

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: JASON NUTT, ASSISTANT CITY MANAGER  
SUBJECT: APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT  
BETWEEN KITCHELL/CEM, INC. AND THE CITY FOR  
TECHNICAL ADVISORY, PROJECT MANAGEMENT,  
CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES  
FOR THE HEARN COMMUNITY HUB PROJECT IN A NOT TO  
EXCEED AMOUNT OF \$5,812,022

ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Transportation and Public Works and Fire Departments that the Council, by resolution: 1) approve and authorize the City Manager to negotiate and execute an agreement with Ketchell/CEM, Inc. using the City's Standard Professional Services Agreement, in a not to exceed amount of \$5,812,022 for technical advisory, project management, construction management and inspection services for the Hearn Community Hub Project, subject to approval as to form by the City Attorney.

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EXECUTIVE SUMMARY

The City issued a Request for Proposal (RFP) No. R161439 on November 8, 2022, seeking a Consultant for technical advisory, project management, construction management, and inspection services for the Hearn Community Hub Project (Project). A review panel consisting of members from internal and external Project partners unanimously ranked Kitchell the highest out of a qualified group of candidates. Staff has compared pricing and qualifications to similar projects completed by other agencies and has negotiated a Professional Services Agreement with Kitchell/CEM, Inc. (Kitchell) that will be carried out in three phases over 4.5 years, beginning in March 2023, with a not to exceed amount of \$5,812,022, if approved by Council.

BACKGROUND

The Hearn Community Hub Project is proposed to encompass multiple public uses such as a new fire station, public library, community/cultural center, aquatic center, and extension of Dutton Avenue and the Colgan Creek multi-use path. The Project will be built

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on approximately 6 acres of land acquired by the City in 2022 and located at 976, 980 and 1004 Hearn Avenue.

Due to the large size, capacity, and complexity of this Project, the City issued RFP No. R161439 on November 8, 2022, seeking a Consultant to provide professional services for specialized technical advisory, project management, construction management, and inspection services and to serve as the City's representative for the entire length of the Project.

The RFP was sent to 922 Vendors through the City's bid portal, PlanetBids. 46 Vendors downloaded the materials, 6 attended the pre-bid conference, and 5 submitted bids.

A review panel consisting of members from internal and external Project partners unanimously ranked Kitchell the highest out of a qualified group of candidates who submitted written proposals and advanced to the interview stage. Staff then compared pricing and qualifications to similar projects completed by other agencies and has negotiated a Professional Services Agreement with Kitchell that, if approved by Council, will be carried out in three phases over 4.5 years, beginning in March 2023, with a not to exceed amount of \$5,812,022.

#### PRIOR CITY COUNCIL REVIEW

On January 11, 2022, the City Council, by Resolution, approved the acquisition of 976, 980 and 1004 Hearn Avenue, and adopted the CEQA checklist and relocation plan, for the Hearn Community Hub Project.

#### ANALYSIS

This federally compliant PSA between the City and Kitchell, if approved by Council, is proposed to be set up in three phases, as follows:

Phase 1 will cover the initial 90-days, beginning in March 2023. The Scope of Work for the first 90 days (more fully defined in Exhibits A and D of the PSA) includes refining and developing the strategic scope of the Project, developing the Project approach and sequencing, crafting the Project management plan, and including community and stakeholder outreach. The scope of services performed in Phase 1 will more clearly define and inform the cost of the Project and scope of services for the Project and the services included in Phases 2 and 3 of the PSA. The fee summary for this portion of the work is \$190,834.

Phases 2 and 3 will consist of the development of procurement strategy and documents, implementation, and Project closeout. The Scope of Work for Phases 2 and 3 is more

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fully defined in Exhibits A-1 and D and may be further defined by the City with the information gained from the completion of Phase 1.

The three phases of the Project will be carried out over 4 and a half years, will be based on time and materials, and will not exceed the amount of \$5,812,022.

Staff is seeking Council approval and authorization for the City Manager to negotiate and execute an agreement with Kitchell/CEM, Inc. using the City's Standard Professional Services Agreement, in a not to exceed amount of \$5,812,022 for technical advisory, project management, construction management and inspection services for the Hearn Community Hub Project, subject to approval as to form by the City Attorney. Kitchell's proposal as well as the current draft Scope of Services are attached to this Staff Report for reference purposes.

In addition, Kitchell has proposed a change that would narrow the City's standard indemnification provision. City staff is currently evaluating the proposed change, and no modifications to the City's standard indemnification provision would be agreed to as part of the negotiation process unless approved by the City Attorney's office.

#### FISCAL IMPACT

Approval of this item will not present a negative fiscal impact to the General Fund. American Rescue Plan Act (ARPA) funds totaling \$10,000,000 have been appropriated in the Hearn Community Hub Project in JL 17660. These funds will be used to pay for this agreement, which is an eligible expenditure under the Act.

#### ENVIRONMENTAL IMPACT

This PSA is exempt from the provisions of the California Environmental Quality Act (CEQA) under section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and no further environmental review is required. However, the future project will be reviewed consistent with the CEQA.

#### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

#### NOTIFICATION

Not applicable.

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ATTACHMENTS

- Attachment 1 – Form of PSA and Draft Scope of Work
- Resolution

PRESENTER

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