



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 6/7/2022

ITEM NO: 14

DATE: May 23, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a First Amendment to the Consultant Services Agreement with Ninyo and Moore for the On-Call Materials Testing and Special Inspection Services to Increase the Contract Amount by \$100,000, for a Total Contract Amount Not to Exceed \$280,000, and Extend the Contract Term

RECOMMENDATION:

Authorize the Town Manager to execute a first amendment to the consultant services agreement with Ninyo and Moore for the On-Call Materials Testing and Special Inspection Services to increase the contract amount by \$100,000, for a total contract amount not to exceed \$280,000, and extend the contract term.

BACKGROUND:

In December 2020, the Parks and Public Works Department issued a Request for Qualifications (RFQ) to hire an on-call materials testing and special inspection services firm for the Town's capital improvement projects. Through the RFQ process, Ninyo and Moore was selected for the services, and a consultant services agreement was executed in April 2021 with a contract amount not to exceed \$180,000 as authorized by the Town Council. The services performed under the agreement are funded through individual capital projects and their approved budgets on an as-needed basis. The agreement with Ninyo and Moore is set to expire on June 30, 2022, with an option for the Town to extend the contract one additional year.

DISCUSSION:

Between April 2021 and May 2022, approximately \$113,000 of the contract amount has been earmarked for materials testing and special inspection services for various Town capital

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Interim Parks and Public Works Director

PAGE 2 OF 3

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DISCUSSION (continued):

projects. If approved by the Town Council, the first amendment (Attachment 1) to the consultant services agreement with Ninyo and Moore would extend the contract term to December 31, 2023 and increase the contract amount capacity by \$100,000 for a total contract amount not to exceed \$280,000.

The extension of the contract period would allow Ninyo and Moore to continue providing on-call testing services for current projects in construction through summer 2022. Furthermore, the term extension and the additional contract capacity would be utilized for the following future Town capital projects anticipated for construction in 2022 and 2023:

- Fiscal Year (FY) 2022/23 Annual Street Repair and Resurfacing
- FY 2022/23 Annual Curb, Gutter, and Sidewalk Maintenance
- Building Replacement at Corporation Yard
- Shannon Road Pedestrian and Bikeway Improvements
- Annual Storm Drain Improvements
- Retaining Wall and Guardrail Repairs
- Oak Meadow Bandstand Area Improvements
- Shannon Road Repair (pending construction funding)

In addition, there may be other Town projects that would require materials testing and special inspection services. Projects with federal grants may require a separate procurement process for testing and inspection services.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to execute the first amendment to the consultant services agreement with Ninyo and Moore for the On-Call Materials Testing and Special Inspection Services to increase the contract amount by \$100,000, for a total contract amount not to exceed \$280,000, and extend the contract term to December 31, 2023.

COORDINATION:

This report has been coordinated with the Town Attorney and the Finance Department.

PAGE 3 OF 3

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FISCAL IMPACT:

The contract would be funded by budgeted Town projects requiring materials testing and special inspection services, where the projects are sufficiently funded for those services. There is no additional fiscal impact to the Town.

ENVIRONMENTAL ASSESSMENT:

Environmental review is not required for this agenda item as the requested action is not a project defined by the California Environmental Quality Act. CEQA analysis will be provided for individual capital improvement projects.

Attachments:

1. First Amendment with Original Agreement