



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Jane Light
Albert Balagso

SUBJECT: SEE BELOW

DATE: 03-16-09

Approved: 

Date: 

COUNCIL DISTRICT: 6

SUBJECT: APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENT WITH ROB WELLINGTON QUIGLEY, FAIA, FOR ARCHITECTURAL CONSULTANT SERVICES FOR THE BASCOM LIBRARY AND COMMUNITY CENTER PROJECT

RECOMMENDATION

Approval of the first amendment to the agreement for consultant services for the Bascom Library and Community Center 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 \$2,562,640.

OUTCOME

Approval of this first amendment to the agreement with Rob Wellington Quigley, FAIA (RWQ), will provide the means for the City to compensate RWQ for providing any authorized additional architectural services that may be needed during the construction phase.

EXECUTIVE SUMMARY

In September 2006, the City Council approved a consultant service agreement with RWQ to provide architectural services for the Bascom Library and Community Center from conceptual design through post-construction. An amount of \$150,000 earmarked for additional services was included in the agreement which, during the course of design of the facility, was nearly depleted. To date, \$143,400 of the additional services budget has been spent on the following design changes (see Background Section for details):

- New building design to achieve LEED Silver Certified Level, as directed by Council in November 2006;

- Revised building foundation design (concrete piers), as recommended by the updated Geotechnical Report.

Construction of the project began in September 2008, and the construction is approximately 15 percent complete. In order to ensure that the project is executed without disruption, staff recommends increasing the agreement maximum compensation amount by \$120,000 to provide readily available means to authorize additional services of the consultant, should that be necessary during construction.

No additional appropriation is required for this action, as there are sufficient funds in the current project appropriations.

BACKGROUND

The new Bascom Library and Community Center is the third joint-use facility project for the City of San José. The approximate 40,000 square-foot two-story building is being constructed primarily using the Library and Parks and Recreation bond funds approved by San José voters in November 2000. This facility is located at 1000 South Bascom Avenue, near the intersection of Fruitdale Avenue and South Bascom Avenue, approximately 0.6 miles south of Hwy 280 (map attached).

In September 2006, the City Council approved a consultant service agreement with RWQ to provide architectural services for the Bascom Library and Community Center from conceptual design through post-construction for a maximum compensation of \$2,442,640. An amount of \$150,000, earmarked for additional services, was included in the agreement. During the course of facility design, there were some design scope changes that required the use of additional service funding.

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. In November 2006, two months after approving the agreement with RWQ, the City Council adopted a resolution to mandate all City buildings of 10,000 square feet or larger to be designed to achieve USGBC LEED Silver Certified Level. Achieving LEED Silver Certified Level for the Bascom Library and Community Center involves additional design costs related to work such as energy modeling for HVAC system, USGBC submittal, and LEED fundamental and enhanced commissioning services. Designing the Bascom Library and Community Center to meet the higher USGBC LEED certification increased the overall design cost.

2. In January 2007, the geotechnical engineer completed the geotechnical report and recommended a foundation system combining conventional spread footings and concrete piers. This foundation system is intended to minimize the potential for soil settlement after the building is constructed. The compensation for the original consultant agreement was based upon the assumption that the consultant would be designing a conventional spread footings foundation. The structural design of the concrete piers is more complex and costly. It became an additional service during the design phase because of the increase in the design scope.

In April 2008, RWQ completed the construction documents for the project and it was advertised for bids. On August 26, 2008, the City Council awarded the construction contract for the project to the second low bidder, John Plane Construction, Inc. Construction started on September 23, 2008 and is expected to be completed in summer 2010. At this point, the construction is approximately 15 percent complete.

ANALYSIS

The additional service funds in a professional services agreement provide the means to readily respond to changing and evolving issues that arise during the course of a project. Additional services are authorized as needed by the Director of Public Works to adapt the consultants work plan under the agreement to the changing project scope and keep the project moving forward.

In addition to the two design items mentioned previously under "Background," other additional services authorized to date include the following design scope changes: provide additional conceptual design schemes, add a kitchen design consultant service, perform a Phase I environmental site assessment, and conduct a pedestrian study. In total, the consultant has completed and been compensated for \$143,400 in additional services, leaving a balance of approximately \$6,600.

Based on prior experience with similar projects, staff anticipates that an additional amount of \$120,000 for future additional services during construction would be a wise precaution to provide for adequate and timely support by the consultant. The use of the funds for additional compensation will be authorized as needed by the Director of Public Works for services beyond those included in the basic construction phase services. Remaining unused agreement funds at the end of the project will be returned to the program fund.

Staff has reviewed the current scope and schedule of services of the agreement with RWQ and believes that the increase of the additional service fund proposed is sufficient to ensure the successful completion of this project.

EVALUATION AND FOLLOW-UP

Approval of this recommendation will enable the project to continuously receive adequate and timely consultant assistance in resolving unexpected issues that arise during construction. No additional follow up action with the Council is expected at this time.

POLICY ALTERNATIVES

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

Pros: Increased work options for current staff.

Cons: Maintaining design continuity with the consultant designer of record is important to maintaining liability for the design. Impact to the project schedule while staff design/engineering team is assembled, potentially resulting in a delay to the construction project along with the related contractor claim for the cost of the delay. Depending on what the issue is, there may not be the required skills among in-house forces to respond.

Reason for not recommending: Post construction, there is the potential for confusion as to the liability for the design. Additionally, there is the possibility of delaying the construction contract.

Alternative # 2: Wait until specific needs for additional services arise and amend the consultant agreement to address each particular need.

Pros: Postpone project cost spending and allow tighter budget control.

Cons: Construction schedule impact.

Reason for not recommending: Authorizing each specific additional consulting work would be time consuming and would result in a delay in the construction work.

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 April 7, 2009, City Council agenda.

COORDINATION

This first amendment and memorandum have been coordinated with the City Attorney's Office and the City Manager's Budget Office.

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 branch library and community center will also assist in meeting the General Plan goal of providing 0.43 square feet of library space per capita for the library.

COST SUMMARY/IMPLICATIONS

1.	AMOUNT OF RECOMMENDATION/COST OF PROJECT: \$120,000	
	Land Acquisition (PRNS portion only)	\$ 3,974,000
	Project Delivery	6,212,000
	Construction	17,974,000
	Contingency	1,797,000
	Public Art (Library portion)	215,000
	TOTAL PROJECT COSTS	\$30,172,000
	Prior Year Expenditures	7,315,267
	REMAINING PROJECT COSTS	\$ 22,856,733

2.	COST ELEMENTS OF AGREEMENT/CONTRACT:			
	Original Agreement	Proposed First Amendment	Total	
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	Phase 1 – Project Feasibility/Development	\$ 113,445	\$ 0	\$ 113,445
	Phase 2 - Property and Land Acquisition	0	0	0
	Phase 3 – Design	1,619,376	0	1,619,376
	Phase 4 – Bidding and Contract Award	47,530	0	47,530
	Phase 5 – Construction	371,189	0	371,189
	Phase 6 – Post Construction	41,100	0	41,100
	Additional Services	150,000	120,000*	270,000
	Reimbursable Expenses	100,000	0	100,000
	TOTAL AGREEMENT AMOUNT	\$2,442,640		\$ 2,562,640

* This \$120,000 amount will come from the current project appropriation, thus no request for additional project funding is necessary.

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03-16-09

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CEQA

CEQA: Exempt PP07-081



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Library Director



ALBERT BALAGSO
Director of Parks, Recreation and
Neighborhood Services Department

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

Attachments

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