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Title: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH JARVIS FAY DOPORTO AND GIBBONS LLP FOR SERVICES RELATED TO DESIGN-BUILD CONSTRUCTION DOCUMENTS AND THE CONTRA COSTA COUNTY WIC BUILDING PROJECT FOR A TOTAL COST NOT TO EXCEED \$60,000

Sponsors:

Indexes:

Code sections:

Attachments: 1. RESO 2017-040 Jarvis Fay amend legal services agr for design-buld, 2. First Amendment to Jarvis Fay Agr for design-build

Date	Ver.	Action By	Action	Result
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PREPARED BY: LYNN TRACY NERLAND

DATE OF MEETING: 03/06/17

SUBJECT:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH JARVIS FAY DOPORTO AND GIBBONS LLP FOR SERVICES RELATED TO DESIGN-BUILD CONSTRUCTION DOCUMENTS AND THE CONTRA COSTA COUNTY WIC BUILDING PROJECT FOR A TOTAL COST NOT TO EXCEED \$60,000

CITY MANAGER RECOMMENDATION

Adopt Resolution

COMPLIANCE STATEMENTS

The Contra Costa County WIC (“Women Infant Children” Program) Project at Plaza San Pablo is a policy under Economic Development in the FY 2015-17 City Council Priority Workplan effective October 1, 2016. It is also consistent with the City’s “Healthy Eating Active Living Initiative”

CEQA Compliance Statement

The development of template design-build construction documents is not a project under CEQA.

As to the WIC Project at Plaza San Pablo, in approving the Lease for the proposed development of the WIC building at the Plaza San Pablo site and then the construction contract, the City Council adopted resolutions finding that the WIC project was within the boundaries of and consistent with the Regulating Plan, and all potentially significant effects of the proposed development of the WIC Project pursuant to the Lease as known at that time were considered already in the approved Mitigated Negative Declaration for the Regulating Plan and therefore no further environmental review was conducted, with the determination that as the design and construction details of the WIC Building

were finalized, additional environmental review may be undertaken in connection with those subsequent approvals if needed under the Regulating Plan. (Pub. Resources Code §§ 21083.3, 21094; 14 Cal. Code Regs. §§ 15168, 15183.)

BACKGROUND

On October 5, 2015, the City Council adopted an ordinance in response to the new State law that allowed general law cities to use a design-build method of procurement for certain public works/construction projects instead of the traditional design-bid-build method. Design-build projects can often be completed quicker and for less money because the engineering/architect and contractor are one team from the beginning. On October 19, 2015, the City Council approved an agreement with the law firm of Jarvis Fay Doporto and Gibson LLP to prepare design-build template documents that the City could use for future projects. The agreement had a cost not to exceed \$25,000 and funds were appropriated from 2015/16 General Fund Designated Reserves/Economic Development Projects (100-0000-00000).

Once the template documents were prepared, Economic Development staff continued to use the firm to assist in tailoring the documents and establishing the design-build process for the construction of the WIC Building pursuant to the lease with Contra Costa County that the City Council approved on June 15, 2016 to build and lease an approximately 7,000 square foot stand-alone building for the WIC program located at Plaza San Pablo off of San Pablo Avenue between Church Land and Vale Road.

These efforts took more time and legal expertise than expected because it was the City's first design-build project and certain adjustments in documents and procedures needed to be made because of the County's requirements. In addition, the design-build process and the Lease needed to be made consistent.

Accordingly, approximately an additional \$20,000 in legal services was expended that was initially paid for out of the City Attorney's general outside counsel budget (100-1210-43600). To most appropriately memorialize and track these expenditures, it is recommended that the agreement with Jarvis Fay Doporto and Gibbons for the design-build services be amended to include the legal services for the WIC project with the cost not to exceed increased from \$25,000 to \$60,000 to cover the expenditures to date and in case additional services are needed during the construction of the WIC project.

FISCAL IMPACT

With the approval of the WIC construction contract on February 21, 2017, additional funds were already appropriated to the FY 2016-17 CIP Project Budget 320-3200-43600-WIC-DBE, which included an additional \$35,000 for legal fees. This amount will be transferred to the City Attorney's general outside counsel budget (100-1210-43600).