

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 12-02-04

Approved

Date

12-3-04

Council District: 4

**SUBJECT: APPROVAL OF AN AGREEMENT FOR CONSULTANT SERVICES FOR
FIRE STATION NO. 25**

RECOMMENDATION

Approval of an agreement with BFGC Architects and Planners Inc. for architectural design services for Fire Station No. 25, located near the intersection of Wilson Way and Grand Avenue from the date of execution to March 1, 2007, in the amount of \$309,000.

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. The Bond Act included funding for the relocation and replacement of existing Fire Station No. 25. A new Fire Station No. 25 will be built near the intersection of Wilson Way and Grand Boulevard, and will replace the existing station located approximately one mile away at 1590 Gold Street, in the Alviso area of San José. This site, located on the recently donated Cisco lands, was selected in part based on public outreach input and has been coordinated with local long-term park planning efforts.

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 BFGC Architects and Planners Inc. to provide design services for this project.

The proposed scope of services includes program verification, schematics, design development, construction documents and construction administration services. The scope of work will also include participation in community outreach meetings.

Upon completion of the design and bid processes, the Department of Public Works (DPW) will return to Council for award of a construction contract. Construction for Fire Station No. 25 is estimated to begin in February 2006 with completion in February 2007.

ANALYSIS

BFGC Architects and Planners Inc. has extensive experience working on fire stations and other public facilities, including some recent projects in Alviso, which made them the most qualified consultant for this project. A fee of \$309,000 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.

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 capital projects citywide, DPW does not have the ability to do many concurrent projects in-house without significantly increasing staff or extending schedules. 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 BFGC Architects and Planners Inc., staff does not believe it is "practicable" to comply with the Ordinance's competitive selection requirements.

The selection of BFGC Architects and Planners 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 BFGC Architects and Planners to provide the design

services for the new Fire Station 25, and requested BFGC Architects and Planners 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 experienced delays due to a longer than planned land acquisition phase and would be delayed further by redoing the consultant selection process. 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 BFGC Architects and Planners 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 BFGC Architects and Planners Inc. would qualify as a local 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 Fire Department, the Planning, Building and Code Enforcement Department, the City Attorney's Office and the City Manager's Budget Office.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$309,000

2. COST OF PROJECT:

Project Delivery	\$338,500
Agreement	<u>\$309,000</u>
TOTAL	\$647,500

* \$138,554 of the Project Delivery Costs were expended or encumbered in prior fiscal years.

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.

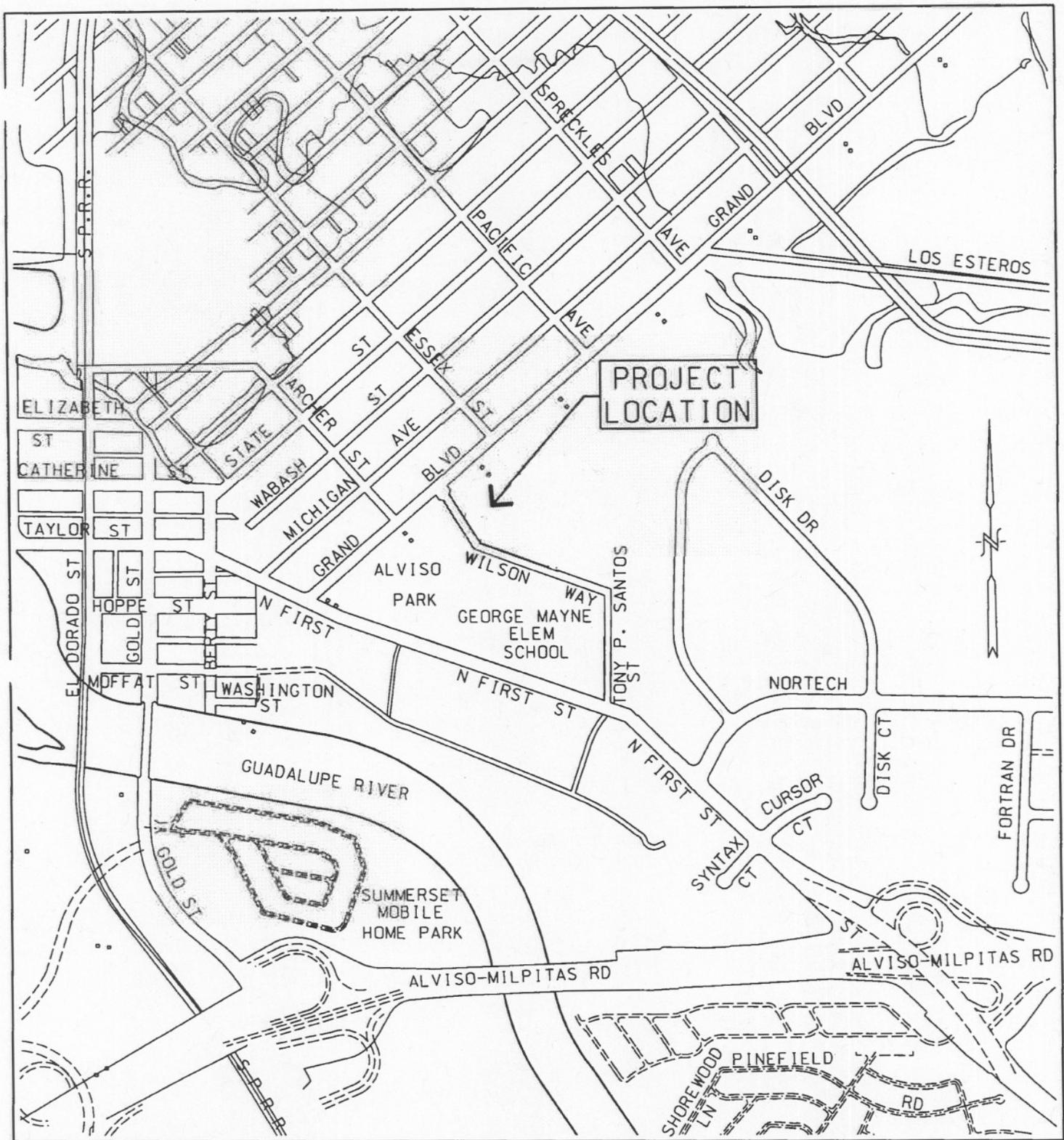
BUDGET REFERENCE

Fund #	Appn #	Appn Name	RC #	Total Appn.	Amt. For Contract	2004-05 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
475	4806	Fire Station 25 - Relocation	128983	\$1,740,000	\$309,000	V-361	10/12/04 2004-2005 App. Ordinance Sec. 33.01
		Total		\$1,740,000	\$309,000		

CEQA

Not a project

Katy Allen
 KATY ALLEN
 Director, Public Works Department



PROJECT LOCATION

FIRE STATION NO. 25-RELOCATE
LOCATION MAP

NO SCALE