



# STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

## AGENDA TITLE:

Review and Approval of Alten Change Order Request #12

## RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order #12 for Alten Construction Inc. for Sausalito Public Safety Facilities Project New Construction Dated October 9, 2008.

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## SUMMARY

Alten Construction has submitted ten (10) Change Order Requests in the amount of \$116,385. Swinerton Management & Consulting ("SMC"), City Staff and Glass Architects have reviewed these Change Order Requests and recommend that the City Council approve the change to the construction contract with Alten Construction.

## BACKGROUND

Alten Construction has submitted ten (10) Change Order Requests not previously approved during the course of its work on both buildings. These proposed changes have been reviewed by SMC, Glass Architects and Staff and found to represent legitimate changes to the original scope that are necessary for satisfactory completion of the project and for which the proposed compensation is equitable. The details of and the costs associated with these proposed changes are described in Change Orders Request number order as follows:

**Change Order 46 and 46A – Install Storm Drain along Caledonia to Bridgeway - \$24,681 and \$21,298** – The intent of this Change Order is for the installation of a new storm drain from the Fire Station to the corner of Bridgeway and Caledonia Streets. COR 46 equals the amount originally anticipated as an Alternate during the original bidding process that the City has decided to accept. Alten has already conducted some exploratory work along Caledonia St as part of the installation. In so doing, Alten, SMC and the City learned of the existence of a significant number of utilities along the proposed path of the Storm Drain. This necessitated further review by the Civil Engineer for the Project resulting in a re-design from the original anticipated scope. The new work includes the installation of two added manholes to help bypass the existing utilities, including gas service, electrical service and a water main. City Staff have reviewed the costs associated with the original work and the new work and recommend to the City Council that they approve COR 46 and 46A.

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Item #: 608

Meeting Date: April 6, 2010

Page #: 1

**Change Order 48 – Deep Trenching - \$28,888** – In the event of an emergency power outage, the Public Safety Facilities Project has an emergency generator that feeds both buildings. In order to provide power to the Police Station, a trench was required to be dug across Caledonia St and electrical conduits laid at proper depths. After commencement of the digging, multiple utilities were discovered at varying depths under the roadway. These utilities included two (2) AT&T telecommunications conduits, an active gas line, a active private sewer lateral serving adjacent property, an abandoned water main and active public sanitary sewer line. The new electrical lines could not be placed above these utilities because a certain vertical separation is required between such utilities. As a result, Alten was required to hand dig around the existing utilities, so as to not damage them, to a greater depth than could have been anticipated. This added depth also required shoring for worker safety as the depth of the excavation exceeded 5 feet below grade. The Change Order Request costs represent the added work of hand digging, shoring of the excavation for laborer protection and disposal of excess soils only. City Staff and Swinerton Management & Consulting have reviewed this request and recommend to the City Council that the request be approved in the amount of \$28,888.

**Change Order Request 57R2 – Lighting and Irrigation Changes - \$2,790** – This Change Order Request represents the added work required to provide irrigation and lighting conduits for the future Art Feature and Planter outside of the Police Department entrance. Alten originally submitted a change order request in the amount of \$4,501 but after review by City Staff and Swinerton, Alten revised their request to \$2,790. City Staff and Swinerton Management & Consulting have reviewed the scope and costs, and recommend that the City Council approve the change order request in the amount of \$2,790.

**Change Order Request 63R1 – Fix for Conflicting Planes - \$8,006** – This Change Order Request is due to the fact that there were conflicts between structural framing plans and architectural elevations of the building drawings. In order to create a flush finish between existing shear walls and exterior framing, Alten was required to add additional sheetrock to the exterior of the building to obtain the flush finish. City Staff and Swinerton Management & Consulting have reviewed the scope and costs, and recommend that the City Council approve the change order request in the amount of \$8,006

**Change Order 85 – Demo and Re-frame skylight at PD - \$1,847** – This change order request is for the demo and reframing of one of the Police Station skylights. There was a small conflict with one of the skylights providing light to a 1<sup>st</sup> floor office with equipment installed. As a result, Alten was required to demo a portion of constructed skylight and re-frame that portion to avoid the conflict. City Staff and Swinerton Management & Consulting have reviewed the scope and costs, and recommend that the City Council approve the change order request in the amount of \$1,847.

**Change Order Request 86 – Install Backing at FD - \$2,506** – This Change Order Request is the result of requesting Alten Construction to install backing in the interior framing of the Fire Station for the purpose of mounting furniture and equipment to the interior walls. Furniture

and Fixtures were not identified completely at the beginning of the project when the project was put out to Bid. Once the Furniture, Fixture and Equipment packages were finalized, Glass Architects requested that Alten Construction place backing in the walls to support the various pieces of equipment. This Change Order represents the added backing that was required. City Staff and Swinerton Management & Consulting have reviewed the scope and costs, and recommend that the City Council approve the change order request in the amount of \$2,506.

**Change Order Request 88 – Changes to Air and Electrical Reels in FD Apparatus Bay - \$4,387 –**

This Change order represents changes to some of the locations of electrical and compressed air reels from the Apparatus Bay ceiling. Some of the locations were changed from the original set of plans by the Sausalito Fire Department after review of the plans. Other costs involved in this change order are due to the change of the ceiling from a framed sheetrock ceiling to a suspended sheetrock ceiling. As a result of the change, supporting brackets were required to be installed to the underside of the metal deck with suspended rods to support the air and electrical reels in the event of an earthquake. Also within this change order is a credit for 6 hose reels that were noted on the plans but not ultimately required. City Staff and Swinerton Management & Consulting have reviewed the scope and costs, and recommend that the City Council approve the change order request in the amount of \$4,387.

**Change Order Request 89 – Potholing at corner of Caledonia and Johnson St at PD - \$12,725 –**

This Change Order Request is due to a request from the Director of Public Works and the Sewage Coordinator to conduct exploratory digging at the southwest corner of Caledonia and Johnson St. to confirm that an unmapped storm drain encountered during sitework construction was abandoned, to review conditions of drain inlets and to review conditions of existing utilities at that corner. Alten conducted this work on a Time and Material basis at the behest of the City. City Staff and Swinerton Management & Consulting have reviewed the scope and costs, and recommend that the City Council approve the change order request in the amount of \$12,725.

**Change Order Request 66 – Added Plumbing and Exhaust Changes at FD - \$9,257 –**

This Change order Request represents additions to the Fire Department exhaust and plumbing system. An exhaust duct and fan was added for provide exhaust to the hose dryer unit that was part of the Furniture, Fixture and Equipment package. As the equipment was not part of the original scope of drawings, once the equipment was identified as part of the FF&E package, the exhaust requirement was also determined. The change order requests is also for added plumbing work for the Washer/Extractor unit that deep cleans the Firefighter's work clothing. City Staff and Swinerton Management & Consulting have reviewed the scope and costs, and recommend that the City Council approve the change order request in the amount of \$9,257.

**ISSUES**

No issues have been identified with the contemplated action.

## **FISCAL IMPACT**

Approval of Alten's Change Order No. 12 will result in a deduction of \$116,385 from the hard cost construction contingency encumbrance of the General Obligation Bond Funds for this Project. Taking the proposed change orders into account, the amount of funds remaining in the Hard Cost Contingency is \$144,555.

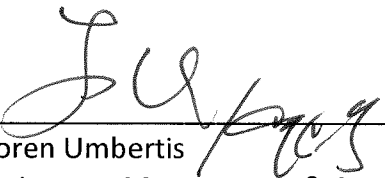
## **STAFF RECOMMENDATIONS**

Staff, Swinerton Management & Consulting and Glass Architects recommend that the City Council Approve and Authorize the City Manager to execute Change Order No. 12 to the Contract with Alten Construction Inc. for Construction of the Public Safety Facilities Project in the amount of \$116,385.


## **ATTACHMENTS**

Resolution No. \_\_\_ of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order No. 12 to the Contract with Alten Construction Inc. for Construction of the Sausalito Public Safety Facilities Project New Construction Dated October 9, 2008

PREPARED BY:

  
Loren Umbertis  
Swinerton Management & Consulting

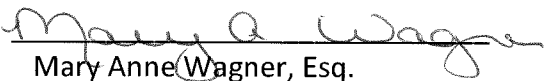
REVIEWED BY:

  
Jonathon Goldman  
Director of Public Works

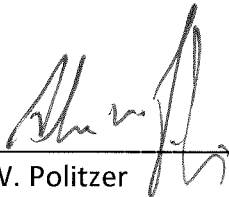
REVIEWED BY:

  
Charlie Francis  
Administrative Services Director/Treasurer

REVIEWED BY:

  
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  
AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 12  
TO THE CONTRACT WITH ALTEN CONSTRUCTION INC. FOR SAUSALITO  
PUBLIC SAFETY FACILITIES PROJECT NEW CONSTRUCTION DATED  
OCTOBER 9, 2008**

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**WHEREAS**, by Minute Order adopted on the 23<sup>rd</sup> day of September, 2008 the City Council of the City of Sausalito awarded Alten Construction, Inc. of Richmond, California (“Alten”) a contract for BID NUMBER F-141, THE SAUSALITO PUBLIC SAFETY FACILITIES PROJECT NEW CONSTRUCTION (the “Project”); and

**WHEREAS**, the Contract with Alten for the Project was fully executed the 9<sup>th</sup> day of October, 2008 and Notice to Proceed was issued; and

**WHEREAS**, during the course of recent phases of construction of the Project, situations have been encountered that were either not clearly outlined, or were entirely unforeseen, and Alten has diligently performed additional work as authorized by the City under the terms of its Contract and the City Council of the City of Sausalito has approved requisite change orders for said work with Resolution 5001 of February 10, 2009, Resolution 5035 of June 9, 2009, Resolution 5053 of July 21, 2009, Resolution 5062 of September 1, 2009, Resolution 5071 of October 6, 2009, and Resolution 5082 of November 10, 2009, Resolution 5097 of December 8, 2009, Resolution 5105 of January 26, 2010, Resolution 5112 of February 23, 2010, and Resolution \_\_\_ of March 16, 2010 (Change Order No. 11) and

**WHEREAS**, during the course of recent phases of construction of the Project, situations have been encountered that were either not clearly outlined, or were entirely unforeseen, and Alten has requested additional compensation to complete its work under the terms of its Contract; and

**WHEREAS**, Alten, in conformance with the Contract, has issued Change Order Requests numbered COR-46 and -46A, COR-48, COR-57R2, COR-63R1, COR-85, COR-86, COR-88, COR-89, and COR-66 to the City of Sausalito for review and consideration; 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 reviewed and considered said Change Order Requests and confirmed that they are justified, equitable, and otherwise in order, and recommend that the City Council approve said requests as CHANGE ORDER No. 12 to said Contract with Alten in the amount of \$116,385 (ONE-HUNDRED SIXTEEN THOUSAND THREE-HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS).

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

1. The City Manager is authorized to execute Change Order No. 12 to said Contract with Alten in the amount of \$116,385 (ONE-HUNDRED SIXTEEN THOUSAND THREE-HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS).

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Sausalito on the 6th day of April, 2010, by the following vote:

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

\_\_\_\_\_  
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

\_\_\_\_\_  
CITY CLERK



# STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

## AGENDA TITLE:

Review and Approval of Change Order No. 1 to Smith Emery Special Inspections Agreement

## RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order No. 1 to the Contract with Smith Emery for Special Inspections for the Public Safety Facilities Project

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## SUMMARY

The City of Sausalito obtained the services of Smith Emery to provide Special inspection services for the Public Safety Facilities Project. The original contract amount was \$59,149. Due to changes in scope and schedule, Smith Emery has exceeded the original contract amount by \$55,017.66. With approval from the City Council of Sausalito, the City and Smith Emery will agree to a negotiated settlement for a total of \$40,583.66 to resolve all outstanding issues regarding the exceeded original contract amount.

## BACKGROUND

On June 11<sup>th</sup>, 2008, prior to the start of construction on the Public Safety Facilities Project, an Invitation to Bid to provide Special Inspections services was issued. Four Special Inspection vendors submitted Proposals. Smith Emery was the Low Bidder and was subsequently selected to provide Special Inspection services to the Project. At the time, the Project did not have a General Contractor and as such, no official construction schedule was available for review by any of the prospective vendors. The Special Inspection vendors based their proposals upon their expectations of the work to be performed and under the assumption that both of the buildings would be constructed concurrently.

The Bid Proposals from each of the four vendors are listed below:

Smith Emery	\$59,149.00
CEL	\$59,608.55
Ninyo & Moore	\$72,900.00
ISI	\$87,083.52

City Staff and Swinerton Management & Consulting reviewed all of the proposals and determined that the total hours and scope of work was consistent among all of the vendors



with slight variations. As a result of the review, Smith Emery was selected and approved to provide Special Inspection services to the Project.

The Project began construction on October 9<sup>th</sup>, 2008. Once work began, it was decided among the Project Team to modify the construction of the retaining walls and shear walls from cast-in-place concrete to shotcrete walls. In addition, once demolition and excavation occurred at the site of the Police Station, it became apparent that the construction of the retaining walls would require additional time which caused the construction of the Police Station to lag slightly behind the construction of the Fire Department. This lag resulted in a change that prohibited concurrent construction of the buildings and therefore prohibited concurrent inspection of both buildings. Smith-Emery had predicated its proposed budget on concurrent inspection to reduce total inspection services.

As the project rapidly commenced with structural steel for the foundation and for the vertical construction of the building, Inspection Services were utilized. After a period of some months, it became apparent to Swinerton Management & Consulting that the original contract would be exceeded. Swinerton contacted Smith Emery to determine the causes. Due to the change from cast-in-place to shotcrete, different inspection services were required that were not anticipated when the Special Inspection Requests for Proposals was issued. The change in the sequencing of the project also required Smith Emery double their inspections to ensure all aspects of both buildings were receiving proper inspection and testing.

City Staff and Swinerton Management & Consulting informed Smith Emery that no notice of change to the original estimate had been provided to the City, either for the change in testing procedures for the change of cast-in-place to shotcrete, or to the change of sequencing. However, the inspection services are required to ensure that the buildings are built properly and safely. City Staff and Swinerton Management & Consulting informed Smith Emery that it should have been their duty to inform the City of the need for additional budget. As a result, City Staff and Swinerton Management & Consulting informed Smith Emery that they would not be entitled to complete compensation for the total overages to their Original Contract. City Staff and Swinerton Management & Consulting prepared and issued a settlement offer to Smith Emery. Smith Emery originally had requested compensation for the overage to the contract in the amount of \$55,017.66. City Staff and Swinerton Management & Consulting proposed to reduce the amount owed to Smith Emery by \$14,434.50 due to the fact that Smith Emery did not alert the City to potential overages and agree to pay Smith Emery only \$40,583.66. Smith Emery agreed to the proposal, and now City Staff and Swinerton Management & Consulting recommend to the City Council that Change Order #1 be approved in the amount of \$40,583.66 to resolve all outstanding issues regarding Special Inspection Services. The proposed change order will cover completion of the project by Smith-Emery.

## ISSUES

No issues have been identified with the contemplated action.

**FISCAL IMPACT**

Approval of Change Order No. 1 will result in a deduction of \$40,583.66 from the soft cost contingency encumbrance of the General Obligation Bond Funds for this Project. Available funds are adequate for this change.

**STAFF RECOMMENDATIONS**

Staff and Swinerton Management & Consulting recommend that the City Council approve and authorize the City Manager to execute Change Order No. 1 to the Contract with Smith Emery for Special Inspection Services in the amount of \$40,583.66.

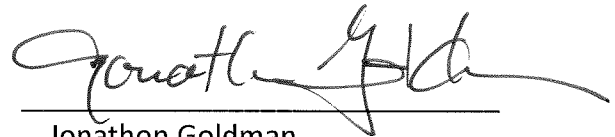
**ATTACHMENTS**

A Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order No. 1 to the Contract with Smith Emery to provide Special Inspection Services to the Public Safety Facilities Project.

PREPARED BY:

REVIEWED BY:

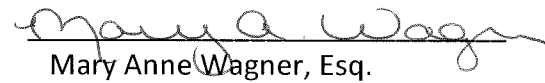
  
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Loren Umbertis  
Swinerton Management & Consulting

  
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Jonathon Goldman  
Director of Public Works

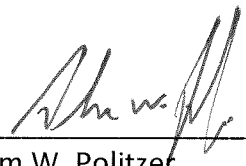
REVIEWED BY:

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  
CHANGE ORDER NO. 1 TO THE CONTRACT WITH SMITH-EMERY COMPANY  
FOR SPECIAL INSPECTIONS FOR THE SAUSALITO PUBLIC SAFETY FACILITIES  
PROJECT**

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**WHEREAS**, by minute order adopted on the 23<sup>rd</sup> day of September, 2008 the City Council of the City of Sausalito awarded Alten Construction, Inc. of Richmond, California (“Alten”) a contract for BID NUMBER F-141, THE SAUSALITO PUBLIC SAFETY FACILITIES PROJECT NEW CONSTRUCTION (the “Project”); and

**WHEREAS**, with Council Action of October 7, 2008, Smith-Emery Company was retained for special inspections needed during construction of the Project; and

**WHEREAS**, during the course of subsequent construction of the Project, the need for additional services from Smith-Emery has been identified; and

**WHEREAS**, Smith-Emery, in conformance with its Contract, has issued a Change Order Request to the City of Sausalito for review and consideration; 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 reviewed and considered said Change Order request and confirmed that it is justified, equitable, and otherwise in order, and recommend that the City Council approve said request as CHANGE ORDER No. 1 to said Contract with Smith-Emery in the lump sum amount of \$40,583.66 (FORTY-THOUSAND FIVE-HUNDRED EIGHTY-THREE AND 66/100 DOLLARS).

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

1. CHANGE ORDER No. 1 (which incorporates Smith-Emery’s Change Order Request by reference hereunder), in the lump sum amount of \$40,583.66 (FORTY-THOUSAND FIVE-HUNDRED EIGHTY-THREE AND 66/100 DOLLARS) between Smith-Emery Company and the City of Sausalito, is hereby approved.
2. The City Manager is authorized to execute said CHANGE ORDER No. 1 to the Contract with Smith-Emery Company on behalf of the City.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Sausalito on the 6th day of April, 2010, by the following vote:

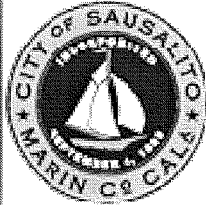
AYES: Councilmembers:  
NOES: Councilmembers:  
ABSTAIN: Councilmembers:  
ABSENT: Councilmembers:

\_\_\_\_\_  
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

\_\_\_\_\_  
CITY CLERK

6B2  
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Joe Berriatua  
Smith Emery Company  
1940 Oakdale Ave  
San Francisco, CA 94124

Re: Exceeded Contract Amount

Joe,

I have reviewed the issue of the exceeded contract amount with City Staff.

Initially, I would like to confirm certain amounts to make sure that we are discussing the proper figures.

The original Contract Amount was \$59,149.00. The City of Sausalito has paid to date \$58,375, leaving a remaining balance of \$774.00.

Smith Emery has performed additional tasks and still has some tasks that were part of the Original Scope to complete. To perform the Original Tasks and to cover the extras, Smith Emery will exceed the authorized budget by \$55,017.66. The new revised total would then be \$114,166.66. This represents approximately a 48% increase from the original contract.

As noted in our previous conversations, there were a number of reasons why this overage occurred. However, I have noted in conversations with yourself and Janel Bronson, that no indication of the increased costs was ever presented to the City, but rather that it was the City that inquired as to overages and it was explained that the overages were a "mistake" or that the overages, if any, would run in the few thousands.

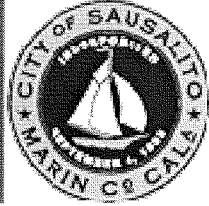
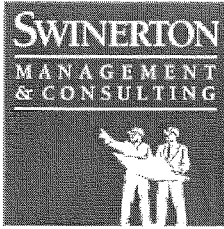
Of particular notice is the fact that the original design called for Cast-In-Place retaining and shear walls, but that the design was changed to shotcrete walls. The changes in the testing requirements for shotcrete walls resulted in an increase \$14,434.50. At no time was the fact that the changed design would require additional costs ever mentioned or communicated to the City until much later in the Project, after the City began inquiring about overages.

It should also be noted that at no time did Smith Emery communicate to the City that changes in the schedules would result in a change to the original contract amount. Schedules were available should anyone from Smith Emery have requested them, but no request was ever received.

It is the position of the City of Sausalito that Smith Emery had and has an obligation to inform their client prior to incurring charges in excess of those authorized under an existing contract. This did not take place until well after the original amount of the agreement was exceeded, and to a large degree, only at the behest of the City of Sausalito.

The City wishes to complete this project and move on and there are still outstanding activities required of Smith Emery to complete the Project.

On that note, City Staff is willing to accept responsibility for cost overruns as a result of the schedule changes despite not having received information from Smith Emery that schedule changes would result in additional costs. However, the City is not willing to incur costs associated with the change of design for the shear walls



from CIP to shotcrete. This item, when noted by Smith Emery, should have been noted and immediately communicated to the City of Sausalito that it would require an adjustment of the original contract amount. Had this been done in a timely fashion, the City may have been able to pass those additional costs on to the contractor. As it turned out, the City did not have this information.

In final, City Staff is willing to recommend to Council that the overage amount due to Smith Emery excluding costs associated with the change to shotcrete be paid. This would result in the following, \$55,017.66 (Amount over budget) subtracting \$14,434.50 (amount associated with shotcrete design) equaling a total of \$40,583.66.

If approved by Council, the City will pay Smith Emery \$40,583.66 over the original contract amount. This payment will be made upon acceptance by Smith Emery and Council approval of a contract amendment. This amount will cover costs associated with overages and extras and will also cover the costs for some of the original scopes of work included in the original Smith Emery Agreement. Acceptance of this amount will be final and will represent the full amount due for all remaining services.

Should Smith Emery agree to the amount offered, please respond to the City so that Staff may request Council approval of the contract amendment and payment can be made.

Sincerely,

**Loren J. Umbertis**

Digitally signed by Loren J. Umbertis  
DN: CN = Loren J. Umbertis, C = US, O = Swinerton  
Inc., OU = Swinerton Management & Consulting  
Reason: I am the author of this document  
Date: 2010.02.17 15:47:59 -08'00'

Loren Umbertis  
Project Manager  
Swinerton Management & Consulting

CC: Jonathon Goldman, City of Sausalito  
Mary Wagner, City of Sausalito  
Adam Politzer, City of Sausalito  
John Baker, Swinerton Management & Consulting



# STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

## AGENDA TITLE:

Review and Approval of Change Order No. 2 to CEL/Geosphere Geotechnical Special Inspections Agreement

## RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order No. 2 to the Contract with CEL/Geosphere for Special Inspections for the Public Safety Facilities Project

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## SUMMARY

CEL/Geosphere was selected by the City of Sausalito to provide Geotechnical Services to the Public Safety Facilities Project for an amount not to exceed \$7,500.00 for the purpose of providing geotechnical special inspection services for the observation and testing of a new Storm Drain line to be installed along Caledonia St to Bridgeway Avenue.

## BACKGROUND

CEL/Geosphere was selected by the City of Sausalito to provide Geotechnical Special Inspection services for the Public Safety Facilities Project. The Original Contract with CEL/Geosphere was in the amount of \$32,866.00. In May of 2009, Change Order #1 was approved by the City Council in the amount of \$37,000. This Change order was required due to re-sequencing of construction and due to changes as a result of conditions discovered at the Police Station site and for activities relating to the discovery of underground storage tanks. The current Change Order request is to provide additional services to the City to oversee and provide geotechnical special inspections as the Scope of work has been revised. The Project will be installing a new storm drain system along Caledonia to Bridgeway. This scope of work was not a part of the original contract with Alten Construction, and therefore was not part of the Work that was reviewed by CEL/Geosphere when they submitted their original proposal or their first Change Order request. CEL/Geosphere is required to provide inspection services for the installation of the Storm Drain system to ensure that the system is installed correctly and that compaction of the trench conforms to City Standards and Requirements.

City Staff recommends that the City Council approve Change Order No. 2 to the Original Contract for an amount not to exceed \$7,500. The actual amount of the services will likely be less than the \$7,500 requested, but due to the fact that we have previously discovered many unforeseen conditions underground at the Project, City Staff believes the amount requested will cover any unforeseen conditions and associated costs.

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Item #: 6003

Meeting Date: April 6, 2010

Page #: 1

## **ISSUES**

No issues have been identified with the contemplated action.

## **FISCAL IMPACT**

Approval of Change Order No. 2 will result in a deduction of \$7,500 from the soft cost contingency encumbrance of the General Obligation Bond Funds for this Project.

## **STAFF RECOMMENDATIONS**

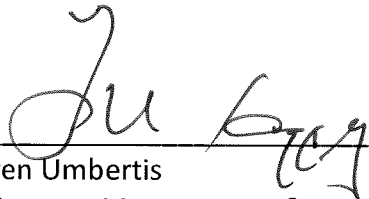
Staff and Swinerton Management & Consulting recommend that the City Council approve and authorize the City Manager to execute Change Order No. 2 to the Contract with CEL/Geosphere for Special Inspection Services in the amount of \$7,500

## **ATTACHMENTS**

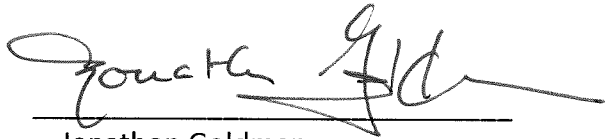
1. A Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order No. 2 to the Contract with CERL/Geosphere to provide Special Inspection Services to the Public Safety Facilities Project.



PREPARED BY:

  
\_\_\_\_\_  
Loren Umbertis  
Swinerton Management & Consulting


REVIEWED BY:

  
\_\_\_\_\_  
Jonathon Goldman  
Director of Public Works

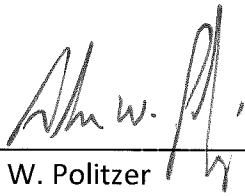
REVIEWED BY:

  
\_\_\_\_\_  
Charlie Francis  
Administrative Services Director/Treasurer

REVIEWED BY:

  
\_\_\_\_\_  
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  
CHANGE ORDER NO. 2 TO THE CONTRACT WITH CEL/GEOSPHERE  
CONSULTANTS, INC. FOR GEOTECHNICAL INSPECTIONS FOR THE SAUSALITO  
PUBLIC SAFETY FACILITIES PROJECT**

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**WHEREAS**, by minute order adopted on the 23<sup>rd</sup> day of September, 2008 the City Council of the City of Sausalito awarded Alten Construction, Inc. of Richmond, California (“Alten”) a contract for BID NUMBER F-141, THE SAUSALITO PUBLIC SAFETY FACILITIES PROJECT NEW CONSTRUCTION (the “Project”); and

**WHEREAS**, with Council Action of October 21, 2008, CEL/Geosphere was retained for geotechnical inspections needed during construction of the Project; and

**WHEREAS**, with Resolution 5035 of June 9, 2009, the City approved Change Order No.1 to the Contract with CEL/Geosphere for geotechnical inspections needed during construction of the Project beyond those contemplated in the initial procurement; and

**WHEREAS**, during the course of subsequent construction of the Project, the need for additional services from CEL/Geosphere has arisen for a storm drain extension along Caledonia southward from the new Fire Station to tie into the existing storm drain line at the intersection of Caledonia, San Carlos and Bridgeway; and

**WHEREAS**, CEL/Geosphere, in conformance with its Contract, has issued a Change Order Request to the City of Sausalito for review and consideration; 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 reviewed and considered said Change Order request and confirmed that it is justified, equitable, and otherwise in order, and recommend that the City Council approve said request as CHANGE ORDER No. 2 to said Contract with CEL/Geosphere in an amount not to exceed \$7,500 (SEVEN-THOUSAND FIVE-HUNDRED DOLLARS).

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

1. CHANGE ORDER No. 2 (which incorporates CEL/Geosphere’s Change Order Request by reference hereunder), in an amount not to exceed \$7,500 (SEVEN-THOUSAND FIVE-HUNDRED DOLLARS) to the Contract dated the 21<sup>st</sup> day of

October, 2008 between CEL/Geosphere, Inc. and the City of Sausalito, is hereby approved.

2. The City Manager is authorized to execute said CHANGE ORDER No. 2 to the Contract with CEL/Geosphere on behalf of the City.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Sausalito on the 6th day of April, 2010, by the following vote:

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

\_\_\_\_\_  
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

\_\_\_\_\_  
CITY CLERK

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# STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

## AGENDA TITLE

Rejection of Bids for Furnish and Install of Security and Access Control Systems in the Public Safety Facilities and Direction to Revise Bid Documents and Re-Bid

## RECOMMENDED MOTION

Adopt a Resolution of the City Council of the City of Sausalito Rejecting Bids to Furnish and install Security and Access Control Systems for the Public Safety Facilities Project and Directing Revisions to Bid Documents and Re-Bidding

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## SUMMARY:

The Public Safety Facilities Project issued a Request for Bids to Furnish and Install Security and Access Control Systems for the new Fire and Police Stations. The Request for Bids was issued on February 20<sup>th</sup>, 2010 through an Advertisement to Bid per the requirements of the City of Sausalito's Procurement Process as well as Public Contract Code Requirements, and Bid Documents were made available through the City of Sausalito's website.

Bids were due on March 16<sup>th</sup>, 2010. Three prospective vendors submitted Bids for the Project. The Bidder's and their Bids are as follows:

SSD Systems	\$60,039.62
Electronic Innovations	\$61,552.80
WBE Inc	\$71,605.00

SSD Systems was declared the Apparent Low Bidder and City Staff began to conduct their review of the Bid to determine if the Bid was responsive. During the review, the second low bidder, Electronic Innovations filed a protest within the allowable time frame stating that SSD's Bid was unresponsive due to the fact that one piece of equipment submitted as part of SSD's Bid was not approved or specified in the original Documents and Specifications therefore rendering the Bid unresponsive.

SSD Systems was alerted to the Protest and issued a response to the Protest. City Staff and City Counsel reviewed the original Protest, the Protest Response and the Bid Documents and believe that the Protest is sufficiently valid to warrant re-bidding the project.

City Staff and Counsel recommend to the City Council that all of the Bids be rejected and that direction shall be given to City Staff to modify the Bid Documents and re-bid the Security and Access Control Systems. A new Advertisement to Bid will be issued and documents will be made available to all vendors interested in submitting a bid to Furnish and Install Security and Access Control systems for the Public Safety Facilities Project. Assuming that Council does in fact reject bids and re-bid, it is anticipated that a recommendation for award can be made at Council's April 20, 2010 meeting.

## **ISSUES**

None identified.

## **FISCAL IMPACT**

Funding to Furnish and Install Security and Access Control Systems is provided by the Public Safety Facilities General Obligation Bond. The budget for the Security and Access Control Systems is \$60,000. Additional costs of approximately \$500 will be required to re-advertise the Request for Bids.

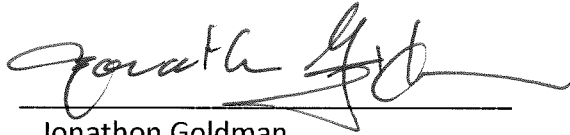
## **STAFF RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Sausalito Rejecting Bids to furnish and install Security and Access Control Systems for the Public Safety Facilities Project and Directing Revisions to Bid Documents and Re-Bidding

## **ATTACHMENTS**

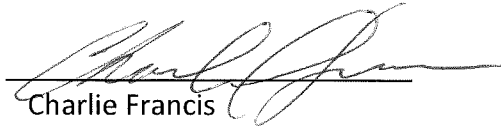
A Resolution of the City Council of the City of Sausalito Rejecting Bids to Furnish and Install Security and Access Control Systems for the Public Safety Facilities Project and Directing Revisions to Bid Documents and Re-Bidding

PREPARED BY:



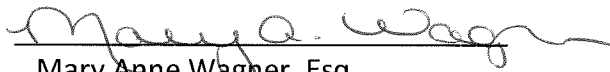
Jonathon Goldman  
Director of Public Works

REVIEWED BY:



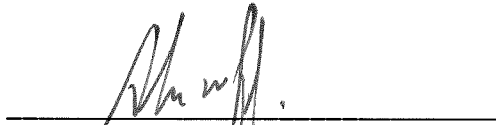
Charlie Francis  
Administrative Services Director/Treasurer

REVIEWED BY:



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  
REJECTING BIDS OPENED MARCH 16<sup>TH</sup>, 2010 TO FURNISH AND INSTALL  
SECURITY AND ACCESS CONTROL SYSTEMS FOR THE PUBLIC SAFETY  
FACILITIES PROJECT AND DIRECTING STAFF TO REVISE THE BID  
DOCUMENTS AND RE-BID**

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**WHEREAS**, the City issued a Request for Bids to Furnish and Install Security and Access Control Systems for the new Fire and Police Stations being constructed as the Public Safety Facilities Project; and

**WHEREAS**, the Bid Documents, dated February 20<sup>th</sup>, 2010, were issued to interested vendors, posted on the City's website, and notices published in conformance with Sausalito Municipal Code; and

**WHEREAS**, a pre-bid conference was held February 26th, 2010; and

**WHEREAS**, vendors were copied on questions asked and answered during the bid period, and bids received were opened and read aloud at the appointed hour of 2 PM on March 16th, 2010; and

**WHEREAS**, the bids received before the appointed hour were evaluated; and

**WHEREAS**, one of the bidders submitted a written protest in conformance with the bid documents and said protest was provided to the apparent low bidder who responded in writing; and

**WHEREAS**, Staff has reviewed the bid documents, the bids, the protest and the response and concluded that the protest is sufficiently valid and therefore recommends that Council reject the bids received, return them to the bidders, and direct Staff to clarify the Bid Documents to provide a reasonable opportunity for the bidders to make their bids equitably responsive, and to re-advertise the procurement to provide adequate time for the bidders and vendors that did not bid to prepare responsive bids.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Sausalito:

1. Rejects the bids received March 16<sup>th</sup>, 2010 TO FURNISH AND INSTALL SECURITY AND ACCESS CONTROL SYSTEMS FOR THE PUBLIC SAFETY FACILITIES PROJECT.
2. Directs Staff to Revise the Bid Documents as detailed herein.
3. Authorizes the City Manager to invite new bids for provision of the specified equipment and services.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Sausalito on the 6<sup>th</sup> day of April, 2010 by the following vote:

**AYES:** Councilmembers:  
**NOES:** Councilmembers:  
**ABSTAIN:** Councilmembers:  
**ABSENT:** Councilmembers:

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MAYOR OF THE CITY OF SAUSALITO

ATTEST:

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CITY CLERK