



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: August 22, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Alex D. McIntyre, City Manager

PREPARED BY: Matthew Lee, P.E., Public Works Director

SUBJECT: Consider Adopting a Resolution Authorizing the City Manager to Execute Agreement Amendments with Group 4 Architecture, Griffin Structures, Ninyo & Moore, and Consor PMCM, Inc. for the Recreation and Aquatics Center Project in Amounts Not to Exceed \$80,000 for Each Agreement Amendment, for a Total Amount Not to Exceed \$320,000

BACKGROUND:

The City's Recreation and Aquatic Center (RAC) project is a Capital Improvement Program (CIP) project to construct a new facility that will be a two-story, 49,500 square foot facility replacing the former Veterans Memorial Recreation Center located at 251 City Park Way. The new facility will operate as the City's aquatic, recreation, and community center with a maximum occupancy of 2,400 people and will include an indoor/outdoor pool, multi-use gymnasium, indoor elevated track, community hall, conference rooms, multi-function rooms, classrooms, and staff offices.

On March 28, 2023, City Council adopted a resolution allocating an additional \$1,500,000 from the San Bruno Community Foundation (SBCF) Funds to the Recreation and Aquatic Center (RAC) contingency funds and authorizing the City Manager to execute an amendment to the SBCF Grant Fund Agreement. This action was taken to ensure that the RAC had sufficient funds to complete construction as the project previously had a contingency amount of 10.9% when projects of this magnitude typically have a contingency amount of up to 15%. The action brought the contingency for the remaining work to 14%.

The project previously authorized, utilizing non-SBCF funds, the implementation of additional scope, including (i) tree removal on Crystal Springs Road, (ii) Beckner Shelter Road Repaving (iii) construction of the Desoto Way sidewalk (iii) a temporary water line bypass, and (iv) class II soil disposal. One more recent change utilizing SBCF funds would be including broadcasting capabilities, PG&E design changes, etc. In addition, the weather delays from severe winter storms experienced between December 2022 and May 2023 has impacted the schedule. With these past actions and events, the additional allocation in March 2023 was for the purpose of ensuring contingency to complete the project.

DISCUSSION:

The professional services for the RAC consists of the following consultants to support delivery of the project:

- | | |
|--|----------------------|
| 1. Designer: | Group 4 Architecture |
| 2. Project Manager: | Consort PMCM, Inc. |
| 3. Construction Manager: | Griffin Structures |
| 4. Geotechnical Engineer/Testing/Special Inspection: | Ninyo & Moore |

Professional services that provide construction support have contract durations that typically coincide with anticipated construction completion by the contractor. The delivery of the physical construction timeline is the responsibility of the contractor. The construction support is to ensure that the physical structure is built per the design and that the contractor adheres to the contractual schedule to the extent possible. Due to this framework, when project completion dates are extended, construction support contracts may require an amendment. The original contracts anticipated completion in June 2023, when construction on the RAC began in September 2021. However, given the additional scope work authorized throughout construction and weather delays due to the severe winter storms, the project is anticipating substantial construction completion by the end of 2023. Authorizing the agreements would extend the consultants' work to ensure consultant support is available through the end of the project. The project team is anticipating that not all of the contracts will need the requested amount to support the contract to completion and will work within their ability to be prudent with the amendments.

Section 2.44.100 (Change Orders) of the San Bruno Municipal Code, gives the City Manager authority to amend agreements by the issuance of a change order, provided the change is reasonably related to the scope of the original contract and within the City Manager's authority limits. The limit in the City's purchasing policy is the authority to enter agreements for \$75,000 or less, as authorized by the City Council in Resolution No. 2019-08.

The City has an administrative policy, which would be the City's Purchasing Policy. The Purchasing Policy limit in the City's purchasing policy is tied to the approved expenditure authority to enter agreements for \$75,000 or less. To further clarify the administrative policy, staff intends to update the document to add: "The City Manager may approve an agreement amendment in an amount of \$75,000 or less, provided that the amendment is reasonably related to the original scope of work."

FISCAL IMPACT:

There is no fiscal impact to the overall CIP budget and there is no additional funding being requested to be appropriated. The amendments to existing agreements are for amounts not to exceed \$80,000 for each agreement, for a total amount not to exceed \$320,000. These amendments will be funded out the Recreation and Aquatic Center Capital Improvement Program Project (Project #51009) project contingency.

ENVIRONMENTAL IMPACT:

City Council's actions are not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION:

Staff recommends authorizing the City Manager to execute agreement amendments with Group 4 Architecture, Griffin Structures, Ninyo & Moore, and Consor PMCM, Inc. for the Recreation and Aquatics Center Project in amounts not to exceed \$80,000 for each agreement amendment, for a total amount not to exceed \$320,000.

ALTERNATIVES:

1. Do not authorize the City Manager to execute some or all of the agreement amendments with consultants. The impact would be loss of certain specialized professional services the Project will require Project Support Services on as the construction completes for the RAC. Without project support services, the project is at greater risk of not completing, or completing over budget, and/or beyond the projected schedule.

ATTACHMENTS:

1. Resolution