



COUNCIL AGENDA: 11-30-04

ITEM: 2015

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 11-18-04

Approved

Date

11/22/04

Council District: 9

**SUBJECT: APPROVAL OF AN AGREEMENT FOR CONSULTANT SERVICES FOR
FIRE STATION 17**

RECOMMENDATION

Approval of an agreement with Banducci Associates Architects for architectural design services for Fire Station 17, from the date of execution to May 1, 2007, in the amount of \$308,475.

CEQA: Not a project.

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 safety facilities. One of the items funded under the Bond Act is the construction of four new fire stations to replace four existing stations. A new Fire Station No. 17 will be located at 12395 Blossom Hill Road near Coniston Way, which will replace the current station located approximately 2/3 of a mile away at 1494 Ridgewood Drive, near the intersection of Dent Avenue and Kooser Road.

Public Works and Fire Department staff conducted the architectural consultant interviews and the selection process per the Department of Public Works Consultant Selection Procedure, and recommend the retention of Banducci Associates Architects to provide design services for this project.

The proposed scope of services will include complete design services including program verification, schematics, design development, construction documents, and construction administration services. The scope of work will also include community outreach.

Upon completion of the design and bid process, the Department of Public Works (DPW) will return to Council with a recommendation for Award of a construction contract. Construction for Fire Station 17 is estimated to begin in October 2005 with completion in September 2006.

ANALYSIS

Banducci Associates Architects has extensive experience working on public facilities, which made them the most qualified consultant for this project. A fee of \$308,475 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 Fire Departments' capital program will fund this consultant agreement, as well as costs related to the delivery and construction of this project. The construction budget is estimated to be \$1,450,000.

Given the limited duration of this, and other capital bond program projects, it has been the practice of DPW to employ a system of collaborative partnering with outside consultants in the design and delivery of these projects. Due to the volume of concurrent projects, DPW does not have the ability to do all projects in-house. Based on the expectations and goals for this project, the current workload of qualified staff, and the expected schedule for this project within the overall Safety Bond Program, staff has concluded that the proposed consultant contract balances City resources and project goals. This strategy avoids the need to add or eliminate large numbers of professional staff, as the overall capital program staffing needs increase or decrease.

In the event of overall workload fluctuations, staff has incorporated into this and all other consultant contracts, the ability to terminate the contract and bring work back in-house as qualified staff availability allows.

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 Banducci Associates Architects, staff does not believe it is "practicable" to comply with the Ordinance's competitive selection requirements.

The selection of Banducci Associates Architects 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 Banducci Associates Architects to provide the design

services for the new Fire Station 17, and requested Banducci Associates Architects 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. 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 Banducci Associates Architects 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 Banducci Associates Architects would qualify as both a local and small business under the Ordinance.

PUBLIC OUTREACH

The Request for Qualifications was published in the *San José Mercury News* and in various other Bay Area newspapers. Future project meetings with the community will be advertised for the design process.

COORDINATION

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

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$ 308,475

2. COST OF AGREEMENT:

Project Delivery	\$199,025
Agreement	<u>\$308,475</u>
TOTAL	\$507,500

3. SOURCE OF FUNDING: 475- Neighborhood Security Act Bond
4. FISCAL IMPACT: This project is consistent with Council-approved Budget Strategy Economic Recovery section in that it will help to stimulate the economy. There is minimal or no annual impact to the operating budget for this facility.

BUDGET REFERENCE

Fund #	Appn #	Appn Name	RC #	Total Appn.	Amt. For Contract	2004-05 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
475	4807	Fire Station 17-Relocation	128963	\$1,676,000	\$308,475	V-357	Ordinance No. 27267 10/12/04
		Total		\$1,676,000	\$308,475		

CEQA

Not a project.



KATY ALLEN

Director, Public Works Department