



CITY OF MENIFEE

SUBJECT: Agreement Amendment for CivilPros, Inc. for the Scott Road/Bundy Canyon Road Widening Project, Capital Improvement Project (CIP) No. 20-01

MEETING DATE: July 7, 2021

TO: Mayor and City Council

PREPARED BY: Jennifer Hernandez, Management Analyst I

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Approve Amendment No. 2 to Professional Services Agreement with CivilPros, Inc. for the Scott Road/Bundy Canyon Road Widening Project, CIP 20-01, providing funding for additional services in the amount of \$52,919; and
2. Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with CivilPros, Inc.

DISCUSSION

In July of 2019, the City of Menifee contracted with CivilPros, Inc. to provide services for completion of the Environmental, Design, and Right-of-Way services for the widening of Scott Road from Haun Road to Sunset Boulevard. In November of 2020, the City approved Amendment No.1 with CivilPros, Inc. after the investigation phase of the project resulted in the finding of needed additional work necessary to meet the project's environmental and design requirements.

As the work proceeded, it was determined by the California Department of Fish and Wildlife, Regional Water Quality Control Board, United States Fish and Wildlife Service, and the Western Riverside County Regional Conservation Authority permitting agencies that the City must provide new technical studies and revise application materials to support the permitting process and address modifications to the project's alignment.

Although the project was consistent with the Western Riverside County Multiple Species Habitat Conservation Plan it was determined that a revision of the previously submitted Joint Project Review documents must be made that include updated jurisdictional delineation and vegetation impact analysis of the revised work areas. Revisions to the Determination of Biologically

Equivalent or Superior Preservation analysis is also necessary because the previously described offsite mitigation bank is no longer viable.

The additional work identified is listed below:

1. **Additional Environmental Documents and Studies:** Biological resources assessments will be conducted to address all California Environmental Quality Act ("CEQA") checklist biology issues. Updates of the data pertinent to the revision of outdated studies previously made will be conducted in order to conform to the requirements set forth by the permitting agencies. Coordination with regulatory agencies as well as the preparation of drawings or exhibits to support the environmental efforts are also included in the proposed scope of work.

This work includes survey of Least Bell's Vireo and other endangered species of birds, animals and plants known to exist within the project area. There are specific timelines during the year when these surveys need to be completed (May-September), otherwise, the surveys will have to be postponed until the following year. If the additional environmental documents and studies are not conducted, the project will see a delay caused by prolonged state and local permitting processes.

The above additional required work is not currently a part of the current scope of work and renders an amendment necessary to continue in the permitting process. The total cost for the additional work for CivilPros to perform is \$52,919 and would call for an extension of the agreement to June 30, 2022 to ensure timely completion of the work. This additional cost represents approximately 2.3% of the original contract amount of \$2,340,960. The amendment would revise the total not-to-exceed contract value for Civil Pros, including Amendment No.1, to \$2,475,859 from the previous \$2,422,940.

Pursuant to Menifee Municipal Code Chapter 3.12.090, any contract change orders in the amount greater than 10% of the contract amount or that exceeds \$25,000 in value shall be approved by City Council. All other terms in the agreements shall remain the same.

Staff anticipates receiving \$12,000,000 in federal funding from the Investing in a New Vision for the Environment and Surface Transportation ("INVEST") in America Act for the Scott Road/Bundy Canyon Road Widening Project. The INVEST grant program is a 5-year \$494 billion program created by the U.S. Department of Transportation to improve infrastructure, create jobs, support American manufacturing, and reduce carbon pollution. The grant is purposed to invest in infrastructure that is smarter, safer, and made to last. Projects submitted for funding are anticipated to receive confirmation of funds during FY 2021-22.

If the City is successful in obtaining the funds, the City would be required to comply with the National Environmental Policy Act ("NEPA") in addition to current CEQA requirements set forth by the State. As such, additional work needed for NEPA compliance will be presented to the Council for future consideration.

STRATEGIC PLAN OBJECTIVE

Accessible and Interconnected Community

FISCAL IMPACT

The not-to-exceed amount of \$52,919 for additional services is budgeted from the following fund account:

Account Name and Number	Available Balance	Requested Amount
Scott Road/Bundy Canyon Road Widening 410-4555-58083	\$404,764	\$52,919

ATTACHMENTS

1. Scott Road Widening Additional Services Letter
2. Original Agreement – CivilPros, Inc.
3. Amendment No. 1 – CivilPros, Inc.
4. Amendment No. 2 – CivilPros, Inc.