



AGENDA REPORT  
SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: April 3, 2012

Agenda Item 6E  
Approvals: \_\_\_\_\_  
City Manager \_\_\_\_\_  
Dept. Head \_\_\_\_\_  
Attorney \_\_\_\_\_  
Finance \_\_\_\_\_

Department: Public Works / Engineering  
Prepared By: Tom Bonigut, Assistant City Engineer *TB*

Subject: **TERMINATION OF PROFESSIONAL SERVICES AGREEMENT WITH FEHR & PEERS TRANSPORTATION CONSULTANTS AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH DKS ASSOCIATES FOR COMPLETION OF THE AVENIDA PICO BICYCLE PATH STUDY, PROJECT NO. 30803.**

Summary: In April 2010 the City Council approved an agreement with Fehr & Peers Transportation Consultants for a study to identify and evaluate potential options to improve cyclist's use of Avenida Pico (from El Camino Real approximately 2 miles east to Camino Vera Cruz). Fehr & Peers analyzed opportunities and constraints for several alternatives, facilitated coordination with PEDal<sup>1</sup>, and prepared preliminary concept layout drawings for preferred on-street and separated path alternatives. However, Fehr & Peers' project manager, Mr. Jeff Healds, left the firm, as did his subsequent replacement. Due to Mr. Healds' experience and involvement on this project, including coordination with PEDal members, staff believes it would be best to engage Mr. Healds and his new firm, DKS Associates, to complete the remaining work on this project, which includes finalizing the preferred alternatives and developing preliminary cost estimates.

Per Article 6 of the agreement with Fehr & Peers, the City may terminate the agreement for any reason, with or without cause, upon written notice to the consultant. Fehr & Peers has delivered files of all completed work and work in progress to the City, and also confirmed in writing that there are no further costs owed to Fehr & Peers. The contract with Fehr & Peers was \$64,300, and there is \$13,500 remaining in the approved project budget.

Staff recommends executing a Professional Services Agreement with DKS Associates since Mr. Healds' experience and continued involvement are important for completing this project. Mr. Healds has confirmed that his team will be able to complete the study with the remaining project budget. The City Attorney confirmed that it is permissible to pursue an agreement with DKS Associates to complete the Avenida Pico Bicycle Path Study, and that it is not necessary to proceed through another Request for Proposals process for the remainder of the project.

<sup>1</sup> PEDal is a local independent group whose mission is to advocate for a more bicycle and pedestrian friendly town, and to encourage efficient and safe travel by non-motorized means.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council:

1. Approve termination of Contract C10-12, by and between the City of San Clemente and Fehr & Peers Transportation Consultants, relative to the Avenida Pico Bicycle Path Study, project No. 30803;
2. Authorize Staff to submit written notice to Fehr & Peers Transportation Consultants advising that the City is terminating the agreement (Contract C10-12); and
3. Approve, and authorize the Mayor to execute, Contract C\_\_\_\_, by and between the City of San Clemente and DKS Associates, providing for the completion of the Avenida Pico Bicycle Path Study, project No. 30803, in the amount of \$13,500.

**Fiscal Impact:** None.

**Attachments:** None. The proposed Professional Services Agreement with DKS Associates is available for review in the City Clerk's office.

**Notification:** None.

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