

Public Safety Facilities Project

ITEM 6B



STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

AGENDA TITLE:

Review and Approval of Alten Change Order Request 16, Accepting the Public Safety Facilities Project and Thanking Alten Construction for its Service

RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order 16 to the Contract with Alten Construction Inc. for Sausalito Public Safety Facilities Project New Construction Dated October 9, 2008, Accepting the Project and Thanking Alten Construction, Inc. for its Good Service to the People of Sausalito and Southern Marin County.

SUMMARY

During the course of successful completion of the project Alten Construction has submitted a total of twenty-nine (29) Change Order Requests not previously approved. Four (4) of these involve requests for increases in the duration of the project. One (1) involves an issue that has not been completely resolved at this time. Swinerton Management & Consulting (SMC), City Staff and Glass Architects have reviewed these Change Order Requests and recommend that the City of Sausalito approve the requested changes to the construction contract with Alten Construction as the final change order for the project, Change Order No. 16, in the amount of \$153,390 and authorize the City Manager to approve up to \$6,300 in an additional change should it be warranted.

BACKGROUND

Alten Construction has submitted twenty four (24) Change Order Requests due to changes and conditions for both buildings. These changes have been reviewed by SMC, City Staff and by Glass Architects and represent legitimate changes to the original scope. Staff will describe the requests and the costs associated with these changes.

The Change Orders are listed as follows:

Change Order Request 19A – Balance of typo in COR 19 - \$1,035 – This change order request is to address a typo in a previously submitted and approved change order request. Alten did not correctly add up the back-up which was included in their submittal and placed an incorrect amount on the cover sheet. This change order addresses that mistake. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$1035

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Change Order Request 21 – T&M for added Drain Sleeve – \$902 – This change order request is for costs associated with adding a drain sleeve at the southwest corner of the police station. The sleeve was required to allow for the drain on the exterior of the building to pass through a large footing. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$902

Change Order Request 25.1 – Changes to Police Booking and Processing room and other changes - \$16,199

This Change Order Request is for additional changes to Booking and Processing room at the Police Department as a result of changes made to the drawings by comments from Contra Costa County, as well as some additional changes to the Sergeant's office. The changes include changes to drywall and framing, the addition of an epoxy base in the Booking and Processing area in lieu of a concrete base and the installation of a fire/smoke damper control panel. Alten originally submitted a change order request for \$32,002, but SMC and the City found there were some duplicate costs and that some hours were excessive, and Alten agreed to revise the request. City Staff, Swinerton and Glass Architects have reviewed this COR and find the costs acceptable. Staff recommends approval of the change order request in the amount of \$16,199

Change Order Request 50 – Added Gas Line - \$18,706 – The change order request is for costs associated with the trenching to bring new gas service to the buildings. The civil drawings did not call out where the trenching was to occur or detail the distance to the nearest gas service. In the case of the Fire Station, a trench was required from the perimeter of the building across Caledonia St to tie into existing gas services. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$18,706

Change Order Request 68 – Temp Doors at Fire Station Apparatus Bays - \$9,402 – This change order request is for costs associated with constructing temporary doors for the apparatus bays. These temp doors were installed to provide protection to the interior of the apparatus bays, to allow for the installation of sheet rock and to continue rough in work during the winter months. If the doors were not installed, sheetrock would not have been able to be installed at the time, and this could have led to additional delays to the project. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$9,402

Change Order Request 88 – Changes to hose and cord reels for FD Apparatus Bay - \$4,387 – This change order request is for costs associated with moving the air and electrical reels mounted on the ceiling of the apparatus bays. These were originally located along the centerline of the apparatus bays, but their day to day use requires them to be offset from the centerline of the bays. At the time that the change was made, much of the rough in electrical and compressed air plumbing was already in place. This change order request also includes a credit for deleted electrical reels that were not required, but which were noted on the plans.

Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$4,387

Change Order Request 128 – Added Roofing and Roof penetrations - \$1,251 – This change order request is for costs associated with additional roof penetrations for exhausts and other items. The roofer was required to come to the job site and add boots to these penetrations. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$1,251

Change Order Request 145 – T&M for RFI 303 - \$1,522 – This change order request is for costs associated with the installation of an overflow drain on the east side of the Fire Station. While the overflow drain was included in the original drawings, modifications were required to address existing conditions of the area. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$1,522

Change Order Request 147 – ASI 12, Field Direction - \$605 – This change order request is for costs associated with adding power and a coax connection in the Fire Station exercise room. After laying out the equipment in the room, it was determined that an additional outlet was required, and Alten was directed to add the outlet. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$605

Change Order Request 148 – T&M directed stub out for intercom - \$454 – This change order request is for costs associated with adding an intercom station in the Sergeant's office in the Police Station. Intercoms were added as part of the requirements for the Booking and Processing area, and a station was required in the Sergeant's area to monitor the Booking and Processing area, Swinerton directed Alten to add the station. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$454

Change Order Request 149 – T&M for Traffic Signal Pre-emption - \$2,533 – This change order request is for costs associated with pulling wire and installing the traffic pre-emption switch for the Fire Station. The work includes routing the conduit from the northeast corner of the Apparatus Bay to the master controller panel for the apparatus bay doors. The pre-emption switch is required to allow for the light to be changed at Johnson and Bridgeway to allow the vehicles access. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$2,533

Change Order Request 150 – T&M Carpet Termination at stairs - \$218 – This change order request is for costs associated with the termination of carpet at the Fire Station 2nd floor at the main stairway. Alten requested a finishing detail for the edge of the carpet where it met the edge of the mezzanine landing. Glass provided a detail and Alten completed the work per the

direction given. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$218

Change Order Request 151 – T&M Ladder Installation - \$840 – This is for costs associated with the ladder rack installation at the fire station. The drawings indicated that the ladder was to be installed in the Fire Station, but did not include details on the connection details for suspending the rack. The costs from Alten are for the superintendent’s time to make the necessary changes, but the costs are being billed as carpenter’s labor rates, not superintendents. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$840

Change Order Request 152 – T&M Work for Field Report 5 - \$1,034 – This change order request is for costs associated with Time and Material work by the electrician for minor modifications, including lowering lights in two rooms and adding wiremold for another lighting fixture. These changes were required as ceiling heights changed, and this required the lights to change their location to accommodate the lowered ceilings. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$1,034

Change Order Request 155 - T&M Work to raise light fixtures - \$1,100 – This change order requests is for costs associated with raising light pendant fixtures at the Fire Station. The Building Inspector noted after one of the inspections that the lights were hung too low, and that they could have posed a risk in the event of an earthquake. The architect did believe that the fixtures met with code requirements, but the building inspector still believed that the pendant fixtures still posed a possible risk, so the City determined that adjusting the fixtures would be in the best interest. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$1,100

Change Order Request 156 – T&M miscellaneous punch list items - \$1,121 – This change order request is for costs associated with adding data and power outlets in the Police Briefing room for a future projector. The Police Briefing Room has two existing monitors located at the front of the room, but did not have an anticipated need for a ceiling mounted projector. The Police Department, after moving in to the building, determined they did require the ceiling projector, and requested that it be added. Swinerton directed Alten to proceed with the addition of the power and data outlet. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$1,121

Change Order Request 159 – APR 4, caulking at rollup doors - \$928 – This change order requests is for costs associated with adding caulking around the apparatus bay doors of the Fire Station. The apparatus bay doors were a deferred submittal item, meaning that the final design occurred after the award of the project. The caulking was required due to the design of the

doors and was added. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$928

Change Order Request 161 – RFI 368 Conflicts with lighting in Medical Supply - \$714 – This change order request is for costs associated with lighting in the fire station medical room. The bid drawings contained a conflict, the reflected ceiling plan showed that the medical room had a t-bar ceiling, while the electrical drawings showed that the room had a gypsum board ceiling. The lights that were ordered were intended to be installed in the t-bar ceiling, but needed to be changed to be installed as surface mounted on a hard ceiling. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$714

Change Order Request 162 – T&M Add outlet at evidence bagging station - \$418 – This change order requests is for costs associated with adding an electrical outlet to the evidence bagging station at the police station. The original plans did not include an outlet at this area, but after the police moved into the facility, they determined that they would require electrical service at this location. Swinerton directed Alten to install an outlet. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$418

Change Order Request 163 – RFI 229/276 miscellaneous adds - \$4,950 – This change order request is for costs associated with Simplex Grinnell changes to the fire sprinkler system. The change order is for work involved in deleting a sprinkler head in the elevator shafts of both buildings. Had the sprinklers remained, an access panel would have required at the penthouse area of the elevator shaft, a much more expensive alternative. The change request also includes costs associated with adding an additional sprinkler head at the hose storage location of the fire station after the fire marshal determined that the size of a piece of equipment would hinder the overall coverage of existing sprinkler heads. The third cost is for work associated with adjusting a sprinkler head at the fire station lobby due to modifications of the ceiling height. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$4,950

Change Order Request 165 – Condensate pumps SK-1 and SK-2 - \$821 – This change order request is for adding condensate pumps to the two air conditioning units located in the radio rooms of both buildings. The original design did not include direction to add condensate lines for these units. It was determined after installation that the lines would be required and Swinerton directed Alten to insall the condensate lines with the required pumps. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$821

Change Order Request 166 – Fire Station Diverter Valve - \$471 – This change order request is for costs associated with adding a switch to operate the diverter valve for the fire station car wash area. In order to meet the requirements set by the City's Engineer to prevent grey water

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from entering the storm sewer, a diverter valve was required that would allow the drain to be switched between the sanitary sewer and the storm sewer. The design of this diverter valve had many modifications, and the cost associated with this change order request is for the addition of the switch, which was not part of the original design. Swinerton Management and Consulting, Glass Architects and Staff have reviewed this change order request and recommend its approval in the amount of \$471

Change Order Request 120 rev 2 – Time and Materials costs for Drywall - \$1,296

This Change Order Request is for costs associated with a number of small patching projects completed by the drywall subcontractor of various items. It also includes a credit for a deleted ceiling in the mezzanine at the Fire Department. A number of the changes were for small items such as drywall patching for the elevator as well as some kitchen changes. Alten originally submitted a credit for the deleted mezzanine ceiling in the amount of \$3,740, but SMC and Alten negotiated a change in the credit to \$5,950. City Staff, Swinerton, and Glass Architects have reviewed the COR and find the costs acceptable. Staff recommends approval of the change order request in the amount of \$1,296.

Change Order Request 124 – Added Condensate pumps for HVAC system - \$2,483

This change order request is for costs associated with adding condensate pumps to a few of the HVAC system units at the Police Department. The units installed require the installation of pumps to capture the condensate water and direct it to the drain lines where the condensate cannot drain by gravity alone. City Staff, Swinerton, and Glass Architects have reviewed the COR and find the costs acceptable. Staff recommends approval of the change order request in the amount of \$2,483.

Four (4) Change Order Requests (CO-084A, CO-114, CO-115 and CO-116) were submitted seeking additional days and additional compensation. City Staff, Swinerton, Glass Architects and Alten reviewed, responded and ultimately City Staff and Alten reached an informed consensus on the sum of \$80,000 in additional compensation for the Substantial Completion of the project accomplished on August 3, 2010.

One (1) pending request in an amount not to exceed \$6,300 remains in review and discussion regarding cost responsibility. Staff recommends that the City Manager be authorized to approve payment up to this amount once a consensus has been reached on the cost responsibility for this change.

Swinerton Management & Consulting (SMC), City Staff and Glass Architects have reviewed these Change Order Requests and recommend that the City of Sausalito approve the requested changes to the construction contract with Alten Construction as the final change order for the project, Change Order No. 16, in the amount of \$153,390, authorize the City Manager to approve up to \$6,300 in an additional change should it be warranted, accept the Public Safety Facilities Project as complete, and thank Alten Construction for its good service to the people of Sausalito and southern Marin County.

ISSUES

No issues have been identified with the contemplated action.

FISCAL IMPACT

Approval of Alten's Change Order No. 16 will result in a deduction of not more than \$159,690 from the General Obligation Bond Funds for this Project for which there are adequate funds available and unencumbered in the approved budget.

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. 16 to the Contract with Alten Construction Inc. for Construction of the Public Safety Facilities Project in the amount of not more than \$159,690, accept the project and thank Alten Construction for its good service to the people of Sausalito and southern Marin County.

ATTACHMENTS

A Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Change Order No. 16 to the Contract with Alten Construction Inc. for Construction of the Sausalito Public Safety Facilities Project New Construction Dated October 9, 2008, Accepting the Project and Thanking Alten Construction for its good service to the people of Sausalito and southern Marin County.

PREPARED BY:



Loren Umbertis
Swinerton Management & Consulting

REVIEWED BY:

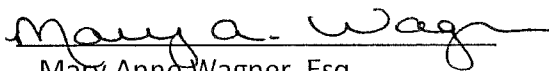


Jonathon Goldman
Director of Public Works

REVIEWED BY:

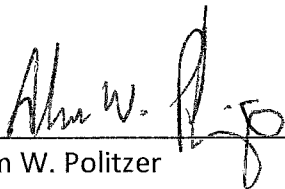
Charlie Francis
Administrative Services Director/Treasurer

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. 16 TO THE CONTRACT WITH
ALTEN CONSTRUCTION INC. FOR
SAUSALITO PUBLIC SAFETY FACILITIES PROJECT
NEW CONSTRUCTION DATED OCTOBER 9, 2008, ACCEPTING THE PROJECT
AND THANKING ALTEN CONSTRUCTION, INC. FOR ITS GOOD SERVICE TO
THE PEOPLE OF SAUSALITO AND SOUTHERN MARIN COUNTY.**

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 ("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 9th 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 No. 5001 of February 10, 2009; Resolution No. 5035 of June 9, 2009; Resolution No. 5053 of July 21, 2009; Resolution No. 5062 of September 1, 2009; Resolution No. 5071 of October 6, 2009; Resolution No. 5082 of November 10, 2009; Resolution No. 5097 of December 8, 2009; Resolution No. 5105 of January 26, 2010; Resolution No. 5112 of February 23, 2010; Resolution No. 5119 of March 16, 2010 (Change Order No. 11); Resolution No. 5119 of April 6, 2010 (Change Order No. 12); Resolution No. 5145 of May 14, 2010 (Change Order No. 13); Resolution No. 5151-2 of June 15, 2010 (Change Order No. 14); and Resolution No. 5164 of July 13, 2010 (Change Order No. 15); 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 to the City of Sausalito for review and consideration a total of twenty-nine (29) Change Order Requests not previously approved; and

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WHEREAS, approval of said requests will result in a deduction of not more than \$159,690 from the available and unencumbered General Obligation Bond Funds for this Project in the approved budget; 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 and City Manager, 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. 16 to said Contract with Alten in an amount not to exceed \$159,690 (ONE-HUNDRED FIFTY-NINE THOUSAND SIX-HUNDRED NINETY 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. 16 to said Contract with Alten in an amount not to exceed \$159,690 (ONE-HUNDRED FIFTY-NINE THOUSAND SIX-HUNDRED NINETY AND 00/100 DOLLARS).

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 9th day of November, 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:

Amendment No. 7 to the Agreement with Glass Architects for Design Services Associated with Completion of the Public Safety Facilities Project and Thanking Glass Architects for its Service

RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Amendment No. 7 to the Agreement with Glass Architects for Design Services for Completion of the Public Safety Facilities Project and Thanking Glass Architects for its Good Service to the People of Sausalito and Southern Marin County

SUMMARY

Several design changes and extended project duration associated with the Public Safety Facilities Project required services beyond the scope, schedule and compensation included in the City's Agreement for services with Glass Architects as last amended in April, 2009. The key elements are:

- Shotcrete vs. Cast-in-Place
- Additional Site Meetings
- Reimbursable Expenses
- FF&E Consultant Services
- Glass Architects FF&E Services
- Retaining Wall changes
- Details for Sunshades
- Additional Project Duration

Staff and the City's construction management consultant, Swinerton Management & Consulting, have reviewed the requests for additional compensation received from Glass, responded, and have reached consensus with Glass on a total of \$91,707 as equitable compensation to Glass and its subconsultants for completion of the project beyond the scope, schedule and budget approved with the sixth amendment of April, 2009. Staff respectfully recommends that Council adopt the attached resolution approving and authorizing the City Manager to execute the seventh and final amendment to the City's professional services agreement with Glass Architects for services rendered and to be rendered for completion of the Public Safety Facilities Project and thanking Glass Architects for its service.

BACKGROUND

The Sixth Amendment to the Agreement with Glass Architects was approved with Resolution No. 5017 adopted April 9, 2009. Since that time, the project duration was extended and certain additional services from Glass and its subconsultants were required. Glass requested additional compensation in a timely manner while performing the necessary services in good faith. Staff and the City's construction management consultant, Swinerton Management & Consulting have reviewed Glass' requests, responded, and have reached consensus on equitable compensation to Glass and its subconsultants for completion of the project with the proposed seventh and final amendment to Glass' contract for service for the Public Safety Facilities Project.

ISSUES

No other outstanding issues have been identified.

FISCAL IMPACT

PSF GO Bond funds and non-Bond funds (for expenditures not eligible) are available within the approved project budget and otherwise unencumbered for this amendment in the amount of \$91,707.

STAFF RECOMMENDATIONS

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Amendment No. 7 to the Agreement with Glass Architects for Design Services for Completion of the Public Safety Facilities Project and Thanking Glass Architects for its Good Service to the People of Sausalito and Southern Marin County

ATTACHMENTS

1. Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to execute Amendment No. 7 to the Agreement with Glass Architects for Design Services for Completion of the Public Safety Facilities Project and Thanking Glass Architects for its Good Service to the People of Sausalito and Southern Marin County
2. Amendment No. 7 to the Agreement with Glass Architects for Design Services for Completion of the Public Safety Facilities Project

PREPARED BY:

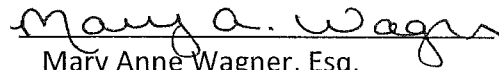


Jonathon Goldman
Director of Public Works

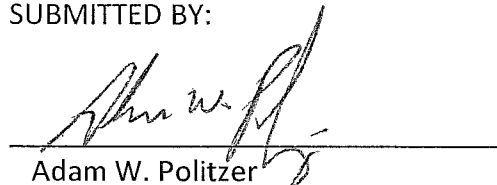
REVIEWED BY:

Charles 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
AMENDMENT NO. 7 TO THE AGREEMENT WITH GLASS ARCHITECTS
FOR DESIGN SERVICES FOR COMPLETION OF THE PUBLIC SAFETY
FACILITIES PROJECT AND
THANKING GLASS ARCHITECTS FOR ITS GOOD SERVICE TO THE
PEOPLE OF SAUSALITO AND SOUTHERN MARIN COUNTY**

WHEREAS, the City and Glass Architects, a sole proprietorship, ("Glass"), entered into a Standard Form of Agreement between Owner and Architect dated November 28, 2006 for design services associated with the City's Public Safety Facilities Project (the "Original Agreement"); and

WHEREAS, the City and the Architect also entered into the First Amendment to the Agreement dated as of February 20, 2007 (the "First Amendment"), the Second Amendment to the Agreement dated as of April 17, 2007 (the "Second Amendment"), the Third Amendment to the Agreement dated as of December 12, 2007 (the "Third Amendment"), the Fourth Amendment dated as of March 2, 2008 (the "Fourth Amendment"), the Fifth Amendment to the Agreement dated November 18, 2008 (the "Fifth Amendment"), and the Sixth Amendment to the Agreement dated April 9, 2009 collectively referred to hereunder as the "Agreement"; and

WHEREAS, the City wishes to consider construction changes to the new facilities and other services as follows:

1. Shotcrete vs. Cast-in-Place for Concrete Walls
2. Additional Site Meetings
3. Reimbursable Expenses
4. FF&E Consultant Services
5. Glass Architects FF&E Services
6. Retaining Wall changes
7. Details for Sunshades
8. Additional Project Duration

WHEREAS, the City and Glass desire to enter into a Seventh Amendment to provide for the changes in the plans necessitated by said contemplated changes and other services; and

WHEREAS, the funds available from Bond proceeds and other funds for services not eligible for Bond proceeds are adequate to provide not only the design services desired, but also the costs of construction.

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

1. Approves the attached and incorporated by reference herein Amendment No. 7 to the Agreement for the services described therein and for the sum of \$91,070.
2. Authorizes the City Manager to execute the attached Amendment No. 7 to the Agreement on behalf of the City.

3. Thanks Glass Architects for its good service to the people of Sausalito and southern Marin County on the Public Safety Facilities Project.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 9th day of November, 2010 by the following vote:

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

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK

**SEVENTH AMENDMENT TO STANDARD FORM OF AGREEMENT BETWEEN
OWNER AND ARCHITECT**

THIS SEVENTH AMENDMENT TO STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT ("Seventh Amendment"), dated effective as of November 9, 2010 (the "Effective Date"), is entered into by and between the **CITY OF SAUSALITO**, a municipal corporation (the "City"), and **GLASS ARCHITECTS**, a sole proprietorship ("Architect").

RECITALS

The following Recitals are a substantive part of this Agreement:

A. City and Architect entered into the Standard Form of Agreement between Owner and Architect dated as of November 28, 2006 (the "Original Agreement"). The City and the Architect also entered into the First Amendment to the Agreement dated as of February 20, 2007 (the "First Amendment"), the Second Amendment to the Agreement dated as of April 17, 2007 (the "Second Amendment"), the Third Amendment to the Agreement dated as of December 12, 2007 (the "Third Amendment"), the Fourth Amendment dated as of March 2, 2008 (the "Fourth Amendment") the Fifth Amendment to the Agreement dated November 18, 2008 (the "Fifth Amendment") and the Sixth Amendment to the Agreement dated April 7, 2009 (the "Sixth Amendment"). The Original Agreement, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment and the Sixth Amendment shall be referred to herein collectively as the "Agreement".

B. The Agreement provides for the provision of architectural services by Architect for the design, documentation and construction administration services for the construction of new public safety facilities for the City at 333 Johnson and 29 Caledonia Streets. Capitalized terms utilized herein and not otherwise defined shall have the meaning set forth in the Agreement.

C. The public safety facilities include both a new fire facility at 333 Johnson and a new police facility at 29 Calednoia Street.

D. The City requires additional services through project completion inclusive as follows:

- Shotcrete vs. Cast-in-Place
- Additional Site Meetings
- Reimbursable Expenses
- FF&E Consultant Services
- Glass Architects FF&E Services
- Retaining Wall changes
- Details for Sunshades
- Additional Project Duration

E. The parties desire to enter into this Seventh Amendment to provide for the additional services described above.

AGREEMENT

In consideration of the mutual covenants and conditions contained in this Amendment, City and Architect hereby agree as follows:

Section 1. Scope of Work. The Architect shall provide the City with the additional services generally described above through project completion.

Section 2. Fee Modification. In consideration of the work to be performed by Architect pursuant to Section 1 of this Seventh Amendment, the fee to be paid to Architect pursuant to Section 11.2.2 of the Agreement, as amended, shall be modified to include an amount not to exceed \$91,707.

Section 3. Effect on Agreement. Except as expressly set forth herein, the terms and conditions of the Agreement shall remain in full force and effect. In the event of any inconsistency between the Agreement and this Amendment, the terms of this Amendment shall control.

Section 4. Entire Agreement; Conflicts. This Amendment and the Agreement contain the entire agreement between the parties with respect to the subject matter hereof. Except as otherwise specified herein, no prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. This Amendment and the Agreement shall not be modified or altered except in writing signed by both parties.

Section 5. Execution. This Amendment may be executed in duplicate original counterparts each of which shall constitute one and the same instrument. Each party represents to the other that the person signing this Amendment on behalf of the party has the authority to do so.

(signatures next page)

CITY:
CITY OF SAUSALITO
a municipal corporation

Dated: _____, 2010

By: _____
Adam Politzer, City Manager

ARCHITECT:
GLASS ARCHITECTS
a sole proprietorship

Dated: _____, 2010

By: _____
Eric M. Glass, AIA, C10,586

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk



STAFF REPORT

CITY COUNCIL OF THE CITY OF SAUSALITO

AGENDA TITLE:

Review and Approval of Amendment No. 3 to Agreement with Swinerton Management & Consulting for Completion of the Public Safety Facilities Project and Thanking Swinerton Management & Consulting for its Service

RECOMMENDED MOTION:

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Amendment No. 3 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 and Thanking Swinerton Management & Consulting for its Good Service to the People of Sausalito and Southern Marin County

SUMMARY

Swinerton Management & Consulting (SMC) submitted requests for additional compensation as an Amendment to the original Contract with the City of Sausalito for services necessary to complete the Public Safety Facilities Project. The services rendered and necessary not under currently approved scope, schedule and budget include extended duration of the project construction and additional effort in reviewing and responding to change order requests from Alten Construction and Glass Architects. Staff responded to SMC's requests and has reached consensus with SMC on an equitable increase in compensation of \$61,145 as a third and final amendment to the existing agreement between the City and SMC for the Project. Staff respectfully recommends that Council adopt the attached resolution approving and authorizing the City Manager to execute the third and final amendment to the City's professional services agreement with SMC for services rendered and to be rendered for completion of the Public Safety Facilities Project and thanking SMC for its service.

BACKGROUND

Swinerton Management & Consulting (SMC) originally anticipated a Construction Duration of 14 months, or 420 Calendar Days. Through Change Orders approved prior to October 6, 2009 the Construction Schedule was increased to 512 Calendar Days. SMC did not and has not requested an extension for their Construction Administration Services for the time extension to that point. SMC did request and receive compensation for additional time in conjunction with Alten's Change Order No. 6 approved October 6, 2009 (Amendment No. 2). Since that time, and as items under separate cover on the November 9, 2010 Council Agenda for Alten and Glass

from SMC to evaluate and respond to change order requests received from Alten and Glass as a result. Staff responded to SMC's requests and has reached consensus with SMC on an equitable increase in compensation of \$61,145 as a third and final amendment to the existing agreement between the City and SMC for the Project. It should be noted that SMC's efforts in responding to requests resulted in savings of \$74,861 when compared to the initial requests from Alten and Glass. Further, SMC agreed to \$23,200 less compensation than originally requested as a result of the review and response process with City Staff. Staff respectfully recommends that Council adopt the attached resolution approving and authorizing the City Manager to execute the third and final amendment to the City's professional services agreement with SMC for services rendered and to be rendered for completion of the Public Safety Facilities Project and thanking SMC for its service.

ISSUES

No issues have been identified with the contemplated action.

FISCAL IMPACT

Approval of Swinerton Management & Consulting's Amendment No. 3 will result in a deduction of \$61,145 from the soft cost contingency encumbrance of the General Obligation Funds for the project. Adequate funds for this action are available and unencumbered within the approved project budget.

STAFF RECOMMENDATIONS

City Staff recommend that the City Council approve and authorize the City Manager to execute Amendment No. 3 for Swinerton Management & Consulting in an amount not to exceed \$61,145.

ATTACHMENTS

Adopt a Resolution of the City Council of the City of Sausalito Approving and Authorizing the City Manager to Execute Amendment No. 3 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, and Thanking Swinerton Management & Consulting for its Good Service to the People of Sausalito and Southern Marin County

PREPARED BY:

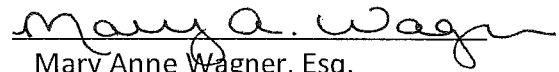


Jonathon Goldman
Director of Public Works

REVIEWED BY:

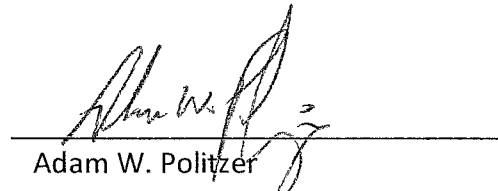
Charlie Francis
Administrative Services Director/Treasurer

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
APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE
AMENDMENT NO. 3 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, AND
THANKING SWINERTON MANAGEMENT & CONSULTING FOR ITS GOOD
SERVICE TO THE PEOPLE OF SAUSALITO AND SOUTHERN MARIN
COUNTY**

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, with Resolution 5070 of October 6, 2009 the Council authorized Amendment No. 2 to said professional services agreement with Swinerton Management & Consulting; and

WHEREAS, since that time, the project duration has been extended a final time and the City required additional assistance to evaluate and respond to change order requests received from the City's Contractor and Architect as a result; and

WHEREAS, Swinerton Management & Consulting submitted requests for additional compensation and the City's Director of Public Works and City Manager have reviewed said requests and responded and consensus has been reached on an equitable increase in compensation as a third and final amendment to the existing agreement between the City and SMC for the Project; and

WHEREAS, the City's Director of Public Works and City Manager recommend that the City Council approve Amendment No. 3 to said Standard Form of Agreement with Swinerton Management & Consulting in the amount of \$61,145 (SIXTY-ONE THOUSAND ONE-

HUNDRED FORTY-FIVE DOLLARS) and thank Swinerton Management & Consulting for its good service to the people of Sausalito and southern Marin County.

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

1. The attached Amendment No. 3 to the Standard Form of Agreement with Swinerton Management & Consulting in the amount of \$61,145 (SIXTY-ONE THOUSAND ONE-HUNDRED FORTY-FIVE DOLLARS) is hereby approved.
2. The City Manager is authorized to execute said Amendment No. 3 to the Standard Form of Agreement with Swinerton Management & Consulting approved hereunder.
3. The City thanks Swinerton Management & Consulting for its good service to the people of Sausalito and southern Marin County in helping to successfully deliver the Public Safety Facilities Project.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 9th day of November, 2010, by the following vote:

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

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK

THIRD AMENDMENT

This Third Amendment to Construction Management Agreement (this "Amendment") is made and entered into effective as of the 10th day of November, 2010, by and between **Swinerton Management & Consulting Inc. a California Corporation, ("CM")** whose principal address is 260 Townsend Street, San Francisco, CA 94107, and the **City of Sausalito, a Municipal Corporation (the "Owner")** whose principal address is 420 Litho Street, Sausalito, CA 94965.

This Amendment revises the Construction Management Agreement ("Agreement") between CM and Owner entered into as of the first day of July 2005.

Section 8.1 of the Agreement shall be replaced in its entirety as follows:

8.1 For the performance of the Basic Services in this Agreement, Owner shall pay CM in accordance this Section 8.1, provided that the total sum to be paid by the Owner to CM for full performance of the Basic Services in this Agreement shall not exceed seven-hundred fifty-nine thousand, seven-hundred ten Dollars (\$759,710). This amount includes all costs including subconsultant services. Invoices submitted by CM shall clearly identify the work performed and the applicable phase to which such work applies so as to allow Owner to easily track such amounts.

IN WITNESS WHEREOF, the parties heretofore executed this Agreement effective as of the date first written above:

OWNER:
City of Sausalito

CM:
Swinerton Management & Consulting Inc.

By: _____

By: _____

Name: _____

Cheryl Johnson

Title: _____

Division Manager

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