

## Legislation Details (With Text)

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**File created:** 9/6/2018      **In control:** City Council

**On agenda:** 9/17/2018      **Final action:** 9/18/2018

**Title:** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO AGREEMENT WITH MACK5 FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION OF A WOMEN INFANTS AND CHILDREN (WIC) BUILDING, INCREASING TOTAL COMPENSATION BY \$17,500, FOR A TOTAL CONTRACT AMOUNT OF \$190,750 TO COVER ADDITIONAL COSTS DUE TO THE EXTENDED CONSTRUCTION DURATION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. RESO 2018-125 Mack 5 construction mgt WIC, 2. WIC additional fee request letter 9 6 18, 3. 2nd Amendment Mack5 WIC-DBE.pdf

Date	Ver.	Action By	Action	Result
9/18/2018	1	City Council	adopted	Pass

**PREPARED BY:** SARAH MAROOF

**DATE OF MEETING:** 09/17/18

**SUBJECT:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO AGREEMENT WITH MACK5 FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION OF A WOMEN INFANTS AND CHILDREN (WIC) BUILDING, INCREASING TOTAL COMPENSATION BY \$17,500, FOR A TOTAL CONTRACT AMOUNT OF \$190,750 TO COVER ADDITIONAL COSTS DUE TO THE EXTENDED CONSTRUCTION DURATION

**RECOMMENDATION**

Adopt Resolution

**COUNCIL PRIORITY WORKPLAN**

Policy Item Healthy Eating Active Living Initiatives (Healthy Eating Active Living campaign, Affordable Health Care Act for CA implementation, and support community education and information sharing on public health programs) are adopted policy item(s) under the FY 2018-21 Council Priority Workplan Update, effective November 1, 2017.

**CEQA Compliance Statement**

An Environmental Impact Report to assess impacts from the San Pablo Avenue Specific Plan was prepared and adopted by the City Council on September 19, 2011 as required by CEQA. In addition, on October 17, 2011, a Mitigated Negative Declaration was adopted by the City Council for a *Mixed Use Center South Regulating Plan* - which specifically addresses the environmental impacts of the development and infrastructure designed for the site. No further CEQA review is required at this time,

because pursuant to California Public Resources Code section 2116 and 14 Cal. Code of Regulations section 15162, there have been no substantial changes to the project or the circumstances under which the project is being undertaken or new information of substantial importance discovered.

## **BACKGROUND**

The City typically uses the Design-Bid-Build process, where the design is completed prior to putting the work out to bid for construction contracts. On June 27, 2016 the City posted Requests for Qualifications (RFQ) for a Design-Build contract to construct a building that will be leased to Contra Costa County for their Women, Infants and Children (WIC) program. Qualifications were received on July 19, 2016.

To assist staff in the preparation of a detailed Request for Proposal (RFP) that would be issued to Design-Build Entities (DBE) selected from the RFQs, the City advertised for Construction Managers. Three proposals were received.

Staff evaluated all three firms' qualifications and recommended awarding the contract for construction management services to Mack5, because of Mack5's knowledge and experience providing construction management services for similar Design-Build projects in neighboring jurisdictions; their readiness to provide the necessary services per the project schedule; and their ability to review the County's needs assessment and Tenant Improvements criteria.,

The scope of work includes the following services:

- Review of County TI design criteria for Design-Build delivery and incorporate the County's documents in the Design-Build RFP.
- Develop planning, design and performance criteria, including outline of specifications for a Warm Core and Shell Design criteria.
- Develop DBE RFP, including evaluation criteria and rating system.
- Assist with management of the DBE RFP selection process, make sure the City's goals are integrated into DB construction documents and ensure the entire team is performing cooperatively and effectively.
- Provide performance issues analysis, peer and value engineering review.
- Administrative support, including attendance at meetings, preparation of project files, and document control.
- Schedule construction inspections and testing. Ensure permits are pulled.
- Review DBE schedule and submittals.
- Construction Management - monitor quality of work and conformance with design-build documents, track schedule, review request for construction payment, analyze change orders, review potential claims, and submit daily logs.
- Quality Assurance, Inspection and Material Testing, including field inspections, scheduling and analysis of records from special testing.
- Post Construction - prepare final punch list and all required documents for project close-out.

Staff negotiated a contract with Mack5 in the amount of \$158,090 for sixteen months of service that includes the review of the County's tenant improvement criteria, which was not in their RFP response (at a cost of \$148,190). Staff recommended including a 10% contingency of \$15,810 for a total not to exceed authorization of \$173,900.

By Resolution 2016-260 of the City Council of the City of San Pablo adopted August 1, 2016, the City

Manager was authorized to execute an agreement with Mack5 in the amount of \$158,090 for construction management services for construction of the WIC program building and to appropriate \$173,900 from the General Fund designated reserve/infrastructure (Circle S & Master Plan) to fund the contract and a 10% contingency.

A First Amendment to Agreement for Construction Management Services between the City of San Pablo and Mack5, dated October 30, 2017, extended the term of the Agreement to August 31, 2018, added testing and inspection services to the scope, and authorized an additional \$15,160 to be added to the contract, for a total contract amount not to exceed \$173,250, which was still within the original amount authorized by City Council Resolution 2016-260.

Due to unforeseen construction schedule extensions and additional testing and inspection required, the WIC project construction schedule has been extended. Therefore, additional construction management services are desired from Mack5 to oversee construction phase services, as well as testing and inspection services, for the extended period, at an additional fee of \$15,000 for construction phase services and \$2,500 for testing and inspection services.

Accordingly, the City desires a Second Amendment to Agreement for Construction Management Services between the City of San Pablo and Mack5, authorizing additional compensation in the amount of \$17,500 (for a total contract amount of \$190,750) and extending the term of the Agreement to December 31, 2018.

#### **FISCAL IMPACT**

The proposed Second Amendment to the contract with Mack5 is for \$17,500, which would increase the contract amount to \$190,750. The amount will be taken out of the project budget (320-3200-43600-WIC-DBE) and no new budget appropriation is needed.

#### **ATTACHMENTS**

1. Additional Fee Request from Mack5 dated 9/6/18
2. Proposed Second Amendment to Agreement for Construction Management Services Between the City of San Pablo and Mack5 dated 9/17/18