



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: JOYCE ELLINGTON BRANCH
LIBRARY PROJECT

DATE: 11-19-07

Approved

Date 11/20/07

COUNCIL DISTRICT: 3
SNI AREA: 13th St

RECOMMENDATION

Approval of a continuation agreement with Tetra Design, Inc. for Architectural Consultant Services for the Joyce Ellington Branch Library Project continuing the term retroactive for the period of July 1, 2007 through December 31, 2008 at no additional cost to the City.

OUTCOME

Council approval of a continuation agreement between the City and Tetra Design, Inc. to extend architectural services will enable their services to continue through the project construction completion and close out phase of the Joyce Ellington Branch Library.

BACKGROUND

In September 2000, Council approved the Branch Facilities Master Plan for the 20 branch libraries. In November, 2000 the voters of San José passed Measure O Bond to fund the construction of the 20 branch libraries. The Joyce Ellington Branch Library is the 11th library to be designed and constructed using the City Library Bond Funds. The library is located at 491 East Empire Street, between 10th and 11th Streets (map attached).

On March 16, 2004, Council approved an agreement with Tetra Design, Inc. (TDI) to provide architectural services for this project. The original term of this agreement started on March 16, 2004 and ended on June 30, 2007. Normally, the consultant would follow the Performance Schedule set forth in their agreement. During the course of design phase, the project schedule experienced extensive delay in its early stage. Since June 2004, the consultant's design work had been suspended due to the need to address various issues resulting from community feedback. In response to those issues, the Department of Public Works (DPW) and the Department of Transportation immediately began to study the feasibility of providing additional on-street

parking spaces along Empire Street, between 10th and 11th Streets, without interfering with traffic during rush hours.

Meanwhile, the Library Department started negotiating a new lease agreement with the San Jose Unified School District for additional land acquisition. This new piece of land would allow a single story building layout and more on-site parking spaces to address the community's needs. During the same period, the Library Department and DPW also worked with the Council Office to address other requests from the Community Task Force's agenda such as: library interior finishes, features, landscape design and utilizing a community volunteer force to finish landscaping work after the completion of library construction.

In March 2005, the consultant remobilized and resumed the design work. They began evaluating the new information, identifying program changes and developing solutions in response to the requirements of the community and the branch library master plan. Once the consultant work resumed, staff and the consultant over looked the design delay that impacted the Performance Schedule and inadvertently did not extend the agreement on time. The design phase was concluded in May 2006; 14 months behind the original scheduled design completion date.

ANALYSIS

On September 26, 2006, Council awarded a construction contract to John Plane Construction Inc. (JPC). Subsequently, JPC started construction of the library with a projected completion date of June 2008. While staff and the consultant are concentrating on construction activities to meet the scheduled Grand Opening next summer, TDI's agreement expired on June 30, 2007 without being reconciled. TDI continued to provide construction administration services after the expiration so that the project would not be subject to schedule impact. The City still has unpaid funding for the consultant to perform the balance of construction administration tasks under the original agreement. Currently Joyce Ellington is at 60% completion.

The scope of consultant design services and compensation remain unchanged. The remaining services to be provided by TDI include construction administration, preparation and compiling of record documents and assistance in project closeout. This continuation agreement only extends the term of the agreement through completion. The 18 months extension request will address the time elapsed during the design suspension and allow ample time for the consultant to provide the services as originally committed in the agreement through the successful completion of this project.

EVALUATION AND FOLLOW-UP

This project is currently within budget and on schedule with a projected completion in June 2008. No additional follow up actions with Council are expected at this time.

POLICY ALTERNATIVES

No Cost Impact.

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

Pros: Increased work options for current staff.

Cons: Negative impact to the schedule and workload of the staff currently assigned to the project. Shifting existing staff resources to this project at this time could potentially delay this or other projects.

Reason for not recommending: Staff is being fully utilized on this and other projects resulting in no available staffing resources to take over this work. The use of the architectural design consultant to complete this work results 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)**

The approval of this agreement does not meet any of the criteria identified by the Sunshine Reforms Work Plan. This memorandum will be posted on the City's website for the December 11, 2007 Council agenda.

COORDINATION

This continuation agreement and memorandum have been coordinated with the Departments of Library and Planning, Building and Code Enforcement, the City Manager's Budget Office and the 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 SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery	\$2,606,000
Construction	6,390,000
Contingency	639,000
Public Art	159,000
Total Project Costs	\$9,794,000
Prior Year Expenditures	(9,089,440)
Remaining Project Costs	\$704,560

2. COST ELEMENTS OF CONTRACT/AGREEMENT: NA

3. SOURCE OF FUNDING: 472 – Branch Libraries Bond Projects Fund

4. OPERATING COSTS: The new Joyce Ellington Branch will have a net operating and maintenance impact of \$699,000.00 annually starting in FY 2008-09.

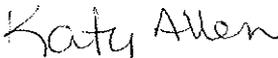
BUDGET REFERENCE

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

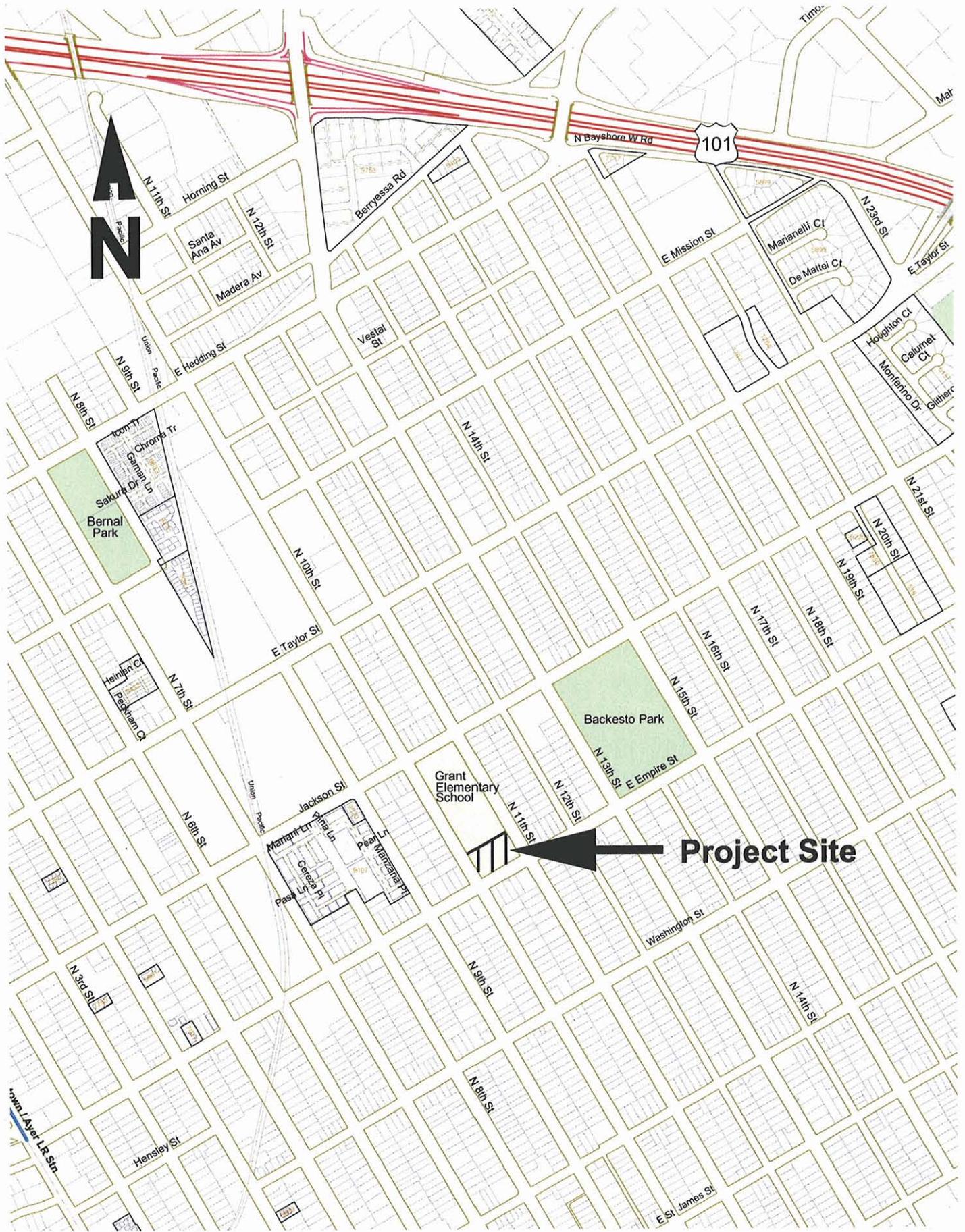
Fund #	Appn #	Appn. Name	RC #	Total Appn	Amt. for Contract	Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
Remaining Project Costs				\$704,560			
Remaining Funding Available							
472	4791	Joyce Ellington Branch Library	135705	705,000		V-269	10/16/07, Ord. #28143
Total Current Funding Available				705,000			
Funding in Future Years of CIP				0			
Total Funding for Projects				705,000			

CEQA

CEQA: Exempt, PP05-011


 KATY ALLEN
 Director, Public Works Department

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



JOYCE ELLINGTON BRANCH LIBRARY
Location Map
Not to Scale