



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/17/2024

ITEM NO: 7

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DATE: September 12, 2024  
TO: Mayor and Town Council  
FROM: Katy Nomura, Interim Town Manager  
SUBJECT: Authorize the Interim Town Manager to Execute the Third Amendment to the Consultant Services Agreement with Mott MacDonald Group Inc. to Provide Additional Construction Support Services in an Amount Not to Exceed \$49,901, For a Total Contract Not to Exceed Amount of \$833,019, for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505), Federal Project No. CML-5067(021).

**RECOMMENDATION:**

Authorize the Interim Town Manager to execute the third amendment to the consultant services agreement with Mott MacDonald Group Inc. to provide additional construction support services in an amount not to exceed \$49,901 (Attachment 1), bringing their total contract not to exceed amount to \$833,019, for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505), Federal Project No. CML-5067(021).

**BACKGROUND:**

The Los Gatos Creek Trail to Highway 9 Trailhead Connector Project will provide access for bicycles and pedestrians between Highway 9 and the Los Gatos Creek Trail. The project will construct a pedestrian switchback trail access between the north side of Highway 9 and the Los Gatos Creek Trail and a bicycle/pedestrian trail access on the south side of Highway 9 leading from University Avenue that includes a new bridge over Los Gatos Creek.

Construction of the project began in November 2023 and is ongoing. The current schedule anticipates construction to be completed in December 2024.

On October 1, 2019, the Town Council authorized the Town Manager to execute a Consultant Services Agreement (Agreement) with Mott MacDonald Group Inc. (Mott MacDonald) for

**PREPARED BY:** Sean Rose  
Special Projects Manager

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Reviewed by: Interim Town Manager, Town Attorney, and Finance Director

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SUBJECT: Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505), Federal Project No. CML-5067(021)

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BACKGROUND (continued):

engineering design services for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (Project) in an amount not to exceed \$486,747.

On August 17, 2021, the Town Council authorized the Town Manager to execute the First Amendment to the Agreement (Attachment 2) with Mott MacDonald for the Project, for additional design services in an amount not to exceed \$90,000 for a total contract not to exceed amount of \$576,747.

On August 1, 2023, the Town Council authorized the Town Manager to execute the Second Amendment to the Agreement with Mott MacDonald, for construction support services in an amount not to exceed \$206,371, for a total contract not to exceed amount of \$783,118.

DISCUSSION:

Since the beginning of construction, Mott MacDonald and their structural engineering subconsultant Biggs Cardosa Associates (BCA), as the design engineers of record for the project, have provided construction engineering support for the project on an as-needed, time and materials basis, in accordance with the terms of the Agreement and the Second Amendment. Work completed by Mott MacDonald/BCA has included reviewing and approving construction submittals, evaluating and responding to contractor Requests for Information (RFIs), field engineering inspections, value engineering, and other engineering support activities. Mott MacDonald/BCA have now expended the original construction engineering support budget of \$206,371 that was approved with the Second Amendment and are requesting an additional \$49,901 to provide additional construction engineering support services through the completion of the project (Attachment 1). The additional work includes, but is not necessarily limited to, project management and coordination, submittal review and response, RFI evaluation and response, and preparation of as-built plans.

The proposed amendment amount includes a \$3,000 credit to the Town for services that were previously billed incorrectly. In addition, \$15,997 of the requested amount will be reimbursed by the contractor Granite Construction via a deduction to a future construction progress payment, for services that Granite requested of Mott MacDonald/BCA related to an unforeseen construction change by Granite.

Staff has negotiated the scope and amount of the additional construction engineering support services proposal and finds the amount reasonable and necessary to complete the project. The services will be performed on an as-needed, time and materials basis in accordance with the terms of the original contract.

SUBJECT: Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505), Federal Project No. CML-5067(021)

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CONCLUSION:

The recommended action will provide the additional budget necessary to allow Mott MacDonald to continue to provide construction engineering support for the project through the completion of project construction, currently anticipated in December 2024.

FISCAL IMPACT:

The fiscal table below reflects the updated costs and budget sources for the construction phase of the project, which will be sufficient to fund the project.

Los Gatos Creek Trail to Highway 9 Trailhead Connector Project CIP No. 832-4505	
<b>SOURCE OF FUNDS*</b>	
GFAR	\$ 1,428,127
OBAG Cycle II Grant - CMAQ	\$ 6,536,000
Measure B (2016 Program Bicycle and Pedestrian Program)	\$ 693,500
TFCA Grant Funds	\$ 755,921
TDA 3 Grant Funds	\$ 68,884
<b>TOTAL SOURCE OF FUNDS</b>	<b>\$ 9,482,432</b>
<b>USE OF FUNDS</b>	
<i>Design Phase</i>	
Consultant Services (Mott MacDonald Group)	\$ 576,747
Part-time Staff	\$ 99,297
Misc. Project Delivery Costs	\$ 490
<b>DESIGN TOTAL - (Completed)</b>	<b>\$ 676,534</b>
<i>Construction Phase</i>	
Construction Contract (Granite Construction)	\$ 6,529,396
Construction Contingency	\$ 652,940
Construction Management, Inspection and Materials Testing (Zoon Eng.)	\$ 1,220,822
Town Project Management	\$ 127,000
Construction Support Services (Mott MacDonald Group)	\$ 206,371
Construction Support Services (Mott MacDonald Group) (Requested with this Staff Report)	\$ 49,901
Misc. Project Delivery Costs	\$ 19,468
<b>CONSTRUCTION TOTAL</b>	<b>\$ 8,805,898</b>
<b>TOTAL USE OF FUNDS</b>	<b>\$ 9,482,432</b>
<b>REMAINING BUDGET</b>	<b>\$ -</b>

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ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorically Exempt Class 1 (CEQA Section 15301) (PRC 21084;14 CCR 15300 et seq).

The project has been determined to be Categorically Excluded under NEPA 23 CRF 771.117(c) activity (c)(3).

Attachments:

1. Third Amendment to Consultant Services Agreement with Mott MacDonald with Exhibit A (Cost Proposal) and Exhibit B (Scope and Fee) and the Original Agreement with the First and Second Amendments