

RESOLUTION NO. 2008-213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING AN EXCEPTION TO ORDINANCE NO. 9-2008 THAT DISPENSES WITH BIDDING IN THE BEST INTEREST OF THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES CONTRACT WITH PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC. IN AN AMOUNT NOT TO EXCEED \$98,549 FOR THE QUIET ZONE #3 PROJECT

WHEREAS, the Federal Railroad Administration (FRA) published new rules that outline specific requirements in regard to the sounding of locomotive horns at all public highway rail at-grade crossings; and

WHEREAS, the rules apply to all rail at-grade crossings in the City except those located within a "quiet zone" and equipped with approved supplementary safety measures set forth in the rule; and

WHEREAS, the establishment of quiet zones within the City of Elk Grove will reduce the noise impacts from trains, improve the quality of life for residents and reduce citizen complaints arising from train whistle noise; and

WHEREAS, the City Council authorized a contract amendment with Parsons Brinckerhoff Quade & Douglas, Inc. / PB Americas, Inc. (PB) on October 11, 2006, to continue work and to engineer roadway and crossing improvements necessary to establish three quiet zones in the City; and

WHEREAS, the first quiet zone was established in December 2007 and the second quiet zone was established in spring 2008; and

WHEREAS, the contract with PB expired in November 2007 with an unexpended balance of approximately \$100,000, requiring that PB stop work that had already been initiated towards establishment of Quiet Zone #3 at Dwight Road and Sims Road; and

WHEREAS, a contract amendment cannot occur on an expired contract and this necessitated drafting a new contract to perform the work Quiet Zone #3 with PB in order to complete the remaining work of the contract; and

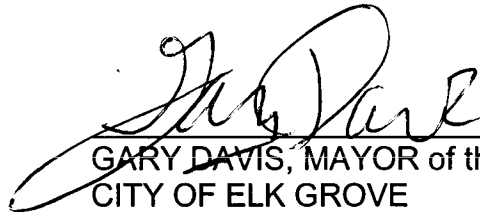
WHEREAS, the quiet zone expertise of PB and continuation of the consultant's work are essential for the completion of Quiet Zone #3 and city staff has recommended a new contract (in the amount of \$98,549) with PB in lieu of bidding; and

WHEREAS, in Article 4, Section 3.42.180 (B) (3) of the City's Purchasing Ordinance No. 9-2008, the City Council must make a determination that compliance with the bidding procedure is not in the best interest of the City for services exceeding \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

1. Finds an exception to Ordinance No. 9-2008 in that compliance with the bidding / Request for Proposal procedure is not in the best interest of the City for the professional services on Quiet Zone #3 which exceed \$50,000, because Parsons Brinckerhoff Quade & Douglas, Inc. / PB Americas, Inc. has direct experience with the establishment of two of three Quiet Zones in the City of Elk Grove and submitted partially finished work products on Quiet Zone #3 (that were underway when the contract expired); and
2. Authorizes the City Manager to execute a consultant services contract with Parsons Brinckerhoff Quade & Douglas, Inc. / PB Americas, Inc. in an amount not to exceed \$98,549 for the Quiet Zone #3 Project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of September 2008.


GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM


SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-213**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 10, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Hume, Scherman, Cooper, Leary*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



**Susan J. Blackston, City Clerk
City of Elk Grove, California**