



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen  
Jane Light

**SUBJECT:** SEE BELOW

**DATE:** 06-01-10

Approved

Date

6/8/10

**COUNCIL DISTRICT: 4**

**SUBJECT: APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT WITH ANDERSON BRULE ARCHITECTS, ABA, FOR ARCHITECTURAL CONSULTANT SERVICES FOR THE EDUCATIONAL PARK BRANCH LIBRARY**

## RECOMMENDATION

Approval of the second amendment to the agreement for consultant services with Anderson Brule Architects (ABA), extending the term of the agreement for the Educational Park Branch Library project from April 30, 2011 to October 30, 2011, and increasing the amount of Additional Services and Reimbursables compensation by \$50,000, for a total agreement amount not to exceed \$1,330,000.

## OUTCOME

Approval of this agreement amendment to extend the term and replenish depleted Additional Services and Reimbursables funding for this project will enable the City to compensate ABA for an expanded scope of work arising from unforeseen construction issues.

## BACKGROUND

On November 6, 2007, City Council approved an agreement with Anderson Brule Architects, Inc., to provide consultant services for the Educational Park Branch Library project, from the date of execution to October 31, 2010, in an amount not to exceed \$1,190,000 including \$55,000 for Additional Services and Reimbursable Expenses.

On August 4, 2009, City Council approved the First Amendment to the consultant agreement with ABA for design and construction support services related to the Educational Park Branch Library project extending the term of the agreement from October 31, 2010 to April 30, 2011 and increasing the amount of compensation by \$90,000 for a total agreement amount of \$1,280,000. The First Amendment to the agreement was a result of increasing the area of development of the project per mutual agreement with the East Side Union High School District (ESUHSD) during the project design phase thus increasing the scope of work for ABA.

The Educational Park Branch Library is the eighteenth library to be initiated under the November 2000 Library Bond Program and replaces the existing 13,000 square foot facility with a new 18,000 square foot building. The existing leased building has been vacated by the Library and returned to ESUHSD for their use. The lease has been terminated. The new building is located in the area of the existing parking lot adjacent to the old facility at 1770 Educational Park Drive. The site is bounded by Independence High School to the north and east, Overfelt Park on the south, and the Adult Education Facility across the street to the west.

### ANALYSIS

Since starting construction of the Educational Park Library project in September 2009, several critical and unforeseen conditions have arisen involving significant Architectural, Civil and Structural design analysis and revision to the contract documents and existing scope of work.

The additional work described below is being, or has already been, completed by the consultant as part of the ongoing construction activity support and efforts to keep the project on schedule.

The three most significant changes are as follows:

1. Storm drain redesign – upon excavation for the building pad during construction, a main storm drain line, not previously indicated on any available survey information, was discovered. This line was one of the principal storm drains for Independence High School and ran directly under where the new building was to be located. The line had to be rerouted, requiring significant Civil Engineering redesign and coordination with Santa Clara Valley Water District.
2. Proximity of cement and lime-treated soil building pad system to existing trees, discovered during staking for building layout, required deletion of those materials and a structural redesign of the foundation system at one corner of the building in order to save the trees. Standard footings were redesigned to incorporate a concrete pier and grade beam system.
3. Available water pressure for the building fire sprinkler system, typically prepared as a design-build component during construction, was found to be insufficient and resulted in the need for a pump to be incorporated into the main fire riser. Additional Architectural and Civil design services are required due to this change.

Staff has reviewed the current scope and schedule of services in ABA's agreement and believes that increasing the Additional Services and Reimbursables compensation, and the term of the agreement, as proposed through this second amendment is appropriate and necessary to the successful completion of this project. The \$50,000 increase requested by this amendment is an addition to the Additional Services and Reimbursables amounts included in the original agreement and as amended in the first amendment. The current balance of funds in Additional Services is \$6.08 and \$577.64 in the Reimbursable account. Approval of additional compensation will replenish the Additional Services funds and Reimbursables account to cover

any unforeseen expenses during the remainder of the construction administration phase of the project and funding is contained within this existing project budget. Any unused funding will be returned to the program.

### **EVALUATION AND FOLLOW-UP**

At this time, there are no other pending issues requiring Council attention.

### **POLICY ALTERNATIVES**

Second amendment to the Agreement with Anderson-Brule Architects based on increased project scope due to unforeseen conditions on the project.

*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 coordination issues interfacing with consultant design and working drawing production cycles. 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 lack of available 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 continuity for 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/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 item 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 June 22, 2010 Council agenda.

**COORDINATION**

This project and memorandum have been coordinated with the Planning, Building and Code Enforcement Department, 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 Economic Recovery section in that it will spur construction spending in our local economy.

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: **\$50,000**

Project Delivery	\$2,080,000
Construction	7,136,300
Contingency	1,070,445
Public Art (Library portion)	<u>195,000</u>
<b>TOTAL PROJECT COSTS</b>	<b>\$10,481,745</b>
Prior Year Expenditures	<u>(\$1,748,505)</u>
<b>REMAINING PROJECT COSTS</b>	<b>\$8,733,240</b>

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Task 1 – Program Review & Conceptual Design	\$ 86,045
Task 2 – Schematic Design	115,635
Task 3 – Design Development	214,652
Task 4 – Construction Documents	463,510
Task 5 – Bidding & Award	24,344
Task 6 – Construction Administration	193,330
Task 7 – Record Documents & Project Closeout	36,484
Additional Services	123,000
Reimbursable Expenses	23,000
Total of Original Contract Agreement	1,280,000
<b>Second Amendment – Add’l Services &amp; Reimbursables</b>	<b><u>50,000</u></b>
<b>TOTAL AGREEMENT AMOUNT</b>	<b><u>\$1,330,000</u></b>

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

4. OPERATING COSTS: The annual operating and maintenance impact on the General Fund for the Educational Park Branch Library is anticipated to be \$1,014,000 beginning in 2011-2012. This funding was included in the 2011-2015 General Fund Forecast, which was released on February 26, 2010.

**BUDGET REFERENCE**

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

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amount for Recommendation	2009-2010 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
<b>Remaining Project Costs</b>				<b>\$8,733,240</b>	\$50,000		
<b>Total Funding Available</b>							
472	5552	Educational Park Branch	146795	11,172,000		V-250	10/20/09, Ord. No. 28653
<b>TOTAL</b>				<b>\$11,172,000</b>			
<b>Funding in future years of CIP</b>							
472	5552	Educational Park Branch		518,000		V-250	
<b>Total Funding Available</b>				<b>\$11,690,000</b>			

**CEQA**

CEQA: Mitigated Negative Declaration, PP08-024. Resolution approved by Council on November 6, 2007.

/s/

KATY ALLEN  
 Director, Public Works Department

/s/

JANE LIGHT  
 Library Director

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

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