

Governing Board Communication

Agenda Item B-3

TO: MERA Governing Board
FROM: Heather Plamondon, Executive Officer
SUBJECT: Proposed Change Order(s) to Master Design Engineering Services Agreement/AECOM

Recommended Action:

Staff recommends that the Governing Board:

1. Review and approve Task 002 Change Order 2 in the amount of \$1,364,238 (Attachment 7 and Attachment 8) for completion of Construction Management Services for the remaining 9 sites.
2. Review and approve Task 003 Change Order 1 in the amount of \$57,150 (Attachment 10) for the redesign of the Muir Beach Site and to provide Construction Administration/Civil for Tamales, Coyote Peak, Mill Valley, Skyview Terrace, and Muir Beach.
3. Review and approve the Field Staffing Contingency plan and authorize the Executive Officer to implement as necessary with the authority to pay for it.
4. Authorize the MERA Executive Officer to execute the agreement(s) and approve the budget adjustment to fund the amendment; or
5. Provide an alternate direction to the Executive Officer on any of the above.

Background:

In February of 2020 MERA entered into a Master Service Agreement with AECOM. The first task under the MSA was described as follows:

AECOM will Perform an independent 3rd party review of the Customer Design Review (CDR) documentation provided by Motorola Solutions, Inc. that details the design, technical components and implementation plans of the NextGen Communications System Project. Identify potential issues that could result in delays, increased costs or failure of the system to conform to the requirements and provide recommendations to correct or mitigate these areas of concern. AECOM will perform this independent CDR review as a parallel workflow with that of Federal Engineering, while performing our due diligence to provide an accurate timely completion of same.

The project schedule for this effort was approximately 13 weeks and included 1034 hours of effort by multiple people often working on parallel tasks. This cost for this task was \$192,792. (Attachment 1, Attachment 2, and Attachment 3)

In June of 2020, after MERA took over the responsibility for Project Management of the Next Gen Project as well as the Contract with Motorola from the County of Marin, AECOM was engaged to provide a proposal for Construction Management Services. The description of that task, Task 002, was:

AECOM will provide skilled program and construction management professionals, together with in-house technical support to deliver the services needed to bring the Next Gen Radio System Project to completion. Our teams have provided implementation oversight and construction management services on many construction and communication systems projects over the years and have the experience necessary to deliver these kinds of complex projects.

This was obviously a much larger effort, the description of AECOM services to be included in this effort can be found in Attachment 5 on pages 5-10. In addition, there would be technical support provided. The time and materials price for this task was \$2,180,000 for Program Support and \$250,000 for Technical Support, the total for Task 002 was \$2,430,000. The proposed duration of the project work was intended to be roughly 24 months, but the term of the contract was valid until March 2024. (Attachment 4 and Attachment 5)

The first change order for this Task 002 was signed in August 2020, this was a change in the effective date only. (Attachment 6)

Before the Board today is the second change order for Task 002, this change order is to adjust the timeline for completion of the construction management phase of this project and to provide funding for the remaining work that needs to be done by the construction management team.

MERA Staff and AECOM have had many significant discussions about the level of effort (LOE) that has taken place over the past 26 months that resulted in the disconnect between the amount of money originally proposed vs. the time. There were considerable issues with the understanding of the initial system design at the time that AECOM was retained, and it took several months for them to discover the depth and impact of the lack of completeness and therefore the amount of additional work that would be required to provide updated specifications and cost estimates that could be useful in the construction bid process for all the sites. AECOM also needed to bring on multiple subcontractors and consultants, which MERA has paid for outside of the AECOM agreement but did require AECOM coordination and oversight. Finally, during the final negotiations for land leases, either new or amended, there were design changes at 4 of the sites which changed the conditions of the conceptual designs that had been used to begin negotiations. As of this report we have completed construction on six of the 18 sites, three are under active construction, and the remaining nine are in bid-packages waiting for Contractor procurement. Given all the unforeseen issues as well as delays due to COVID and supply chain, the site design and construction has another 15 months of anticipated effort before construction at all of the eighteen sites will be complete. MERA and AECOM have critically reviewed the proposed LOE for the duration of the project as well as the staff assignments. MERA Staff believes the proposed LOE to complete the project to be reasonable and that it will

allow for the remaining construction to be completed with the necessary oversight. AECOM has agreed with our assessment. (Attachment 7 and Attachment 8)

Associated with Task 002, Staff is asking the Board to consider an additional contingency item to authorize the Executive Office to approve additional hours for Construction Field Support should the Executive Officer determine that the construction of nine different sites requires additional field support. This is being proposed in lieu of adding a third full time person to the monthly bill rate and AECOM understands that the Executive Officer will have the authority to pre-approve the work. The hourly rate of this position is \$207, and should it be determined that it will be necessary, the NTE amount for the duration of the construction work will be \$331,200. This will not be included in the amount of the change order, but because it could quickly exceed the approved spending authority of the Executive Officer, pre-authorization of a potential future change order is requested.

In March 2021 MERA added Task 003 to the MSA with AECOM, this was a fixed price effort that was described as follows:

AECOM will provide civil engineering design services for the following sites: Muir Beach, Tomales, Mill Valley Water Tank, Skyview Terrace Water Tank, and Coyote Peak. Design services include topographic survey, review of existing civil drawings and specifications, identifying drawing changes for other disciplines based on new civil design, preparation of new civil designs based on existing backgrounds, and review and coordination of civil design by AECOM Program Management Team.

This was a fixed price task agreement with a list of deliverables and a project schedule outlined and a price of \$250,000. (Attachment 9)

The Board is also being asked to approve a change order to Task 003, to provide additional civil engineering design services for the Muir Beach site, to include review of the proposed fire station drawings that will require a redesign of the site to incorporate the rough grading designs. In addition, AECOM will need to provide construction administration services for all five sites included in the original Task 003 as they are now the Engineer of Record that was not included in the original Task 003 scope. This proposed change order is an additional \$57,150. (Attachment 10)

Reference Table:

Master Service Agreement/Task 001	February 2020	\$192,792	Approved
Task 002	June 2020	\$2,430,000	Approved
Task 003	March 2021	\$250,000	Approved
Task 002 CO1	August 2020	\$0	Approved
Task 002 CO 2	September 2022	\$1,364,238	Pending
Task 003 CO 1	September 2022	\$57,150	Pending
Contingency Staff for Field Support	September 2022	(NTE\$331,200)	Pending

These change orders have been calculated into the most recent Cost Planning process and if approved a budget adjustment will be made for FY22 and the remaining amount will be included in the FY23 Budget as these invoices will be received monthly for the duration of the effort.

Attachments:

- B-3.1. MERA/AECOM Master Service Agreement
- B-3.2. Project Proposal for Task 001(SOW)
- B-3.3. Signed Task Order 001
- B-3.4. MERA/AECOM Task Order 002
- B-3.5. Project Proposal for Task Order 002 (SOW)
- B-3.6. Task 002, CO1, signed (Date change only)
- B-3.7. Proposed Task 002 CO 2
- B-3.8. Task 002 CO2 Level of Effort /Schedule
- B-3.9. Task 003 signed (includes proposal/SOW)
- B-3.10. Proposed Task 003 CO 1