



STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

AGENDA TITLE:

Review and Approval of Amendment No. 2 for Swinerton Management & Consulting

RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Amendment No. 2 to the CMAA Standard Form of Agreement between the City of Sausalito as Owner and Swinerton Management & Consulting as Construction Manager dated July 1st, 2005

SUMMARY

In response to a request from Staff, Swinerton Management & Consulting (SMC) has submitted a proposal for an Amendment to the original Contract with the City of Sausalito for a cost not to exceed \$90,500. The Proposed Amendment is comprised of three parts:

- (1) Addition of one month to SMC's duration of services to account for time spent in management for the re-bidding of the construction project (re-bidding resulted in savings to the City of Approximately \$300,000 and delayed construction by the additional month),
- (2) Provision of additional Project Management services to the City for commissioning activities including assisting in Final Inspections, Completion Inspections and Close Out oversight and Project Documentation that are not in SMC's existing scope of services or any other consultant's scope of services, and
- (3) Provision of additional project management services that cannot be accomplished by Staff for (a) coordination of Furniture, Fixture and Equipment (FF&E) procurement activities, (b) move-management, (c) data cabling coordination, (d) security systems and (e) budget and schedule preparation that are not in SMC's existing scope of services or any other consultant's scope of services.

BACKGROUND

Swinerton Management & Consulting (SMC) originally anticipated a Construction Duration of 14 months, or 420 Calendar Days. Through previously approved Change Orders for Alten Construction, the Construction Schedule has been increased to 512 Calendar Days. SMC did not and is not requesting an extension for their Construction Administration Services for this extension. Under separate cover on the Council's Agenda for October 6, 2009, SMC is requesting additional time in conjunction with Alten's proposed Change Order No. 6.

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Under this Agenda item, SMC is requesting one month of Compensation to cover Time and Costs associated with the re-bidding of the New Construction Bid Documents. At the time of the Bidding period for New Construction, due to issues with the Tubex Pile System, it was necessary to reject all bids submitted and re-bid the Project. This action ultimately resulted in lower bids for the Project with the City of Sausalito realizing approximately \$300,000 in savings due to the revised bids becoming more competitive. However, the re-bidding process did require SMC to re-package the bids, advertise and do a second Bid Process which took approximately 1 additional month of unanticipated project management by SMC. SMC is requesting compensation for this additional month of services at a Not to Exceed cost of \$19,360.

In discussions with City Staff, SMC has recognized that there are additional services which may benefit the City during the Close Out and Move-in process for the Public Safety Facilities which were not included in the original Request for Proposals (RFP) for Construction Management Services issued by the City of Sausalito. SMC and City Staff recognize that these services are not currently provided for by either Staff or other consulting resources, and SMC has proposed to provide Project Management Services to assist the City on these critical issues. SMC's proposal is broken into two categories for these services.

The first category is to provide the City with project management of the Construction Contract Close-Out Activities. The services to be provided would include 1) Building Commissioning coordination and Training coordination, 2) Punch list preparation and completion coordination, 3) Coordination of Temporary and Final Certificates of Completion coordination with the Contractor, Contra Costa County and Sausalito's Community Development Department, 3) and coordination of As-Built Drawing review and Close-Out Documentation that would be provided to the City upon completion of the Project. The proposal to provide these services to the City of Sausalito would be a Not to Exceed cost of \$27,760. SMC's original Agreement with the City only includes basic punch list services, but no additional coordination or oversight of the other activities listed.

The second category is to provide the City of Sausalito with Project Management of the Move Management/FF&E/Technology/Equipment activities. These activities are currently not included completely in either the Contractor's, the Architect's, SMC's or the City of Sausalito's current responsibilities. SMC has proposed to provide the City of Sausalito the following services: 1) provide Budget and Schedule Management for the items listed above. SMC would integrate the various activities into a single schedule and budget and would monitor, review and update the overall schedule to ensure a seamless integration of the various activities in order to effectively manage the activities so that the full systems and equipment will be fully in place and operational once the buildings ready to be occupied, 2) assist the City and the Architect in managing the FF&E Bid Preparation, Bidding and procurement of the FF&E package, 3) provide project management for the Bid Preparation and procurement of data cabling and IT services, Security Systems and coordination of the installation of Communications systems for

both Facilities, and 4) provide project management for Move Management once the facilities are completed and ready for move-in by the Police and Fire Departments. The proposal to provide these services to the City of Sausalito would be a Not to Exceed cost of \$43,380.

It should be noted that SMC and the City of Sausalito are reviewing all of the proposed services and the necessity of requiring all or portions of these services. Some of the services may not be required and the total Proposal may be adjusted to reflect the actual requirements that the City may require. At this time, no additional services are anticipated than those listed. The total cost of all of the proposed services would be a Not to Exceed cost of \$90,500 for the three categories listed above.

ISSUES

No issues have been identified with the contemplated action. Staff has evaluated alternatives to amendment of SMC's contract including self-performance of the entire proposed scope, solicitation of proposals from other existing City consultants, and advertisement and solicitation of proposals from the marketplace. As provided for in the Sausalito Municipal Code, professional services contracts, "...should only be awarded to firms or persons who have demonstrated an adequate level of experience, competence, staffing and other professional qualifications necessary for more than a satisfactory performance of the services required." Further, "...once the department requesting the service has determined a firm has an adequate level of competence, the cost of the service may be considered. However, the lowest cost may not be the sole factor in deciding which firm or whom shall be awarded the contract. It may be in the City's best interest to award the contract to a higher priced contractor based on the scope of services available, unique skills, staffing levels, timing, prior experience, past working relationship and other factors required by the department or proposed by that contractor. The information needed for determining that level of competence, other qualifications and the procedure for selecting such services shall be determined by each City department responsible for recommending the professional or special service contract." In this instance, the Director of Public Works has determined that SMC is more than adequately experienced, competent, qualified, staffed, and offers a unique familiarity and prior experience with the project, City Staff and City procedures that cannot feasibly be provided by another existing consultant, City Staff, or an outside consultant.

FISCAL IMPACT

Approval of Swinerton Management & Consulting's Amendment No. 2 will result in a deduction of \$90,500 from the soft cost contingency encumbrance of the General Obligation Funds for the project. Taking the proposed Amendment into account (and not including the other PSF item on this Agenda), the contingency funds remaining in the Soft Cost Contingency is \$331,548

STAFF RECOMMENDATIONS

City Staff recommend that the City Council approve and authorize the City Manager to execute Amendment #2 for Swinerton Management & Consulting in an amount not to exceed \$90,500.


ATTACHMENTS

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Amendment No. 2 to the CMAA Standard Form of Agreement between the City of Sausalito as Owner and Swinerton Management & Consulting as Construction Manager dated July 1st, 2005

PREPARED BY:

REVIEWED BY:

Loren Umbertis
Swinerton Management & Consulting



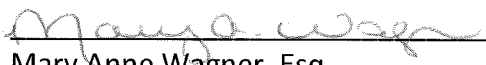
Jonathon Goldman
Director of Public Works

REVIEWED BY:

REVIEWED BY:

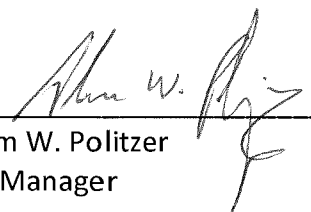


Charlie Francis
Administrative Services Director/Treasurer



Mary Anne Wagner, Esq.
City Attorney

SUBMITTED BY:



Adam W. Politzer
City Manager

RESOLUTION No. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE
AMENDMENT NO. 2 TO THE CMAA STANDARD FORM OF AGREEMENT
BETWEEN THE CITY OF SAUSALITO AS OWNER AND SWINERTON
MANAGEMENT & CONSULTING AS CONSTRUCTION MANAGER DATED
JULY 1ST, 2005**

WHEREAS, by Minute Order adopted July 26, 2005, Swinerton Management & Consulting was retained to provide professional services associated with the THE SAUSALITO PUBLIC SAFETY FACILITIES PROJECT NEW CONSTRUCTION (the "Project") under a CMAA Standard Form of Agreement for Construction Management dated July 1, 2005; and

WHEREAS, by Minute Order adopted on the 23rd day of September, 2008 the City Council of the City of Sausalito awarded Alten Construction, Inc. of Richmond, California a contract for construction of the Project; and

WHEREAS, by Minute Order adopted the 2nd day of September, 2008 the Council authorized Amendment No. 1 to said professional services agreement with Swinerton Management & Consulting; and

WHEREAS, time lost to the City's advantage when the Project was re-bid require an extension of the time that Swinerton Management & Consulting's services will be required; and

WHEREAS, the City's Architect for the Project, Glass Architects, its Construction Manager, Swinerton Management & Consulting, and the City's Director of Public Works, have identified tasks required during the Close Out and Move-in process for the Public Safety Facilities which were not included in the original Request for Proposals (RFP) for Construction Management Services issued by the City of Sausalito, in other authorized scopes of consulting services or readily self-performed by City Staff; and

WHEREAS, City Staff solicited and Swinerton Management & Consulting submitted a proposal to provide Project Management Services to assist the City on these critical issues; and

WHEREAS, the City's Director of Public Works, City Manager and the Council's Finance Committee, have reviewed and considered the requirement for Swinerton Management & Consulting's proposal and confirmed that the additional work is justified, equitable, and otherwise in order, and recommends that the City Council approve Amendment No. 2 to said Standard Form of Agreement with Swinerton in an amount not to exceed \$90,500 (NINETY-THOUSAND FIVE-HUNDRED DOLLARS).

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NOW, THEREFORE, the City Council of the City of Sausalito does hereby resolve as follows:

1. The attached Amendment No. 2 to the Standard Form of Agreement with Swinerton Management & Consulting in an amount not to exceed \$90,500 (NINETY-THOUSAND FIVE-HUNDRED DOLLARS) is hereby approved.
2. The City Manager is authorized to execute said Amendment No. 2 to the Standard Form of Agreement with Swinerton approved hereunder.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 6th day of October, 2009, by the following vote:

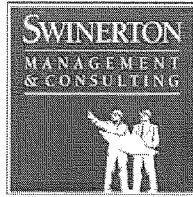
AYES: Councilmembers:
NOES: Councilmembers:
ABSTAIN: Councilmembers:

Mayor, City of Sausalito

ATTEST:

City Clerk

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INNOVATION
INTEGRITY
EXPERIENCE

September 14, 2009

Adam Politzer
City Manager
City of Sausalito
420 Litho St.
Sausalito, CA 94965

Dear Adam:

Swinerton would like to present our revised proposal for additional services for the City of Sausalito Public Safety Facilities. We are confident our proposal will provide the services you need to manage all aspects of completion of the project; and recognize added value managing key project tasks. We look forward to discussing the items listed below so that we can collaboratively reach agreement:

Extended duration of Construction Contract:

To date, Alten Construction has been granted 92 additional contract days by the City of Sausalito. These days were granted for extended time for:

- Unforeseen underground storage tanks
- Underpinning required for installation of shoring
- Change in shoring system from tie-back to soldier beam system
- Additional work for enhanced detention facilities at the Police Station

Although the additional work and added construction duration has required Swinerton to perform its monthly on-site construction management services for three additional months, we will perform these services to the City of Sausalito for **no additional fee**.

Alten does currently have additional time extension requests for a total of approximately two months for the following items:

- Weather delays
- Added height of Police Station walls
- Additional water stop work at Police Station

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San Francisco, California 94107
www.swinerton.com

Telephone
415 984-1261

Facsimile
415 984-1292

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Swinerton's analysis shows that there are legitimate additional days for this work, however our view is that there are only 20-30 justifiable additional days for these items. We are in the process of finalizing agreement with Alten and plan to present the final recommendation to the City on October 6. This additional work will require Loren to represent the City on-site for additional time. We would like to request additional fees for this work as required, appropriately related to the additional time granted to Alten by the City.

Project re-bidding:

In August 2008, due to dual protests from the two lowest bidders, the City Attorney recommended re-bidding the project to the pre-qualified contractors. An unintended consequence was that the lowest responsible bid was approximately \$300,000 lower than at the first bid. Swinerton's contract scope of work does not include management of this additional bid. The City benefitted substantially from the re-bid effort; Swinerton's request is simply compensation for management of that effort:

Management of Re-Bidding:	Rate:	135	160	Total
	Staff:	PM	PEX	
Bid Document Preparation (Advertisement, printing, notifications)		24		3,240
Manage Bid Process (Q&A, distribution of documents, Addenda)		32	16	6,880
Bid evaluation (bid review, document verification, etc.)		40	24	9,240
Total		96	40	19,360

Close-out / Move-in / FF&E Management:

Following our meetings with Jonathan and you on August 21 and September 10, we have revised the scope of Project Close-out services discussed in those meeting, and present the following Proposal. The final step will be to review the Alten and Glass scopes of work to insure that there is no overlap of services, and also determine which entity (the GC, Architect, or the City) is best suited to manage these efforts:

<u>PROJECT / CONSTRUCTION CONTRACT CLOSE-OUT</u>		Staff	Rate	Fee	Notes
	Staff:	PEX	PM		
	Rate:	170	145		
Training of City Staff	Set up and coordinate contractor-provided training of City staff for bulding systems operations.		24	3,480	
Building Commissioning	With City maintenance/facilities staff, Observe operating test of all building systems and landscape irrigation systems and make recommendations for adjustments. Coordinate LEED Commissioning with Commissioning Agent.	8	24	4,840	
Punch List Preparation	Prepare and compile a project punch list with assistance from City staff, AE, and PM.		40	\$0	Included in contract scope
Punch List Completion	Hold final walk through inspection with the architect, County, and other parties designated by the County to determine acceptance of the project as complete; prepare final punch list.		40	\$0	Included in contract scope
Substantial Completion / TCO	Schedule TCO inspections with Contra Costa County; attend/monitor inspections; Coordinate Notice of Substantial Completion with Architect	2	24	3,820	
Final Inspection / Certificate of Completion	Schedule final inspections with Contra Costa County; attend/monitor inspections; Review documentation for Notice of Completion, recommending final acceptance of the project.	2	24	3,820	

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As-built drawing review	Review As-built drawings for accuracy at completion of project. Issue formal requests to contractor for incomplete items. Review as-builts with City operations staff.		32	4,640	
Close-out Documentation	Ensure completion and delivery of all required close-out documents including Operations & Maintenance Manuals and warranties. Review all close-out documents for compliance for completeness; report any discrepancies to Contractor for corrections and resubmittal; review with City operations staff.	8	40	7,160	
Total:		20	248	27,760	

MOVE MANAGEMENT / FF&E / TECHNOLOGY / EQUIPMENT:

		Staff:		Rate	Fee	Notes
		PEX	PM			
		Rate:	170	145		
Budget Management	Create and manage detailed budget of Furniture, Fixtures, and Equipment (FF&E) incorporating Glass' FF&E budget, also including communications, A/V, IT, and other equipment; update no less than monthly	8	40	7,160	Prepare budget: PM 4 hours; 8 monthly updates: PM 5 hours, PEX 1 hour	
Schedule Management	Create and maintain detailed FF&E schedule including scope confirmation, procurement, delivery, and installation activities; update no less than monthly	8	40	7,160	Prepare schedule: PM 4 hours; 8 monthly updates: PM 5 hours, PEX 1 hour	
FF&E Procurement	Interface with City of Sausalito purchasing staff to schedule procurement of FF&E. Review requisitions and/or purchase orders for accuracy, and confirm delivery dates and delivery scope.	4	24	4,160	PM 24 hours, PEX 4 hours	
Data / Telecom / Audio Visual	Procure IT consultant and vendors (issue RFP; evaluate Proposals, make recommendation for selection). Work with County IT staff, building users, and vendors to manage procurement and installation of IT and A/V systems. Include scope in FF&E Budget and Schedule.	2	48	7,300	Procure consultant: PM 4 hours. Manage Procurement: PEX 2 hours, PM 16 hours. Monitor installation: PM 28 hours	
Security Systems	Procure Security consultant/vendor (issue RFP; evaluate Proposals, make recommendation for selection). Work with building users and vendors to manage procurement and installation of security systems. Include scope in FF&E Budget and Schedule	2	24	3,820	Procure consultant: PM 4 hours. Manage Procurement: PEX 2 hours, PM 8 hours. Monitor installation: PM 12 hours	
Communications Equipment	Coordinate with communications vendors/resources for RACES, MERA and CERT equipment and systems. Work with County vendors to manage procurement and installation of IT and A/V systems. Coordinate construction infrastructure requirements between vendors, General Contractor and end-users.	2	40	6,140	Procure vendor(s): PM 4 hours. Interface with agencies: PEX 2 hours, PM 12 hours. Monitor installation: PM 24 hours	
Move Management	Procure moving company (issue RFP; evaluate Proposals, make recommendation for selection). Work with moving company and building users to develop move procedures and schedule; monitor execution of moving company services. Manage keying with Contractor and City staff.	4	48	7,640	Procure mover: PM 4 hours. Manage move PEX 4 hours, PM 44 hours.	
Total:		30	264	43,380		

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SWINERTON MANAGEMENT & CONSULTING

Summary:

We have enjoyed a collaborative working partnership with the City on the Public Safety Facilities project, and look forward to continuing our successes as we work toward completion.

Sincerely,

Swinerton Management & Consulting

A handwritten signature in black ink, appearing to read "John Baker", with a horizontal line extending to the right.

John Baker
Project Executive

Cc: Jonathan Goldman, Public Works Director, City of Sausalito
Loren Umbertis, Swinerton Management & Consulting