



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Jane Light
Albert Balagso

SUBJECT: SEE BELOW

DATE: 11-24-08

Approved:

Seama Ache

Date:

12/1/08

COUNCIL DISTRICT: 7

SUBJECT: APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH ROB WELLINGTON QUIGLEY, FAIA FOR ARCHITECTURAL CONSULTANT SERVICES FOR THE SEVEN TREES COMMUNITY CENTER AND BRANCH LIBRARY (STCCBL) PROJECT

RECOMMENDATION

Approval of the first amendment to the agreement of consultant services for the Seven Trees Community Center and Branch Library with Rob Wellington Quigley, FAIA, modifying the scope of services and increasing the amount of compensation by \$120,000, for a total agreement amount not to exceed \$3,237,000.

OUTCOME

Approval of this first amendment to the agreement with Rob Wellington Quigley, FAIA (RWQ) will replenish the nearly depleted additional services fund and enable the City to timely compensate RWQ for providing extra architectural services to address the conditions arising during construction phase.

BACKGROUND

The new STCCBL is the second joint use facility project for the City of San José. The 58,350 square-foot two-story building is being constructed using primarily the Library and Parks and Recreation bond funds approved by San José voters in November 2000. This facility is located at Cas Drive and is within the boundaries of Solari Park, near the intersection of Capitol Expressway and Monterey Road in southeast San José (map attached).

In September 2006 the City Council approved an architectural consultant service agreement with RWQ to start architectural design for the STCCBL. An amount of \$150,000 earmarked for additional services was included in the agreement. There have been some design scope changes since the start of the project that required the uses of additional service fund.

The two most significant changes are as follows:

1. As a part of the original design scope, RWQ was to design this facility to achieve USGBC LEED Certified level. Two months later in November 2006 the City Council adopted a resolution to mandate all City building of 10,000 square feet or larger to be designed to achieve USGBC LEED Silver certified level. This policy applied to all the building projects at that time they were either in design phase or not yet started. In either case, this requirement directly impacted the design cost.
2. One of the awarded add alternates is to provide an entrance from Capitol Expressway to the STCCBL site. This alternate obtained initial approval with the Santa Clara County. The process for the final approval would involve the dedication of a small portion of City land along the Expressway adjacent to the property frontage. RWQ was asked to prepare the plats and legals for the land dedication documents under additional services task.

On May 20, 2008 the City Council awarded a construction contract to the low bidder, Gonsalves and Stronck Construction, Inc. The construction started on June 26, 2008 and it is expected to complete in spring 2010. At this point, the construction is about 15% complete.

ANALYSIS

The bulk of the additional service fund has been expended on the following design changes: tree survey for the Phase I Environmental Site Assessment, acoustic report for noise study, Capitol Expressway entrance redesign, preparation of plat plans and easement for the Capitol Expressway entrance, preparation of water company's non-exclusive easements for water service, preparation of storm control plan, and other extra work pertaining to achieving LEED Silver Certified Level such as energy modeling for HVAC system, USGBC submittal, and LEED Commissioning services. Currently the additional service fund has a balance of approximately \$2,000 which will be insufficient to compensate the consultant for providing timely assistance in addressing future conditions that might arise during the construction phase. Staff recommends replenishing the additional services fund to enable RWQ to provide such needed support.

Considering the consultant service that might be required throughout the remaining duration of project construction and anticipating unexpected issues to arise during construction, staff believes increasing the additional service fund by \$120,000 will be a wise precaution to provide adequate coverage of consultant support for the rest of construction phase. Any unused funding will be returned to the program.

Staff has reviewed the current scope and schedule of services in Rob W. Quigley's agreement and believed that the increase of the additional service fund being proposed through this first amendment is appropriate and necessary to the successful completion of this project.

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EVALUATION AND FOLLOW-UP

Approval of this recommendation will enable the project to continuously receive adequate and timely consultant assistance in resolving unexpected issues to arise during construction. The project will be completed in spring 2010. At this time, no other issue needs to be followed up with Council.

POLICY ALTERNATIVES

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

Pros: Increased work options for current staff.

Cons: Schedule impact while a staff design/engineering team is assembled resulting in potentially greater costs due to construction escalation. Shifting existing City staff resources to this project at this time would delay this or other projects.

Reason for not recommending: Staff is fully utilized on other projects resulting in no available staffing resources. Since the establishment of these bond projects the importance of creating a City/consultant partnership has been recognized. The use of architectural design consultants results in fresh and innovative ideas being applied to the project along with the flexibility required to meet changing staffing needs. This agreement has the added benefit of having a local consultant working in partnership with City staff.

PUBLIC OUTREACH

- 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 item does not meet any of the above criteria, however this memorandum will be posted on the City's website for the December 16, 2008, Council agenda.

COORDINATION

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

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FISCAL/POLICY ALIGNMENT

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy. The expansion of square footage of this community center and branch library will also assist in meeting the General Plan goal of providing 0.43 square feet of library space per capita.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$120,000

| | |
|--------------------------------|----------------------------|
| Project Delivery* | \$6,461,473 |
| Construction | 25,670,567 |
| Contingency | 2,570,000 |
| Public Art (Library portion) | 210,000 |
| TOTAL PROJECT COSTS | <u>\$34,912,040</u> |
| Prior Year Expenditures* | 29,844,687 |
| REMAINING PROJECT COSTS | <u>\$5,067,353</u> |

* Includes Master Plan

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

| | |
|--|---------------------------|
| Phase 1 – Project Feasibility/Development | \$ 371,780 |
| Phase 2 - Property and Land Acquisition | 0 |
| Phase 3 – Design | 1,877,004 |
| Phase 4 – Bidding & Contract Award | 73,359 |
| Phase 5 – Construction | 518,193 |
| Phase 6 – Post Construction | 51,664 |
| Additional Services/Reimbursable Expenses | 225,000 |
| First Amendment - Additional Services | 120,000 |
| TOTAL AGREEMENT AMOUNT | <u>\$3,237,000</u> |

3. SOURCE OF FUNDING: 375-Subdivision Park Trust Fund
385-Construction Tax and Property Conveyance Tax Fund:
Parks Purposes Council District #7
471-Parks and Recreation Bond Projects Fund
472-Branch Libraries Bond Projects Fund

4. OPERATING COST: The Seven Trees Community Center and Branch Library will have a net annual operating and maintenance impact of \$1,407,000 starting in FY 2010-11. This funding was included in the 2009-2013 General Fund Forecast, released on February 29, 2008.

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BUDGET REFERENCE

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

| Fund # | Appn # | Appn. Name | Total Appn | Amt. for Contract | 2008-2009 Adopted Budget Page | Last Budget Action (Date, Ord. No.) |
|--|--------|--|---------------------|-------------------|-------------------------------|-------------------------------------|
| Remaining Project Costs | | | \$5,067,353 | \$120,000 | | |
| Current Funding Available | | | | | | |
| 375 | 5261 | Seven Trees Community Center-Multi Service | \$2,081,000 | | V-725 | 10/21/2008 Ord. No. 28422 |
| 385 | 6095 | Seven Trees Community Center-Multi Service | \$1,650,000 | | V-465 | |
| 471 | 5145 | Seven Trees Community Center-Multi Service | \$2,212,000 | \$120,000 | V-841 | 10/21/2008 Ord. No. 28422 |
| 472 | 5159 | Seven Trees Branch | \$5,091,000 | | V-272 | 10/21/2008 Ord. No. 28422 |
| Total Current Funding Available | | | \$11,034,000 | \$120,000 | | |
| Funding in Future Years of CIP | | | | | | |
| 471 | 5145 | Seven Trees Community Center-Multi Service | \$450,000 | | V-841 | |
| 472 | 5159 | Seven Trees Branch | \$100,000 | | V-272 | |
| Total Funding Available | | | \$11,584,000 | \$120,000 | | |

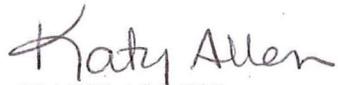
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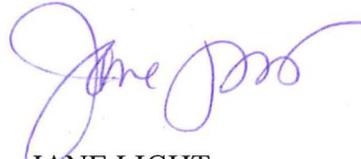
CEQA

CEQA: Mitigated Negative Declaration, PP06-175. Resolution approved by Council on September 11, 2007.



KATY ALLEN

Director, Public Works Department



JANE LIGHT

Library Director



ALBERT BALAGSO

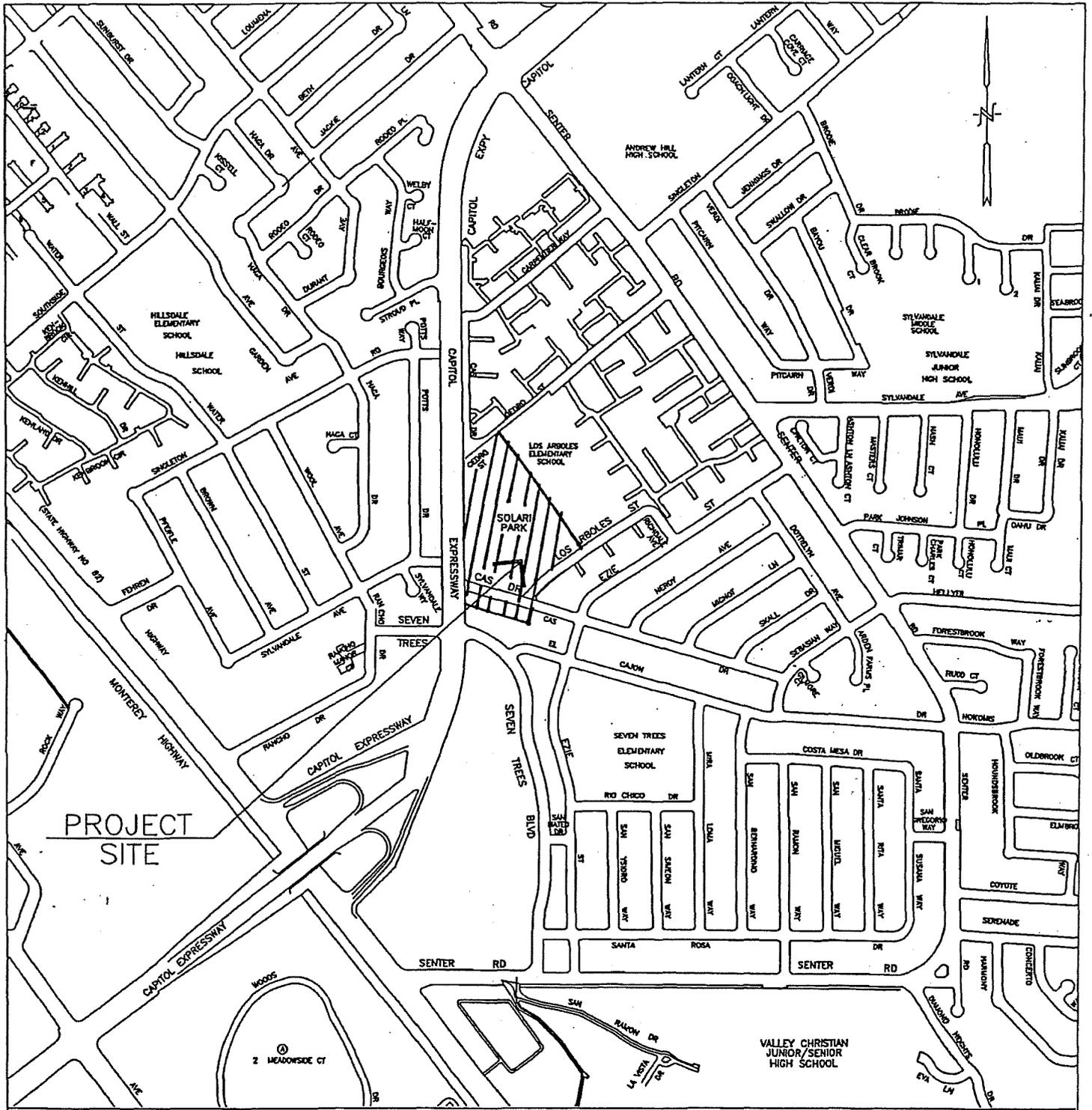
Director, Parks, Recreation and Neighborhood
Services Department

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

KJ:rr:dz:dt:do

Attachments

N:/MEMOS/Seven Trees/ST First Amend memo Final



SOLARI PARK
 LOCATION MAP
 NOT TO SCALE