



Office of the City Manager

CONSENT CALENDAR  
July 23, 2024

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Terrance Davis, Director, Department of Public Works  
Subject: Contract No. 31900102 Amendment: Nute Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 31900102 with Nute Engineering (Nute) for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$900,000, and extending the term of the contract from June 30, 2024 to June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment in Fiscal Year (FY) 2025 is available in the Engineering budget in the Sanitary Sewer Fund. Funding for FY 2026 is subject to appropriation in the future fiscal years' budget for the Sanitary Sewer Program based on the department's need for civil engineering services.

Current Contract Amount	\$400,000
Contract amendment	\$500,000
Total revised not-to-exceed amount	\$900,000

CURRENT SITUATION AND ITS EFFECTS

The Sanitary Sewer Program (Program) needs additional civil engineering services from Nute due to a reduction in the current availability of other consultants contracted with the City to provide services for the Program and a reduction of City Staff available to support the Program. The cost of additional services needed exceeds the available contract balance. The amendment will allow Nute to take on more design work in FY 2025 and beyond, allowing the City to meet its sewer rehabilitation regulatory requirements in a timely manner.

The services provided by Nute support the City's Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

## BACKGROUND

On September 22, 2014, East Bay Municipal Utility District (EBMUD), the City, and EBMUD's other satellite agencies entered into a Consent Decree (CD) with the United States Environmental Protection Agency (EPA), the Regional Water Board, and the State Water Board. The mandate of this consent decree is to eliminate sanitary sewer overflows and reduce wet weather inflow and infiltration into the sanitary sewer system. The ultimate goal is to eliminate EBMUD facility discharges of untreated or partially treated wastewater into the San Francisco Bay during storm events. Under the CD, the City agreed to replace its sanitary sewer mains at an average annual rate of no less than 4.2 miles based on a three-fiscal-year rolling average. In order to meet this requirement, the City needs design and construction support from on-call consultants.

On July 24, 2018, Council authorized the City Manager to execute on-call civil engineering services contracts with three consulting firms, including Nute. Based on forecasted needs for services, Nute was awarded a contract for an amount not to exceed \$400,000 over a three-year term. The need for services from Nute has increased as a result of a reduction in the availability of the other consultants contracted with the City to provide services for the Sanitary Sewer Program and a reduction of City Staff available to support the Program.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Nute's design will be used to construct improvements to the City's sanitary sewer system which will help minimize the frequency of Sanitary Sewer Overflows, and reduce infiltration and inflow into the City's sanitary sewer system, which in turn will minimize impacts of untreated sewer discharge into the San Francisco Bay and protect water quality.

## RATIONALE FOR RECOMMENDATION

Of the firms currently contracted with the City to provide on-call civil engineering services, Nute has staffing availability to provide the additional services the City needs in order to meet CD mandated sewer rehabilitation requirements.

## ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. The City does not have the resources to provide the necessary civil engineering services in-house.

## CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works (510) 981-6396

Ronald Nevels, Manager of Engineering, Public Works (510) 981-6439

Danny Akagi, Supervising Civil Engineer, Public Works (510) 981-6394

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 31900102 AMENDMENT: NUTE ENGINEERING FOR ON-CALL  
CIVIL ENGINEERING SERVICES FOR SANITARY SEWER PROGRAM

WHEREAS, the delivery of sanitary sewer projects is part of the City's on-going Sanitary Sewer Program (Program) to replace the aging and deteriorated sanitary sewer system; and

WHEREAS, the Program is a requirement of compliance with the Consent Decree (CD) filed September 22, 2014; and

WHEREAS, on-call consultant support is required because City staff cannot perform the volume of engineering design work needed to meet CD requirements; and

WHEREAS, Council authorized the City Manager to enter into a contract with Nute Engineering for On-Call Civil Engineering Services for an amount not to exceed \$400,000 on July 24, 2018 (Resolution No. 68,549-N.S.); and

WHEREAS, the need for services from Nute has increased as a result of a reduction in the availability of other on-call civil engineering consultants currently contracted to provide services for the Program and a reduction of City staff available to support the Program; and

WHEREAS, Nute Engineering has the availability to provide additional services in support of the Program; and

WHEREAS, funding is available in Fiscal Year (FY) 2025 from the Sanitary Sewer Fund (611); and funding for FY 2026 is subject to appropriation based on each project or program, or the department's need for civil engineering services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 31900102 with Nute Engineering for On-Call Civil Engineering Services for the Sanitary Sewer Program, increasing the contract by \$500,000, for a total amount not to exceed \$900,000, and extending the term of the contract from June 30, 2024 to June 30, 2025.

