



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 08-20-07

Approved

Date

8/23/07

Council District: 5
SNI: Mayfair

SUBJECT: SECOND AMENDMENT TO THE AGREEMENT WITH FIELD PAOLI, INC. FOR THE MAYFAIR COMMUNITY CENTER PROJECT

RECOMMENDATION

Approval of the second amendment to the agreement with Field Paoli, Inc. for consultant services for the Mayfair Community Center Project, accepting already completed additional design work and increasing the amount of compensation by \$80,170, for a total amount not to exceed \$1,645,325.

OUTCOME

Approval of the amendment to the agreement with Field Paoli, Inc. (FPA) will allow for:

- a) Acceptance of already completed additional design work that was needed to respond to a request by County of Santa Clara Environmental Health Department relative to the addition of a stand alone outdoor "baby-diaper changing" station adjacent to the proposed water feature play area at Mayfair Park.
- b) An increase in compensation in part to pay for already completed additional design work and in part to increase the budget for Additional Services in the event the City needs to pay for additional work in the future.
- c) An increase in Reimbursable Expenses – all of which were expended under the expanded design scope authorized by the First Amendment – to cover the costs to be incurred during the construction phase.

EXECUTIVE SUMMARY

The purpose of this memorandum is to recommend for approval of a second amended agreement to Field Paoli Architects, Inc. for the Mayfair Community Center project, a 21,000 square foot building and park master plan build out located within Mayfair Park. This community center and park will serve as the main recreational and educational facility for Council District 5.

BACKGROUND

In November 2000, the residents of San José approved and passed Measure P, the Safe Neighborhood Parks and Recreation Bond, which allocated funds to replace the current 6,400 square foot Mayfair Community Center with a new 21,000-square foot facility. The Mayfair Community Center is bound by King Road to the west, Alum Rock Avenue to the north and Highway 280 to the east and south (map attached).

In March 2006, Council approved an agreement with FPA for the preparation of the master plan and the bid documents for the Mayfair Community Center projects. Council approved the master plan on August 29, 2006. The original scope was to design a 20,000 square feet(sf) Community Center consisting of offices, banquet halls, commercial kitchen, classrooms, offices, computer room, lounge, fitness room, arts and crafts, a children's room, a swimming pool, parking and a water feature play area. The community gardens are preserved in their existing configuration, except for an unused portion in the fenced area where the new skate park to be located. The subsequent changes in design scope to address the increase in building size to 21,000 sf, the study of swimming pool location, the additional documentation for storm water pollution prevention plan and the heating, ventilation/air conditioning design upgrade depleted the original \$75,000 Additional Services fund.

In March 2007, Council approved the first amendment to the agreement with FPA. The first amendment increased the total agreement amount by \$150,000 due to the additional scope changes occurred in various architectural design phases. Those changes included the design of a new skate park, the renovation of existing tot lot, the landscape improvements to the existing park and the incorporation of LEED certified level design as staff taking proactive measures achieving the upcoming Green Building design goals that Council was considering. The \$150,000 was distributed among those design phases being affected by the scope changes. The Additional Services fund has yet to be replenished.

On May 15, 2007, City Council awarded a construction contract to Zolman Construction. Subsequently, a ground breaking ceremony was held with the community on May 31, 2007.

ANALYSIS

In February 2007, the County of Santa Clara, Department of Environmental Health (CSCDEH) concluded its plan review and required that a stand-alone, outdoor "baby-diaper changing" station be provided next to the water feature play area. This station entailed intensive design involving plumbing, civil, electrical and architectural disciplines, which resulted in an extra work amount of \$20,170. This new requirement was not part of the original design and was mandated due to a recent outbreak of water-borne diseases at a downtown park. In order to keep the project on schedule, FPA diligently worked out a design solution, incorporated it into the project and obtained CSCDEH approval on May 9, 2007.

This second agreement amendment will allocate funding to the consultant for the baby-diaper changing station extra design work. Staff and the consultant have negotiated a total fee increase of \$80,170 for the second amendment to the agreement. This amount will compensate Field Paoli for its extra work provided in the Construction Documents phase and allow for an increase of \$40,000 in Additional Services, which will cover any unanticipated design changes, if deemed necessary during the course of construction of the project. An amount of \$20,000 in Reimbursable Expenses has been added to cover the cost of expediting the shipping and delivery of submittals in order to keep the project on schedule. Any unexpended Additional Services and Reimbursable Expenses funds will be returned as an ending fund balance after the project is completed.

EVALUATION AND FOLLOW UP

The project is currently under construction with a start date of July 2007 and estimated construction completion of December 2008. The project is currently within budget and on schedule. No additional follow up action with the Council is expected at this time.

In October 2007, staff from the City Manager's Budget Office and Office of Economic Development will propose an agreement and funding for the Mayfair Community Center Public Art Project.

POLICY ALTERNATIVES

Alternative # 1: Had directed City staff to provide the required services with in-house resources.

Pros: It would have increased work options for staff.

Cons: Negative impact to the schedule and workload of the staff assigned to the project.

Shifting staff resources to this project at that time would have delayed this or other projects.

Reason for not recommending: Staff was fully utilized on other projects resulting in no available staffing resources to take over this work. The use of the architectural design consultant to complete this work resulted in savings of time and funds due to the continuity of keeping the same team of workers that are currently on the project.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the above listed criteria; however this memorandum will be posted on the City's website for the September 11, 2007 Council agenda.

COORDINATION

This second amended agreement and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Parks, Recreation and Neighborhood Services, Finance, the City Manager's Budget Office and City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council-approved Budget Strategy to continue with capital investments that spur construction spending in our local economy.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$80,170

	<u>Original</u>	<u>Amend #1</u>	<u>Amend #2</u>	<u>Total</u>
Consultant base compensation	\$1,285,155	\$147,580	\$20,170	\$1,452,905
Reimbursable Expenses	55,000	2,420	20,000	77,420
Consultant Additional Services	<u>75,000</u>	<u>0</u>	<u>40,000</u>	<u>115,000</u>
Total Project Costs	\$1,415,155	\$150,000	\$80,170	\$1,645,325

2. COST ELEMENTS OF AGREEMENT:

	<u>Original</u>	<u>Amend #1</u>	<u>Amend #2</u>	<u>Total</u>
Schematic Design	\$66,125	\$0	\$0	\$66,125
Design Development	291,780	0	0	291,780
Construction Documents	548,180	81,580	20,170	629,760
Bidding and Award	51,370	8,590	0	59,960
Construction Administration	297,000	57,410	0	374,580
Project Close-Out	30,700	0	0	30,700
Reimbursable Expenses	55,000	2,420	20,000	77,420
Additional Services	<u>75,000</u>	<u>0</u>	<u>40,000</u>	<u>115,000</u>
TOTAL AGREEMENT AMOUNT	\$1,415,155	\$150,000	\$80,170	\$1,645,325

3. SOURCE OF FUNDING: 471 - Parks and Recreation Bond Projects Fund

4. OPERATING COSTS: The proposed operating and maintenance costs for this facility have been reviewed and estimated to be approximately \$400,000 annually, starting in March 2009.

HONORABLE MAYOR AND CITY COUNCIL

08-20-07

Subject: Second Amendment to the Agreement for the Mayfair Community Center Project

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BUDGET REFERENCE

The following table identifies the fund and appropriations proposed to fund the contract recommended as part of this memo and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2007-2008 Proposed Budget (Page)*	Last Budget Action (Date, Ord. No.)
Current Funding Available							
471	4529	Mayfair Community Center-Satellite	125441	\$11,616,000	\$80,170	V-615	
Total Current Funding Available				\$11,616,000	\$80,170		

* The 2007-2008 Proposed Capital Budget was approved by the City Council on June 19, 2007.

CEQA

CEQA: Mitigated Negative Declaration, PP06-024



KATY ALLEN

Director, Public Works Department

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, at (408) 535-8300.

Attachment
RR:DT:lm

