

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Hugh R. Riley, Assistant City Manager

BY: Jessica Sandifer, Management Analyst



DATE: May 17, 2010 (CC Meeting of June 2, 2010)

SUBJECT: Consider Amendment No.1 to Contract with Barnhart Balfour Beatty (formerly known as Douglas E. Barnhart, Inc.) for Construction Management Services for the Ruben Castro Human Services Center

BACKGROUND

On January 16, 2008 the City Council authorized the release of a Request for Qualifications for Construction Management Services using the CM - Multiple Prime delivery method for the Ruben Castro Human Services Center (RCHSC). Using the CM - Multiple Prime delivery method the Construction Management Firm basically takes the place of a general contractor for a negotiated services fee and assists the city with obtaining separate bids for the numerous contract trades such as electrical, steel, plumbing, etc. in addition to the traditional construction management duties. On April 16, 2008, the City Council awarded a contract to Douglas E. Barnhart, Inc. (DEB) for \$1,272,876.

DISCUSSION

At the time the contract was awarded to DEB, it was anticipated that the project would be out to bid and completed by December 2009. However, as the Council is aware, issues with the leases at the RCHSC, delayed the project for two years. During this delay, a number of issues occurred that are outside of the scope of the original agreement with DEB:

- 1) DEB senior staff provided services and participated in meetings that went beyond the scope of the original agreement in order to assist the City with securing tenants for the building.
- 2) Other DEB staff assigned to this project had to be demobilized, reassigned to other projects, or laid off. This requires re-mobilizing staff to work on the project, and bring all new and returning DEB staff up to speed on the project.

- 3) The City added an Emergency Generator to the project scope, which will need to be added to the estimates and front end documents.
- 4) The current Storm Water Pollution Prevention Plan (SWPPP) for the project will need to be modified to comply with the requirements of the New Construction General Permit DWQ 2009-009, which becomes effective July 1, 2010.
- 5) Douglas E. Barnhart, Inc. merged with Balfour Beatty Construction Company and is now known as Barnhart Balfour Beatty.

FISCAL IMPACT

Barnhart Balfour Beatty (BBB) is proposing a fee amendment for these additional items totaling \$27,744, which would bring their total construction contract amount up to \$1,300,620. It is important to note that at the time the Agreement was signed, the current construction cost for the Ruben Castro Human Services Center based on the Architect's estimate was \$10.1 million. BBB's fee for Construction Management is based on 4% of the construction cost. The proposed fee for the not-to-exceed amount is based on a probable construction cost of \$13.9 million. If the actual construction cost is lower, the fee for Construction Management will be reduced, which may result in a lower total contract amount.

There are sufficient funds in the current project budget to pay for this increased cost.

STAFF RECOMMENDATION (ROLL CALL VOTE)

Approve Amendment No. 1 with Barnhart Balfour Beatty memorializing ownership change from Douglas E. Barnhart, Inc. to Barnhart Balfour Beatty and increasing the amount of their Agreement by \$27,744 from \$1,272,876 to \$1,300,620 and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney.

Attachment 1 – Amendment No.1

**FIRST AMENDMENT TO AGREEMENT
FOR SERVICES**

THIS FIRST AMENDMENT TO THE AGREEMENT FOR SERVICES (“First Amendment”), is made and entered into this ____ day of _____, 2010, (“the Effective Date”) between the **City of Moorpark**, a municipal corporation, hereinafter referred to as “**CITY**”, and Barnhart Balfour Beatty, a California Corporation, hereinafter referred to as “**CONSULTANT**”.

WITNESSETH:

WHEREAS, on June 2, 2008, the **CITY** and the **CONSULTANT** entered into an Agreement for construction management services for the Ruben Castro Human Services Center; and

WHEREAS, City and Consultant find it necessary to amend that Agreement to memorialize the change in ownership of Douglas E. Barnhart, Inc., now owned by Barnhart Bafour Beatty as described herein; and

WHEREAS, additional services not covered by the original Agreement are needed:

1. Project Re-Mobilization - \$17,080
2. Tenant Procurement Assistance - \$3,984
3. Add Generator to Project Scope - \$2,480
4. Modify SWPPP - \$4,200

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto agree as follows:

Complete the Ruben Castro Human Services Center consistent with the original contract, per Agreement Number 2008-090, to be completed by Barnhart Balfour Beatty, according to the updated letter from Consultant dated May 17, 2010, explaining change in business name and ownership of “Douglas E. Barnhart, Inc.” to “Barnhart Balfour Beatty” as identified in Exhibit “A”, as attached.

CITY does hereby appoint **CONSULTANT** in a contractual capacity to perform the services in addition to the scope of services of the original agreement, in accordance with Exhibit “B” of First Amendment, with the authorities, and responsibility ordinarily granted to this type of work.

All other terms and conditions of the original agreement shall remain in full force and effect.

CITY OF MOORPARK

Barnhart Balfour Beatty

By: _____
Steven Kueny
City Manager

By: _____
Tex Barnhart.
Chief Operating Officer

Date: _____

Date: _____

ATTEST:

Deborah S. Traffenstedt, City Clerk

EXHIBIT A

barnhart
Balfour Beatty

Oxnard, CA
Palm Desert, CA
Riverside, CA
Tustin, CA
San Diego, CA

May 17, 2010

Jessica Sandifer
Management Analyst
Assistant City Manager
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

5803200
Ruben Castro Human Services Center
Moorpark, CA
Name Change

Dear Jessica,

As of January 2010, Barnhart became Barnhart Balfour Beatty. We will continue providing services to the City of Moorpark under the terms of our existing agreement between the City of Moorpark and Douglas. E. Barnhart, Inc. Please issue a contract amendment reflecting our name change to Barnhart Balfour Beatty.

Please call me if you have any questions. Thanks.

Sincerely,



Chris Haga
Senior Vice President

Corporate Headquarters

t 858.385.8200
f 858.385.8201
10760 Thornmint Road
San Diego, CA 92127

License No. 439407

engaged
CORPORATE FINANCIAL SERVICES

EXHIBIT B

(1 of 2)

barnhart
Balfour Beatty

Palm Desert, CA
Riverside, CA
San Diego, CA
Tustin, CA
Oxnard, CA

t: 805.983.1558
f: 805.983.7249
300 E. Esplanade Drive
Suite 350
Oxnard, CA 93036

April 26, 2010

Hugh R. Riley
Assistant City Manager
799 Moorpark Ave.
Moorpark CA 93021

8032 Ruben Castro Human Services Center
City of Moorpark
Additional Services Proposal- Extended Pre-Construction Services

Dear Hugh,

To follow up on our conversation, Barnhart submits this proposal for additional services related to our contract. The three components to this proposal are outlined below:

Project Suspension

Our contract included fixed General Condition costs to furnish Pre-Construction and Bidding services over a continuous four month period. Based upon the State budget crisis and the resultant loss of a project tenant, our work on the project was suspended for approximately 14 months.

Prior to suspension, Barnhart had completed front end documents and was awaiting authorization to be from the City to proceed with bidding. Due to demobilization, Barnhart staff assigned to the project prior to the suspension was laid off. Together with the 14 month suspension, the reassignment of other new staff to the project has resulted in a loss of continuity.

We propose to both bring new staff up to speed on the project, and to furnish a complete review of the front end documents to ensure that changes to the plans due to tenant re-procurement and other design / specification changes made over the last 14 months are coordinated for a fixed fee of \$17,080.

Tenant Reprocurement

During the demobilization period, Barnhart furnished additional services to assist the City in evaluating the impact of potential design changes required to secure multiple replacement tenants. These services included representation at meetings and modification of the estimate to support tenant reprocurement activities. We propose a reimbursement of \$3,984 as compensation for these completed services.

Added Generator

An emergency generator will be added to the project scope. Barnhart proposes a fixed fee of \$2,480 to incorporate this new scope into the front end documents. It is understood that the generator will likely be added into the project as Addendum #1, after the project is put out to bid.

Corporate Headquarters
t: 858.385.8200
f: 858.385.8201
10760 Thornmint Road
San Diego, CA 92127

License No. 439407

Total

The total fixed fee for these three services is \$23,544. A breakdown by phase is attached. Should this meet your approval, please issue a contract amendment.

Thanks again for giving Barnhart the opportunity to serve the City of Moorpark.

Sincerely,



Chris Haga
Senior Vice President

Distribution:

Jessica Sandifer, Management Analyst, City of Moorpark
Dennis Kuykendall, Senior Project Manager, Barnhart

Attachment:

Summary of Additional Work

Project Suspension**14 month project suspension / staff reassignment / loss of continuity / remobilization**

Project Manager	56 hrs	\$84.00 /hr	\$4,704.00
Superintendent	56 hrs	\$71.00 /hr	\$3,976.00
Coordinating Supervisor	56 hrs	\$94.00 /hr	\$5,264.00
Risk Manager	32 hrs	\$98.00 /hr	\$3,136.00
Subtotal			\$17,080.00

Tenant Reprourement**Tenant reprourement assistance during suspension**

Project Manager	16 hrs	\$84.00 /hr	\$1,344.00
Superintendent / Estimator	16 hrs	\$71.00 /hr	\$1,136.00
Coordinating Supervisor	16 hrs	\$94.00 /hr	\$1,504.00
Subtotal			\$3,984.00

New Scope**Coordinate added generator into front end documents**

Project Manager	16 hrs	\$84.00 /hr	\$1,344.00
Superintendent	16 hrs	\$71.00 /hr	\$1,136.00
Coordinating Supervisor	hrs	\$94.00 /hr	\$0.00
Subtotal			\$2,480.00

TOTAL**\$23,544.00**

barnhart
Balfour Beatty

April 26, 2010

Palm Desert, CA
Riverside, CA
San Diego, CA
Tustin, CA
Oxnard, CA

t 805.983.1558
f 805.983.7249
300 E. Esplanade Drive
Suite 350
Oxnard, CA 93036

Hugh R. Riley
Assistant City Manager
799 Moorpark Ave.
Moorpark CA 93021

8032 Ruben Castro Human Services Center
City of Moorpark
Additional Services Proposal- SWPPP Modifications

Dear Hugh,

To follow up on our conversation, Barnhart submits this proposal for additional services related to our contract.

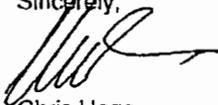
Modifications to SWPPP

It will be necessary to modify the current SWPPP to comply with the requirements of the new Construction General Permit DWQ 2009-0009 which becomes effective July 1, 2010. This needs to happen prior to the release of bid documents, as the SWPPP will be a necessary part of the bid documents.

Geosphere who completed the 1/27/2009 report, is now part of Barnhart. A proposal letter from Yolanda Yeal, Project Environmental Specialist is attached. Please note that there are two components to this proposal. The amount required for modifications and preparation for electronic filing is \$2,700. The \$1,500 is an optional amount for a full day of informational training open to City staff, project staff, and the selected trade contractor for purposes of understanding compliance requirements and how to avoid fines and penalties.

Thanks again for giving Barnhart the opportunity to serve the City of Moorpark.

Sincerely,



Chris Haga
Senior Vice President

Distribution:

Jessica Sandifer, Management Analyst, City of Moorpark
Dennis Kuykendall, Senior Project Manager, Barnhart

Attachment:

Barnhart proposal dated 03/02/2010

Corporate Headquarters
t.858.385.8200
f.858.385.8201
10760 Thornmint Road
San Diego, CA 92127

License No. 439407

March 2, 2010

TO: Hugh R. Riley
Assistant City Manager
Public Information Officer
799 Moorpark Ave.
Moorpark, CA 93021

RE: Ruben Castro Human Services Center – City of Moorpark

I have carefully reviewed the SWPPP prepared by Geosphere dated 1/27/2009 and have identified the following modifications that will be necessary to ready this document for electronic submittal per the requirements of the new Construction General Permit DWQ 2009-0009 coming into effect on July 1, 2010.

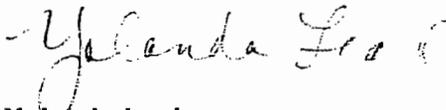
Done (√)	PAGE	ITEM
	Add	Qualified SWPPP Developer Statement
	Add to page ii	Add to Purpose of SWPPP BMP Monitoring, Visual Monitoring for pollutants, Rain Event Action Plan, Construction Site Monitoring program
	Add	Information on Stormwater Multi Application Report Tracking System (SMARTS) and Permit Registration Documents (PRDs)
	Add	Numeric Effluent Limits and Numeric Action Level Compliance Reporting information
	Add	Annual Report Information
	Add	New Verbiage regarding Notice of Termination
	Add	Risk Determination Calculations
	Revise	Section 5.0 Post-Construction BMP measures to be installed description and measure for short term and long term maintenance.

Done (v)	PAGE	ITEM
	Revise	Section 6.0 Monitoring, Inspection, and Maintenance
	Revise	Training Requirements
	Revise Handout	Inspection Log
	Add Handout	Rain Event Action Plan Template
	Add Handout	Construction Site Monitoring Program
	Add Handout	Checklist for Permit Registration Documents
	Add Handout	Checklist for Annual Report Compliance
	Add Handout	Exceedance Report and Corrective Action Report
	Add	List of Contractors and Subcontractors

Approx. time for updates: 30hours at 90/hr = \$2,700

Optional Training Fee 8 hours = \$1,500

Thank You,



Yolanda Leal
Barnhart Inc.
 CPESC-IT #5610, CISEC #0449
 Project Environmental Specialist