



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 11-23-09

Approved

Date

11/30/09

COUNCIL DISTRICT: 5
SNI AREA: Mayfair

SUBJECT: CONTINUATION AGREEMENT WITH FIELD PAOLI, INC., FOR THE MAYFAIR COMMUNITY CENTER

RECOMMENDATION

Approval of continuation agreement with Field Paoli, Inc., for consultant services for the Mayfair Community Center Project, extending the term from June 30, 2009 to December 31, 2009; and increasing the amount of compensation by \$7,500 for a total agreement amount not to exceed \$1,652,825.

OUTCOME

Approval of the continuation agreement with Field Paoli, Inc., (FPA) will allow the City to compensate FPA for completed LEED documentation work.

BACKGROUND

On November 2000, the residents of San José approved and passed Measure P, the Safe Neighborhood Parks and Recreation Bond, which allocated funds to replace the current 6,400 square foot Mayfair Community Center with a new 21,000-square foot facility. The Mayfair Community Center is bounded by King Road to the west, Alum Rock Avenue to the north and Highway 280 to the east and south (map attached).

On March 2006, Council approved an agreement with FPA for the design and preparation of bid documents for the Mayfair Community Center Project. The scope of the project consisted of a 20,000 square feet Community Center consisting of offices, banquet halls, commercial kitchen, classrooms, offices, computer room, lounge, fitness room, arts and crafts, a children's room, a swimming pool, parking and a water feature play area.

This project was exempt from the City's Green Building Policy as it was budgeted prior to the FY01-02 Capital budget program. In October 2006, per request from Council, DPW directed

FPA to undertake reprogramming and redesign efforts to achieve the minimum level of LEED certification. FPA and City staff worked diligently to realize many LEED Certified measures into the project. The project, at the time was into the 65% construction documentation phase.

On March 16, 2007, final bid documents, including all achievable LEED Certified design and construction points, were submitted by FPA to the Department of Public Works (DPW).

In May 2007, the Manager's Budget Addendum (MBA) to Council noted a good faith commitment effort for the Mayfair Community Center project with a target of LEED Certified level.

On May 15, 2007, City Council awarded a construction contract to Zolman Construction and Development, Inc.

On March 2, 2009, DPW issued a Certificate of Building Occupancy. The facility has been in use since it opened to public on January 31, 2009.

ANALYSIS

In May 2009, FPA informed DPW that by pursuing two additional LEED points with US Green Building Council (USGBC) the project would be better positioned to obtain a LEED Certified Level rating. To earn these additional points, additional architectural services were required to complete a post occupancy survey on user thermal comfort in the building. Department of Public Works staff agreed to the additional services cost for FPA to conduct this survey and prepare the final submittal documentation to USGBC for LEED certification.

The term of the original agreement expired on June 30, 2009 prior to DPW receiving final invoicing for this work from FPA in August 2009. Public Works staff had incorrectly assumed that all invoices by FPA, including work associated with the re-submission of LEED points to USGBC had been submitted and paid in full prior to expiration of the agreement. Therefore, a continuation of the agreement is required to replenish funds in the agreement to compensate FPA for work already performed and necessary to complete the LEED certification process. Additional Park Bond funding is available for this project. Parks, Recreation and Neighborhood Services staff has authorized the use of Park Bond funds for this additional amount.

Currently, DPW, FPA & Zolman Construction are in the process of finalizing the documentation and submission of LEED required points to USGBC for LEED Certified level. These two additional points are critical to the success of obtaining LEED certification since the current approved LEED points score has not yet reached the requirements needed by USGBC for certification.

EVALUATION AND FOLLOW-UP

No additional follow up action with the Council is expected at this time.

POLICY ALTERNATIVES

Alternative # 1: Do not approve this continuation to the consulting agreement.

Pros: None

Cons: Does not resolve the issue of payment owed by DPW to FPA.

Reason for not recommending: DPW authorized additional services work to FPA in May 2009. This work has been fully completed by FPA.

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)**

This action does not meet any of the above criteria; however this memorandum will be posted on the City's website for the December 15, 2009 Council agenda.

COORDINATION

This continuation agreement and memorandum have been coordinated with the Departments of Parks, Recreation and Neighborhood Services, 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 AGREEMENT: \$7,500

Consultant Services	\$ 1,645,325
Change Order #1	7,500
TOTAL AGREEMENT	\$1,652,825
Prior Year Expenditures	1,645,325
TOTAL REMAINING AGREEMENT COSTS	\$7,500

2. SOURCE OF FUNDING: 471 – Parks and Recreation Bond Projects
3. OPERATING COSTS: No additional operating and maintenance impact is anticipated due to the changes recommended in this memorandum.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the contract(s) recommended as part of this memo.

Fund #	Appn #	Appn. Name	RC #	Total Appn	Amt. for Contract	2009-2010 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
Remaining Agreement Costs				\$7,500	\$7,500		
471	4529	Mayfair Community Center -Satellite	114233	\$529,000	\$7,500	V-688	10/20/09 Ord No. 28653
Total Project Funding				\$529,000	\$7,500		

CEQA

CEQA: Mitigated Negative Declaration, PP06-024.

/s/

KATY ALLEN
Director, Public Works Department

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