



COUNCIL AGENDA: 09-28-04

ITEM: 2.12

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen
Larry D. Lisenbee
Sara L. Hensley
Robert L. Davis

SUBJECT: SEE BELOW

DATE: 09-21-04

Approved

Date

9/22/04

Council District 1
SNI Blackford

SUBJECT: APPROVAL OF AN AGREEMENT FOR CONSULTANT SERVICES FOR THE NEW WEST COMMUNITY JOINT FACILITY AND APPROVAL OF APPROPRIATION ORDINANCE AMENDMENTS IN THE PARK TRUST FUND

REASON FOR ADDENDUM

In order to meet commitments to the community and maintain the schedule for this project, staff requests Council approval at its September 28, 2004 meeting.

RECOMMENDATION

- a) Approval of an agreement with the Offices of Jerome King Architects (OJK, Inc.) for consultant services including design services for the new joint facility for the West Community Policing Center and Community Center, from the date of execution to December 31, 2005, in the amount of \$227,325.
- b) Adoption of the following Appropriation Ordinance Amendments in the Park Trust Fund
 1. Decrease the Reserve: District 1 Community-Serving Center by \$200,000; and
 2. Establish the West Community Joint Facility Project for \$200,000 to the Parks, Recreation and Neighborhood Services Department.

CEQA: Exempt, PP04-03-090.

BACKGROUND

In March 2002, San José voters passed the Neighborhood Security Bond Act that approved the issuance of \$159 million in General Obligation bonds to fund the construction of various public

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safety facilities. Funding for the construction of regional community policing centers is included in the Bond Act. The West Community Policing Center will be located in the Western Patrol Division of the City at Williams Road and Boynton Road. The new facility will provide a more visible police presence in the neighborhood and offer crime prevention activities, police report taking, report writing, and neighborhood problem solving.

The Department of Parks, Recreation and Neighborhood Services (PRNS), in conjunction with the Police Department, will develop a community center at the same location. The Williams and Boynton Building will provide community meeting space and recreation activity space for the neighborhood to enjoy. In addition, the community center located at the Williams and Boynton Building will coordinate services with the Starbird Youth Center located directly across the street from the site. All project costs will be shared between the partner departments in proportion to their use of the completed facility.

The proposed scope of services will include complete design services including program verification, schematic design, design development, construction documents, and construction administration services. The scope of work will also include community outreach. The appropriation action requested as part of this memorandum will ensure adequate funding to complete this design work for the project.

Upon completion of the design and bid process, the Department of Public Works (DPW) will return to Council for Award of a construction contract. At that time, appropriation actions will be requested to ensure there is adequate funding from PRNS and the Police Department to complete the construction phase of the project. The construction for the West Community Policing Center and Community Center is estimated to begin in July 2005 with completion in November 2005.

ANALYSIS

OJK, Inc. has extensive experience working on public facilities, which made them the most qualified consultant for this project. Staff inquiries to past clientele resulted in very favorable recommendations. A fee of \$227,325 was negotiated with the consultant, and includes an additional service reserve amount as well as an allowance for reimbursable expenses. The schedule requires the architect to begin work upon Council approval of the agreement.

The Police and PRNS Departments' capital programs will fund this consultant agreement, as well as all costs related to the delivery and construction of this project, in proportion to their use of the Williams building.

LOCAL PREFERENCE

The Local Business and Small Business Preference Ordinance (“Ordinance”) provides for the selection of professional service contracts by means of a competitive selection process that includes the granting of preferences to local and small businesses. The Ordinance requires the competitive process to consist of the solicitation of at least three competitive proposals, unless it is not “practicable” to do so. With regard to the selection of OJK, Inc., staff does not believe it is “practicable” to comply with the Ordinance’s competitive selection requirements.

The selection of OJK, Inc. involved a request for qualifications and receipt of qualifications from various consultants prior to the June 18, 2004 effective date of the Ordinance. Staff subsequently selected OJK, Inc. to provide the design services for the new joint facility for the West Community Policing Center and Community Center, and requested OJK, Inc. to submit a proposal for such work. Because receipt of qualifications occurred before the effective date of the Ordinance, the process did not include the granting of preferences to local and small businesses.

The time and resources needed to redo the selection process in order to include the preference requirements do not make such action practicable. At this point, having to redo the process would lead to significant further project delays in the construction of this important public safety facility. As part of the Neighborhood Security Bond Act, the City has made commitments regarding the timely completion of these types of projects. This particular project has already been delayed by a longer than anticipated site acquisition phase. The process of requesting a new set of proposals, evaluating the responses, and creating and negotiating a new agreement would further delay this project that has already been delayed by a longer than anticipated site acquisition phase. Moreover, redoing the process is unlikely to increase the level of local and small business participation in the process because the short list of architects from which OJK, Inc. was selected for this project consisted entirely of local as well as local and small businesses as defined in the new ordinance. It is therefore unlikely that redoing the process would change the result given that OJK, Inc. would qualify as both a local and small business under the Ordinance.

PUBLIC OUTREACH

The Request for Qualifications was advertised in the *San José Mercury News*, the *Sacramento Bee*, the *San Francisco Chronicle* and on the City’s Internet Bid Line. Future project meetings with the community will be advertised during the design process.

COORDINATION

This agreement and memorandum have been coordinated with the City Attorney's Office and the Departments of Planning, Building and Code Enforcement.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$ 227,325
2. COST OF AGREEMENT:

Project Delivery	\$74,715
Agreement	227,325
TOTAL	\$302,040
3. SOURCE OF FUNDING: 475 - Neighborhood Security Act Bond Fund
375 - Park Trust Fund
4. FISCAL IMPACT: This project is consistent with Council-approved Budget Strategy Economic Recovery section in that it will help to stimulate the economy. The annual impact to the operating budget for this facility is \$25,000. This will be addressed in the Operating Budget process for 2005-2006.

BUDGET REFERENCE

Fund #	Appn #	Appn Name	RC #	Total Appn.	Amt. For Contract	2004-05 Proposed Capital Budget Page	Last Budget Action (Date, Ord. No.)
475	4541	West San José Community Policing Center	122793	\$1,567,000	\$90,930	Page V-329	
375	7038	Reserve: District 1 Community-Serving Center		782,000*		Page V-659	
375	New	West Community Joint Facility Project		200,000	136,395	N/A	
		Total		\$2,549,000	\$227,325		

* As part of this memorandum, \$200,000 from the District 1 Community-Servicing Center Reserve is recommended to be reallocated to a West Community Joint Facility Project appropriation to provide additional funding necessary to complete the design portion of this

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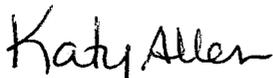
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project. Additional appropriation actions will be brought forward for the construction of this project, once the project scope has been finalized.

CEQA

Exempt, PP04-03-090.



KATY ALLEN
Director, Public Works Department



LARRY D. LISENBEE
Budget Director

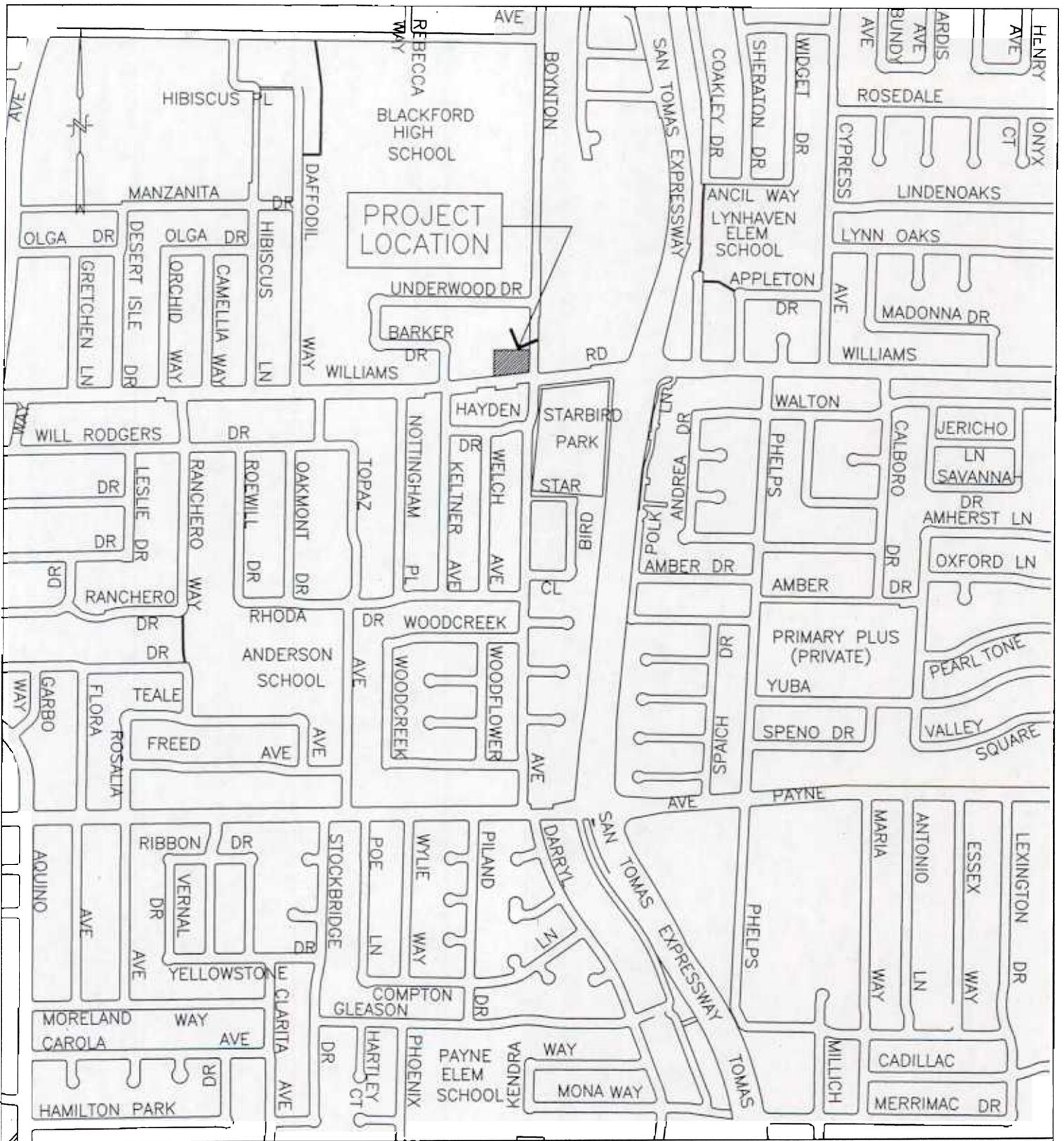


SARA L. HENSLEY
Director, Parks, Recreation and
Neighborhood Services Department



ROBERT L. DAVIS
Chief of Police

KJ:FM:df
Attachment
OJK_v10.doc



WEST COMMUNITY JOINT FACILITY
 3707 WILLIAMS ROAD
 LOCATION MAP
 NO SCALE