



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** PARKS

**File #:** 23-746

Board Meeting Date: 9/12/2023

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Nicholas J. Calderon, Parks Director

**Subject:** Third Amendment to the Agreement with CSW|ST2 for the provision of professional services required to permit and construct the Tunitas Creek Beach Improvement Project, at an additional cost of \$264,000.

**RECOMMENDATION:**

Adopt a resolution authorizing:

- A) The President of the Board of Supervisors to execute a Third Amendment to the Agreement with CSW|ST2 to provide for the professional services required to permit and construct the Tunitas Creek Beach Improvement Project, to increase the contract amount by \$264,000 for a new total not-to-exceed amount of \$1,379,870, and to extend the Agreement's term to December 31, 2024; and
- B) The Parks Director, or the Parks Director's designee, to execute further amendments to the Agreement to modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate), and/or to modify the Agreement's terms and/or services, so long as the modified term(s) and/or services is/are within the current or revise fiscal provisions.

**BACKGROUND:**

In December 2018, the Parks Department ("Department") released a Request for Proposals ("RFP") seeking a qualified firm to plan, permit, and design the Tunitas Creek Beach Improvement Project ("Project"). In February 2019, the Department received five proposals from firms interested in providing the requested services. Of the five firms that submitted proposals, three firms were interviewed. CSW|ST2 was selected as the preferred firm.

On August 6, 2019, through Resolution No. 076842, the Board authorized the execution of an agreement (the "Agreement") with CSW|ST2 by which CSW|ST2 agreed to provide various services including preparing project plans, designs, environmental documents, and permit applications to enhance coastal access and recreation at the Tunitas Creek Beach Property ("Property"). The Agreement had an initial term of August 6, 2019, to August 6, 2022, and a not-to-exceed amount of \$939,470.

As authorized by Board Resolution No. 076842, on March 9, 2020, the Parks Director executed the First Amendment to the Agreement to increase the maximum compensation payable by the County by \$10,400, to a new not-to-exceed amount of \$949,870. Subsequently, on June 28, 2022, this Board executed the Second Amendment to the Agreement to provide for additional professional services required to design and permit the Project, to increase the not-to-exceed amount by an additional \$166,000, to a new total not-to-exceed amount of \$1,115,870, and to extend the term of the Agreement through December 31, 2023.

On June 13, 2023, this Board executed an agreement with Gordon N Ball Inc. for the construction of the Project as designed by CSW|ST2.

**DISCUSSION:**

As CSW|ST2 is the Engineer of Record, their ongoing services are required through Project completion. However, CSW|ST2 has informed the County that the remaining amounts payable by the County pursuant to the Agreement, as currently amended, are insufficient to cover the pre-construction services and construction support services needed for project completion.

Although the Agreement's original scope of work accounted for pre-construction services, several unforeseen factors resulted in additional and unexpected costs, including: (1) additional evaluations required by both the California Coastal Commission and the San Mateo County Planning Commission before a Coastal Development Permit could be obtained; (2) additional environmental analysis and construction planning associated with the demolition of the existing single-family dwelling on the Property; and (3) activities required by the California Department of Transportation ("Caltrans") as related to its permitting process, including the preparation of a Design Engineering and Evaluation Report, Stormwater Data, Design Standard Decision Document and Utility Certification Reports among others. CSW|ST2 diligently performed these services at the Department's request, and it was necessary that they commit additional staff time and resources to finalize these efforts and secure permits, which resulted in increased costs. To date, CSW|ST2 has invoiced the County a total of \$968,836 of the total not-to-exceed \$1,115,870, leaving a balance of \$147,034.

Remaining pre-construction services and construction support services which are not currently accounted for in the Agreement's scope of work but are needed to complete the Project include securing permits from the County and Caltrans, as well as reviewing and responding to Requests for Information (RFI's) and product/materials submittals from the construction contractor. These services will ensure construction activities comply with the design intent as proposed by CSW|ST2. Additionally, due to the steep topography, unstable geology, and work in proximity of sensitive habitats and species, CSW|ST2 will need to provide geotechnical expertise and/or environmental consultation to ensure earthwork is consistent with design standards and no adverse impacts occur to natural resources.

CSW|ST2 estimates the cost to provide these additional services is approximately \$411,034. The Department anticipates that increasing the contract amount by \$264,000, coupled with the Agreement's remaining balance (\$147,034) will be sufficient to complete the remaining tasks. The Department further desires to continue retaining services from CSW|ST2 through December 31, 2024, to ensure proper completion and close-out for the Project.

The County Attorney has reviewed and approved the resolution as to form.

**FISCAL IMPACT:**

The amendment will authorize an additional \$264,000 in funding. Sufficient appropriations for the amendment are included in the Department's FY 2023-24 Adopted Budget and will be included in all future budgets.

There is no Net County Cost associated with this recommendation.