



DATE: July 8, 2019

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
Dan Cherrier, Deputy Executive Director

SUBJECT: Award of Contract for Preliminary Engineering and Environmental Services (Action),
Agenda Item 8a

RECOMMENDATION

Award a contract for preliminary engineering, outreach, environmental studies/approval, and various Caltrans required approval reports for the Northbound Highway 101 to Eastbound I-580 Direct Connector Project to Kimley-Horn and Associates Inc. Contract to terminate June 2024. The Not to Exceed amount will be provided during presentation of the item. Project is included in the adopted FY 2019/2020 TAM budget for first year of expenses. Funding to be allocated from the Measure AA Transportation Sales Tax.

BACKGROUND

Currently, traffic transitioning from Northbound Highway 101 to Eastbound I-580 has two signed routes. Both routes, Sir Francis Drake and Bellam Boulevard exits, utilize local streets designed to serve local traffic. TAM has worked with its on-call team the last several years to develop seven alternative alignments for a permanent connector. After detailed discussions with Caltrans, City of San Rafael, County of Marin, and the City of Larkspur, the list of alternatives was narrowed to three and more detailed analysis was performed. Costs of the alternatives ranged from \$135 million to \$265 million and had varying degrees of impacts and right of way needs.

TAM successfully lobbied to have the lower cost connector placed into the voter approved Regional Measure 3 (RM3) to be administered by the Metropolitan Transportation Commission (MTC). Meanwhile, last November the Measure AA Transportation Sales Tax was passed by the Marin County voters with 2% of the sales tax to go to the connector project to deal with cost escalation, provide more robust public outreach, and to accelerate the project. This local commitment has allowed this project to move forward while the RM3 Program has been delayed with potential legal action.

A request for qualifications and a concept level proposal was released on April 4, 2019. The scope of services included an initial consideration of all the seven original alternatives as well as developing new ones through an extensive public outreach process, discussion with various stakeholder groups, creation of an Memorandum of Understanding (MOU) with the City of San Rafael regarding design selection, coordination with all affected jurisdictions/property owners, extensive visual simulations, and environmental studies. In addition, several Caltrans required documents: Project Study Report, Advance Planning Study, Design Exceptions, and Project Report, were included. The probable California Environmental Quality Act document will be an Environmental Impact Report. The appropriate National Environmental Policy Act (NEPA) document will be determined based on the environmental studies. Caltrans has agreed to be the NEPA lead agency. A determination was made to “federalize” the project so

it can be eligible for federal funds, if they became available during the life of the project. If the project is not initiated using the federal process, it can become very difficult to utilize these funds.

DISCUSSION/ANALYSIS

The project generated strong interest in the design community. The May 1 pre-proposal meeting was well attended by both prime consultants and a wide variety of sub-consultants. Proposals were due on May 22 and the project included a 16% Disadvantaged Business Enterprise (DBE) requirement. Four teams presented qualification statements, and each met the minimum requirements as outlined in the combined Request for Qualifications and Proposal. A decision was made to interview all four teams and interviews were scheduled on June 17.

The selection panel consisted of the Public Works Director from San Rafael, a Senior Caltrans Branch Chief, and two TAM staff members. Each prime consultant was allowed to bring any team members he/she thought appropriate. Interviews consisted of a 20-minute presentation followed by five pre-selected questions. The selection criteria and weighted percentages were:

1. Qualifications and experience of the firm(s), the designated project manager and key staff in similar undertakings (30%);
2. Experience with multi-agency multi-discipline project management and design services (20%);
3. Demonstrated experience with regulatory agency(ies) permitting procedures (20%);
4. Demonstrated experience with working with Caltrans, CEQA, NEPA procedures and/or other procedures for project approval (15%);
5. Demonstrated public outreach experience (15%).

After careful consideration, the selection panel ranked the teams in the following order:

1. Kimley-Horn and Associates, Inc.
2. HNTB Corporation
3. R&M Consulting Engineers, Inc.
4. BKF Engineers

The selection panel was very impressed with the team that Kimley-Horn had assembled. The team consists of 14 sub consultants:

- Jacobs Engineering Group – Structural Design and Environmental
- Fehr & Peers Transportation Consultants – Traffic Analysis
- Parisi Transportation Consultants – Multimodal Analysis
- Haygood and Associates – Visual Impact Assessment and Landscape Design
- WRECO – Initial Site Assessment, Biology, Drainage, and Water Quality Studies
- Parikh Consultants Inc. – Geotechnical and Foundation Reports
- Cogstone Resource Management Inc. – Paleontology Studies
- Radman Aerial Surveys Inc. – Aerial Mapping
- RSE Inc. – Survey Control and Field Surveys
- Value Management Strategies, Inc. – Value Analysis
- Associated Right of Way Services, Inc. – Relocation Impacts and Right of Way Acquisition
- CivicKnit – San Rafael MOU
- Convey Inc.– Project Website, Fact Sheets, and Graphics
- The Catalyst Group – Public Outreach

Note: Haygood, WRECO, Parikh, Cogstone, RSE, and Convey are all Caltrans certified DBE consultants and will help to meet the Project DBE goal.

The consultant team's Project Manager will be Chadi Chazbek from Kimley-Horn. The selection panel found Mr. Chazbek's project delivery background very impressive along with his proven ability to keep large complex projects on schedule. Note, TAM staff is recommending approval of a separate contract for a TAM Project Manager under a separate Board item, Item 8b.

The Kimley-Horn team is preparing a detailed cost proposal that will be delivered by July 3rd. This cost proposal will be compared to TAM's estimate and negotiations will commence. The Not to Exceed amount will be brought to the July 8th⁸ meeting for Board consideration.

FISCAL CONSIDERATION

This contract will be paid for by the Measure AA Transportation Sales Tax. Staff will continue to look for additional funding sources to supplement the approved RM3 and Measure AA funds. Staff have prepared a cash flow analysis that indicates sufficient funds exist in the Measure AA program to fund the first one-two years of effort. Beyond that time, other project needs, along with this one, may require borrowing against the Measure AA sales tax revenue to meet the cash flow needs of all projects. Category 1 projects including the Main Sonoma Narrows, and our Major Roads project cash flow needs, will require more than what will be collected in the early years of the Measure (the sales tax is collected over 30 years). Staff will return with a detailed Measure AA cash flow analysis and recommended financing options to meet the cash flow so all critical projects can be delivered on schedule.

This Project along with the approval of the Project Manger contract from Item 8b are included in the FY2019-20 TAM Annual Budget. This will be a Cost plus Fixed Fee contract, which is one of the few types of contracts allowed under federal contracting provisions. The prime and all of the consultants will only bill their direct and indirect costs with no markup or profit allowed. Staff will verify the Indirect Cost Ratios either by audit reviews or working directly with the smaller firms. In addition, a Fixed Fee will be payable to Kimley-Horn in accordance with an agreed upon schedule. Note, the Fixed Fee can be considered the profit for the team members. The Fixed Fee will remain constant for the life of the contract.

NEXT STEPS

Staff will negotiate the work scope, cost and fixed fee with Kimley-Horn prior to the July 8 meeting. Should the negotiations prove to be successful, a recommendation will be made at the meeting for contract award with a Not to Exceed amount provided. Should the negotiations prove unsuccessful, a recommendation will be made by staff to pull this Item from the Agenda and postpone to a subsequent Board meeting.

Every effort will be made to work with the consultant team to accelerate delivery of the project whenever possible. The current proposed schedule shows project approval including environmental document in mid-2023 at which time detailed design can begin. Allowing for a two-year design, this would have the project going to construction by the end of 2025. Public input received to date has indicated strong support for this project and a perceived immediate need. Staff will instruct the consultant to explore time saving techniques such as simultaneous delivery of various components.

ATTACHMENTS

None

THIS PAGE LEFT BLANK INTENTIONALLY