

# ORDINANCE/RESOLUTION REQUEST

Please email requests to Jason Gallardo, Public Works  
at [pw.ordinance@denvergov.org](mailto:pw.ordinance@denvergov.org) by **12:00pm NOON on Monday**. Contact Jason with questions.

Date of Request: May 17, 2023

Please mark one:  Bill Request or  Resolution Request

**1. Type of Request:**

- Contract  Intergovernmental Agreement (IGA)  Rezoning/Text Amendment  
 Dedication/Vacation  Appropriation/Supplemental  DRMC Change  
 Other:

**2. Title:** (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Approves contract execution for a new on-call professional services contract with Kumar and Associates, Inc.  
for category 3, Contract # 202368024.

**3. Requesting Agency:** Department of Transportation and Infrastructure

**4. Contact Person:**

|   |   |
|---|---|
| Contact person with knowledge of proposed ordinance/resolution                                | Contact person to present item at Mayor-Council and Council                           |
| Name: Gabrielle Schuller  | Name: Jason Gallardo  |
| Email: <a href="mailto:gabrielle.schuller@denvergov.org">gabrielle.schuller@denvergov.org</a> | Email: <a href="mailto:jason.gallardo@denvergov.org">jason.gallardo@denvergov.org</a> |

**5. General description or background of proposed request. Attach executive summary if more space needed:**

The goal of the on-call master contract is to procure multiple "On-Call Professional and Technical Design Services Vertical Project Delivery: Category 1- Architectural Design, Category 2- Structural Engineering, Category 3- Geotechnical (Owner-Provided Services)" Contracts to establish a new group of qualified on-call professionals to respond to proposal requests with design and engineering on municipal building projects. Scopes shall consist of New Construction, Tennant Finish, Roof and Window Replacements, Concrete/Asphalt replacement, Mechanical/Electrical/Plumbing Engineering (MEP) Upgrades/Design, Sustainability/Commissioning, Independent Cost Estimating (ICE), Engineer's Cost Estimating, design for structural repair, mechanical upgrades (HVAC controls), programming evaluations, geotechnical, material/special testing, site survey, Subsurface Utility Engineering (S.U.E.) services, and inspection services, etc.

**6. City Attorney assigned to this request (if applicable):** Jacob Crawford

**7. City Council District:** Citywide

**8. \*\*For all contracts, fill out and submit accompanying Key Contract Terms worksheet\*\***

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

## Key Contract Terms

**Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):** Professional Services

**Vendor/Contractor Name:** Kumar and Associates, Inc.

**Contract control number:** DOTI - 202368024

**Location:** Citywide

**Is this a new contract?**  Yes  No **Is this an Amendment?**  Yes  No

**Contract Term/Duration (for amended contracts, include existing term dates and amended dates):** 06/15/2023 – 06/14/2026

**Contract Amount (indicate existing amount, amended amount and new contract total):** \$1,500,000.00

| <i>Current Contract Amount</i><br>(A) | <i>Additional Funds</i><br>(B) | <i>Total Contract Amount</i><br>(A+B) |
|---------------------------------------|--------------------------------|---------------------------------------|
| *\$1,500,000.00                       | N/A                            | *\$1,500,000.00                       |
| <i>Current Contract Term</i>          | <i>Added Time</i>              | <i>New Ending Date</i>                |
| 06/15/2023 – 06/14/2026               | N/A                            | 06/15/2023 – 06/14/2026               |

**Scope of work:** Please see attached category scope definitions.

**Was this contractor selected by competitive process?** Yes, RFQ advertised by DOTI on January 25, 2023.

**Has this contractor provided these services to the City before?**  Yes  No

**Source of funds:** The Department of Transportation and Infrastructure Program Resource Office will manage the utilization and day-to-day administration of this portfolio of contracts. Specific task orders may be assigned by individual City project managers and Citywide local funding may be utilized from various City agencies (DPR, DOS, HOST, DOF, DOTI, GS, DPL, DAV, BOND, etc.).

**ELEVATE DENVER BOND:**  Funding will be identified upon Task Order issuance. Bond funding may be utilized based on scope.

**RISE DENVER BOND:**

**Is this contract subject to:**  W/MBE  DBE  SBE  XO101  ACDBE  \*25%

**WBE/MBE/DBE commitments (construction, design, Airport concession contracts):** \*25%

**Who are the subcontractors to this contract?** HCL Engineering & Surveying, LLC, MetrixIQ, LLC, TRIAX Engineering, LLC

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*To be completed by Mayor's Legislative Team:*

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Date Entered: \_\_\_\_\_

### **Category 3 – Owner Provided Services – Geotechnical – (25% MWBE)**

Engineering firms are asked to partner with sub-consultants creating a complete Design Team capable of providing full engineering services in response to numerous and varied projects arising within the City. The Agreement for On-Call Owner-Provided Services will have a three-year term and will have a contract limit of \$1,500,000.00. It is desired for the Geotechnical Engineer to be the prime consultant for this category of the on-call contract. Projects will be initiated by issuing task orders to the contract with the aggregate fee for all task orders limited to \$1,500,000.00. The City reserves the right to issue Proposal Requests to multiple On-Call Consultant Teams for a single Task Order.

These services will include, but are not limited to:

- Construction Inspection
- Geotechnical Engineering investigation, testing and design reports
- Foundation Design reports (cast-in-place concrete caissons, footings, piers, walls, columns, abutments, etc.)
- Pavement Design reports (subgrade, asphalt, concrete)
- Environmental Inspection and Assessment
- Certified Asbestos Inspector (CABI)
- Materials Inspection (soils; cast-in-place concrete; precast concrete (plant cast and site cast) asphaltic concrete; wood and timber; masonry and grout; structural steel; miscellaneous metals and erection; fireproofing; plumbing; piping; mechanical; electrical; exterior building wall systems; other general building components both vertical and horizontal as required)
- Structural integrity or capacity analysis
- Preparation of Materials Management Plans
- Site Survey & Utility Locates
- Subsurface Utility Engineering (S.U.E.) services
- Additional scope detail as noted below

For specific task orders requiring specialty consultants under the On-call Professional and Technical Design Services: Category 3- Owner-Provided Services Agreement (the “Agreement”), the Design Consultant may solicit a proposal from a sub consultant who is not listed as a Consultant Team Member in the Agreement. Participation from specialty sub-consultants added at the Task Order level who are not listed as a Consultant Team Member in the Agreement can count towards the M/WBE goal if they have an M/WBE Certification with the City.

To assist in expediting design services for task orders, consultant teams are encouraged to include more than one sub consultant for disciplines/firms often experiencing a back-log of work. The City expects its On-Call Design Service consultants to provide responsive customer service as it relates to project needs and requirements. Please note the prime consultant is responsible for managing the approach to meeting the prescribed M/WBE goal associated with the Agreement.

The City may require the Engineer to perform emergency assessment services. Because of the urgent nature of such emergency services, the City may elect to contact only one on-call vendor for this work. The vendor agrees to mobilize adequate Emergency Assessment Directives within four (4) hours of receiving notice, either verbal or written, from the Project Manager or other authorized City representative. Time and materials will be tracked and used as the basis for payment unless pricing can be negotiated at later date.

State and local government facilities must follow the requirement of the 2010 ADA Standards for Accessible Design (2010 ADA Standards). Facilities that do not comply with the 2010 ADA Standards may prevent people with disabilities from fully and equally enjoying Denver’s services, programs, or activities and may constitute discrimination on the basis of disability. Any construction or alterations to Denver buildings and facilities by it or on its behalf will fully comply with the requirements of the 2010 ADA Standards. Consultants are therefore responsible for ensuring all designs for construction and/or alterations are compliant with the 2010 ADA Standards.

The Agreement is managed by Department of Transportation and Infrastructure, who has contract authority on behalf of the City. Department of Transportation and Infrastructure is contractually responsible for managing each task order, and a Project Manager within Department of Transportation and Infrastructure will be the Consultant Team’s direct point of contact for each task order issued. The awarded Consultant Teams shall ensure project communication

between the Consultants and the End User is conveyed and managed through the Department of Transportation and Infrastructure Project Manager. In addition, the City would like the Design Consultant to identify a consistent point of contact who will become familiar with the contract language, forms, and requirements set forth in the Agreement, as well as fully understand the City’s process of doing business as it relates to the task orders and On-Call Agreement.

The Consultant Team (prime + subconsultants) must possess the following capabilities:

- Compliance with Americans with Disabilities Act (ADA) requirements and all applicable codes, regulations, and standards, including design and inspection services
- Sub-surface Utility Exploration (SUE)
- Geotechnical Engineering
- Materials Testing and Inspection
- Cost Estimating
- Surveying and Utility Locates
- Americans with Disabilities Act (ADA) Consulting
- Code Consulting
- Environmental, Environmental Site Assessments (ESAs), Assessment, Material Management Plans (MMPs), and Inspection

Below is a list of various design projects completed using past On-Call Design Services. The intent of providing this list is to provide examples of the types of projects the City may request the awarded Design Consultants to propose on as part of the On-Call Design Services Agreement:

|  |             |
|--|-------------|
| CCC Camp Barrack 3   | \$6,000.00  |
| University Hills WQ Phase II                                 | \$13,000.00 |
| 48th Ave TOD Sidewalks                                       | \$15,000.00 |
| Roslyn Asphalt Silo Addition                                 | \$3,000.00  |
| DPAC Elevator Modernization                                  | \$1,000.00  |
| 18th, 19, and Lincoln Protected Bike Lanes and Transit Lanes | \$14,000.00 |
| HSIP Package 1 5th Ave at Broadway and Lincoln               | \$15,000.00 |
| DAV - Buell Lobby Improvements                               | \$7,000.00  |
| Environmental Learning For Kids (ELK)                        | \$16,000.00 |
| DFD Station 25 Apparatus Bay Testing                         | \$2,000.00  |
| Citywide Sidewalks District 6 Group 1                        | \$13,000.00 |
| Pauline Robinson/Athmar Park Bond Renovation                 | \$27,000.00 |
| CMPI Montbello Bus Stop Improvements                         | \$11,000.00 |
| Urban Farm Renovations                                       | \$12,000.00 |
| Citywide Sidewalks District 7 Group 1                        | \$13,000.00 |
| Swansea Recreation Center Indoor Pool                        | \$23,000.00 |
| Red Rocks Road Drainage & Ped Bridge                         | \$15,000.00 |
| Ross-Barnum Branch Library Renovation                        | \$16,000.00 |
| Schlessman Family Branch Library Renovation                  | \$17,000.00 |
| Park Maintenance Facilities - Rosedale                       | \$25,000.00 |

Work under the Agreement will be performed within facilities operated by, but not limited to, the following City Agencies:

- Denver Parks and Recreation
- Denver Arts and Venues
- Denver Public Libraries
- Denver Police Department
- Denver Fire Department
- Denver Sheriff Department

- Denver Department of General Services
- Denver Zoo
- Denver Department of Transportation and Infrastructure
- Department of Housing Stability (HOST)
- Climate Action, Sustainability & Resiliency (CASR)
- Denver Real Estate/Department of Finance

Additional Scope detail for various services is included below for reference and includes, but is not limited to the following services:

## Geotechnical, Inspection, Materials Testing and Survey Services

### Design Services

1. Subsurface soils borings and analysis
2. Geotechnical engineering design for foundations or soil related parameters
3. Pavement Designs addressing traffic, subgrade, asphalt, concrete
4. Vehicle classification for pavement design
5. Non-destructive testing (and/or destructive testing as required, i.e., coring) and analysis of pavements for evaluation of design parameters
6. Plan Review and Constructability analysis (occasional)
7. Review of design plans for compliance with City and County of Denver Building Code / ADA Compliance (occasional)
9. Non-destructive testing (or destructive testing as required, i.e., coring) of existing bridge, culvert and retaining wall structures to determine material properties, reinforcement information (ex. using Ground Penetrating Radar (GPR), X-ray), etc.
10. Non-standard Material Review – special backfill or bedding
11. Subsurface utility engineering services (SUE)
12. Site Survey services and utility locate services

### Construction Administration Services

1. Inspect and verify bearing strata support and design assumptions for foundations; footings, drilled caissons, driven piles.
2. Test and assess soil subgrade preparation and construction for structure backfill, trenches, embankments, and roads; chemical or mechanical stabilization, moisture/compaction and proof-roll. Inspection services may be required.
3. Inspect and/or Test soils, bedding, asphalt, concrete, concrete reinforcing, masonry, timber, steel, welds, structural connections, sewer pipes, cast-in-place pipes or boxes; Cured-In-Place Pipes, manholes, junctions, drainage structures, or waterproofing. These services typically will be performed before and during placement, and may occur after placement. Testing of pipes and manholes may include pressure test to verify joints and/or video inspection of runs of pipe/boxes.
4. Inspect and/or test water quality media, filter fabric, or geo-fabrics.
5. Inspection observation services may also be required separately from Testing Services.
6. Inspect and/or test fireproofing, piping, mechanical and electrical systems.
7. Forensic testing and analysis on any materials or methods associated with the above mentioned or other construction materials. This may also be needed for rapid analysis of the structural integrity for any damaged or existing structure.
8. Non-destructive testing and analysis of pavements for structural capacity or smoothness (occasional). Also perform supporting destructive testing.
9. Non-destructive testing, analysis, and reporting of welded connections on traffic signal poles.
10. Inspection of traffic signal installations including underground conduit, pull boxes, foundations, and poles and arms.
11. Usually will perform Quality Assurance or Acceptance role in conjunction with City Personal or Project Managers. May provide Independent Assurance Testing role on other Projects.

12. Inspect Roof Systems or Exterior Insulation Finished Systems for quality control, testing and City of Denver building code compliance.
13. Perform CDOT required Indefinite Deliver/Indefinite Quantity (ID/IQ) Testing for Federally funded projects.
14. Fill out CDOT required documentation (such as the form 250) on Federally Funded Projects.
15. Create a testing plan to comply with CDOT/FHWA/FTA project requirements.
16. Sampling and testing for lead-based paint and asbestos (non-soil) as required.
17. Provide signed and sealed letter of compliance/conformance with design documents as required for permit signoff at close of project.

## Environmental Services

Anticipated Environmental Services include but are not limited to conducting surface and subsurface including Underground Storage Tank (UST) removal (as required) Environmental Site Assessments (ESAs) of future construction sites and preparation of project-specific Material Management Plans (MMPs).

### Environmental Site Assessments (ESAs)

The Environmental Consultant shall provide an experienced and qualified team to perform invasive assessments to determine environmental conditions that could impact project design, project budget, demolition, excavation, construction, and dewatering processes of a project site(s). Consultant could be required to investigate City-owned or managed sites contaminated by material or substances regulated under Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or other regulations. Requested attributes of a limited environmental subsurface investigation follow.

The Environmental Consultant shall perform environmental investigation and assessment of proposed project sites. Samples of water, soil, fill materials, gases, wastes, debris, and construction materials shall be collected and analyzed for their characteristics and contaminants of potential concern in conformity with Environmental Protection Agency (EPA)-approved methodology. Groundwater sampling shall be performed as requested by regulatory agencies or in general accordance with ASTM D6771-02 Low-Flow Purging and Sampling. If requested, the Consultant shall submit a Health and Safety Plan (HASP) when required. If requested, the HASP should be reviewed and approved by a Certified Industrial Hygienist (CIH) under contract or employed by the Consultant. The HASP must cover all phases of work expected at the site. Where appropriate, the Consultant shall also submit a Sampling and Analysis Plan (SAP), including a brief description of the site, the type of sampling and media to be sampled, the laboratory analysis to be done (including methodology). Prior to any work taking place, a street occupancy permit and a traffic control plan could be required for project sites within City ROWs. Consultant is responsible for obtaining property access agreements, and for notifications and/or obtaining permits needed to perform the work. Any work done on a site contaminated by an illicit drug laboratory must be conducted under the supervision of an Industrial Hygienist (IH) or a CIH.

Upon request, the Environmental Consultant shall review all relevant data for the project site. Data may include, without limitation, construction plans and specifications, Phase I ESAs, Phase II ESAs, subsurface investigation reports, Corrective Action Plans, Corrective Measures Plans, groundwater monitoring reports and/or other data packages.

The environmental investigation and assessment work could include, without limitation, planning and characterizing media for Public Works construction projects including: performing asbestos containing material surveys; conducting hydrogeologic (aquifer testing) studies; conducting risk/cost assessments; interfacing with regulatory agencies; and preparing work plans, reports, and similar documents. The work could include surface and subsurface sampling of fill, soil, and rock by hand auguring, direct push, hollow stem auger drilling, test pits, or other drilling methods; installing, surveying, and sampling of groundwater monitoring wells; sampling of surface waters and sediments; sampling/monitoring of vapors or explosive gases; and evaluation of explosive (methane) gas and vapor migration issues consistent with ASTM, Environment Protection Agency (EPA), & Colorado Department of Public Health and Environment (CDPHE) guidance.

The Consultant shall ensure that all waste material generated during limited environmental investigation is properly stored, characterized, transported, and either or both disposed or treated.

A report will be prepared to present the data obtained and to document the work performed. A data summary and conclusions regarding the subsurface conditions at the site will be provided. The limited environmental investigation report will include appendices for boring logs, well construction diagrams, and analytical laboratory reports. It is intended that the report could be attached to the project plans and specifications so that bidding contractors would have an opportunity to review the document as they prepare bids for construction.

#### Material Management Plans (MMPs)

The Environmental Consultant shall prepare project-specific Material Management Plans (MMPs) or if requested, Material Management Recommendations Reports (MMRRs), to provide guidance to the future-selected construction contractor regarding handling potentially contaminated media (e.g., soil, fill, and/or groundwater) during construction. The MMP/MMRR will be designed to minimize potential worker exposure to potentially contaminated material, prevent releases to the environment, and ensure proper management and disposal. MMPs/MMRRs shall delineate procedures for monitoring for encounters with contaminants or suspected contaminants and for the management of contaminated water and/or solid, special, and hazardous waste on a future construction project. It is intended that the MMPs/MMRRs would be attached to the project plans and specifications, and that bidding contractors would have an opportunity to review the document as they prepare bids for construction. Requested attributes follow.

Upon request, the Environmental Consultant shall review all relevant data for the project site. Data may include, without limitation, project construction plans and specifications, Phase I ESAs, Phase II ESAs, subsurface investigation reports, site characterization reports, Corrective Action Plans, Corrective Measures Plans, groundwater monitoring reports and/or other data packages.

The delivered MMP/MMRR document shall identify areas and media of concern, summarize data, provide conclusions regarding the subsurface conditions, and provide an overview of the MMP implementation for the project site. The document will outline protocols to properly manage environmentally impacted fill material, soil, and groundwater during site-specific construction activities. It shall identify project contacts. It shall provide field screening procedures, action levels, material segregation procedures, procedures for management/disposal of environmentally impacted media, and a contingency plan for unanticipated materials. The document shall discuss the need for implementation of storm water BMPs, permits, site security, equipment decontamination, general environmental controls, confirmation samples, recordkeeping, and reporting. The document shall include exhibits (e.g., topographic map, site map, maps of affected soil and affected groundwater, laboratory analytical results, pertinent reports of investigation/characterization, the City's asbestos in soil management plan; as figures, tables, flowcharts, and appendices) as appropriate. The document must meet formatting and other requirements as specified by regulatory agencies and the DEQ Project Manager.

#### Environmental Inspections

The Environmental Consultant may be asked to provide site work as an accredited Certified Asbestos Building Inspector (CABI)/ Air Monitoring Specialist (AMS) to monitor work in accordance with approved plans and State regulation. Work would include but would not be limited to, development of monitoring plans, attendance at meetings, monitoring of site activities, collection of air and debris samples for analysis (e.g., TEM or PCM), analysis results, digital photography documentation, written documentation, and reporting.