



Board Agenda Item 53

DATE: October 21, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Consultant Agreement with MGE Engineering, Inc.

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34) determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances as MGE Engineering, Inc. is uniquely familiar with this project and has already been selected through a qualifications-based selection process for this work, under a previous agreement;**
- 2. Approve and authorize the Chairman to execute Agreement with MGE Engineering, Inc., for engineering consultant services for the Delta-Mendota Canal Bridge at Nees Avenue, Federal Project No. BRLS-5942(213) for seven years (five-year base contract with two optional one-year renewals), effective on execution, in the amount of \$271,378; and**
- 3. Authorize the Director of Public Works and Planning, or designee, to amend the Agreement as necessary to remain compliant with any updates to the Federal Disadvantaged Business Enterprise program requirements, subject to approval by County Counsel as to legal form.**

Approval of the first recommended action will allow MGE Engineering, Inc. (MGE), which has been under contract to design this bridge from 2014-2024, and their team that has advanced the design to the 60% level of completion, to continue their work on this project. Approval of the second recommended action will authorize a new Agreement with MGE for an additional seven-year term to allow the consultant to complete the design and provide technical expertise during construction of the Delta-Mendota Canal Bridge Replacement Project (Project). No new work will be assigned to the consultant using this Agreement. The recommended duration of the Agreement is due to a lengthy environmental process, including permit acquisition from the Bureau of Reclamation and right-of-way acquisition issues. The third recommended action will allow the Director of Public Works and Planning ("Director") to amend the Agreement to include revisions to the Disadvantaged Business Enterprise (DBE) requirements, which are currently being revised under an Interim Final Rule issued by the United States Department of Transportation (USDOT) on October 3, 2025. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If the first two recommended actions are not approved then the Project will be delayed, jeopardizing Federal funds. In addition, selecting a new consultant would not be feasible, as continuity of the design of the Project would be affected. If the third recommended action is not approved, the Department will return to the Board for any modifications to the DBE requirements.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bid process is consistent with Administrative Policy No. 34 as MGE has performed all the hydraulics, geotechnical and type selection work to advance the design of the project, and they are experienced and uniquely qualified to provide the remaining engineering services through Project completion. Issuing a new Request For Proposal (RFP) would add additional expenditure to the project and delay the project delivery at least six months. Additionally, engaging a new engineering team for design completion would inevitably lead to increased costs and schedule delays, primarily because other consulting firms are often reluctant to accept or build upon the work of predecessors and typically require a full re-evaluation of previous findings.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The Federal Highway Bridge Program (HBP) provides 88.53% funding for the Project on Nees Avenue. Sufficient appropriations and estimated revenues for the Project are included in the Department of Public Works and Planning - Roads Org 4510 FY 2025-26 Adopted Budget and in future budget request for the term's duration.

DISCUSSION:

The proposed Project consists of replacing the functionally obsolete bridge on West Nees Avenue over the Delta-Mendota Canal with a new bridge that meets current standards.

On August 26, 2014, MGE was selected as the most qualified design engineering consultant following an RFP for engineering services including development of plans, specifications, engineer's estimate required for the design of the Project. On June 18, 2019, the Board approved the first amendment to Agreement No. 14-508 with MGE to perform design services for an additional three-year term with two optional one-year extensions. The additional five-year term was not sufficient to complete the Project, which was estimated to begin construction in 2027. The proposed Agreement will extend the period of performance for a maximum additional seven years, which includes a five-year base and two optional one-year renewals. The Project schedule was amended to reflect the additional time needed to reach completion. No new work will be assigned to the consultant using this Agreement.

On October 3, 2025, Caltrans notified Department staff of the Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program Implementation Modifications Interim Final Rule issued by the Department of Transportation on October 3, 2025. The Interim Final Rule directs that all current DBE certified firms undergo a new certification process that eliminates gender and race as factors in qualifying as a DBE firm, and instead proposes only socioeconomic factors and net worth as criteria. In the interim, Caltrans advised that no DBE goals, or race or gender data collection should apply to any new contracts. The third recommended action will allow for this Agreement to be modified, if necessary to comply with any Final Rules issued by USDOT and/or procedures implemented by Caltrans, but with no changes to any other term of the Agreement.

OTHER REVIEWING AGENCIES:

The California Department of Transportation (Caltrans) provides oversight of local transportation projects where Federal funds are allocated and notified through Public Interest Finding (PIF) process. Caltrans staff have signed the PIF for this project acknowledging notice of the Department's intent to continue using MGE Engineering, Inc. to complete the design.

REFERENCE MATERIAL:

BAI #59, June 18, 2019
BAI #38, August 26, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map

On file with Clerk - Agreement with MGE Engineering, Inc.

CAO ANALYST:

Maria Valencia