASE 2 – FINAL DESIGN AND PS&E (CONTRACT AMENDMENT NO. 1)**

<b>Milestones</b>	<b>No. of Weeks Completion from Phase 2 NTP</b>
4. Task 4. Phase 2 Project Management and Coordination	52 weeks
5. Task 5. Final PS&E (90% and 100%)	52 weeks
6. Task 6. Adobe Creek Reach Trail and East Meadow Drive Improvements	52 weeks

*(Continued on the next page.)*

**PHASE 3 – BIDDING AND CONSTRUCTION SUPPORT (CONTRACT AMENDMENT NO. 3 – AMENDING AND REPLACING THE REVISIONS MADE BY CONTRACT AMENDMENT NO. 2)**

<b>Milestones</b>	<b>No. of Weeks Completion from Phase 3 NTP</b>
7. Task 7. Bid Phase Services	95 weeks
8. Task 8. Construction Phase Services	128 weeks