

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Hugh R. Riley, Assistant City Manager 

BY: Ky Spangler, Special Projects Consultant 

DATE: June 6, 2012 (CC Meeting of 6/20/12)

SUBJECT: Consider Additional Funding for Extended Construction Management and Temporary Site Services and Amendment No. 5 to the Professional Services Agreement with Barnhart Balfour-Beatty, Inc., for the Ruben Castro Human Services Center

BACKGROUND & DISCUSSION

The City of Moorpark entered into a Professional Services Agreement with Barnhart Balfour-Beatty, Inc. (Balfour-Beatty) in 2008 for construction management services for the Ruben Castro Human Services Center (RCHSC).

Construction of the RCHSC began in February 2011 with an anticipated twelve-month completion schedule. During the course of construction, the City elected to add a storm drain connection in Spring Road to address drainage coming from the site and the railroad right-of-way. The design, approval and construction process for the Spring Road storm drain has extended the construction completion date to mid-July, 2012. Construction management services will be required through August, 2012 in order to address final punch list items.

The monthly construction management fee under Balfour-Beatty's agreement is \$40,380.75. The cost for the additional three months of construction management service is \$121,142.25. In conjunction with the extended construction duration, extended temporary construction fence rental and onsite security services are also required for a total cost of \$6,762.00.

A recap of the Balfour-Beatty agreement and amendments to date is shown below:

<u>Original Contract</u>	\$1,272,876.00
Amendment No. 1	\$ 27,744.00
Amendment No. 2	\$ 43,000.00
Amendment No. 3	\$ 64,505.00
Amendment No. 4	\$ (887.00)
Current Agreement Amount	\$1,407,238.00
<u>Amendment No. 5</u>	
Construction Management (June-August 2012)	\$ 121,142.25
Temporary construction fencing	\$ 2,162.00
Site security	\$ 4,600.00
Total Amendment No. 5 Amount	\$ 127,904.25
Revised Agreement Amount	\$1,535,142.25

The agreement with Balfour-Beatty does not include a contingency and therefore staff is seeking the approval of additional funds for the additional construction management services, temporary construction fencing and site security to complete the construction of the Ruben Castro Human Services Center.

FISCAL IMPACT

The Fiscal Year 2011/2012 Capital Improvement budget for the Ruben Castro Human Services Center (Fund 5020) is \$11,038,064. To date \$6,934,449 has been expended with \$3,042,891 left in encumbrances and \$795,618 available project balance. Therefore, no additional funds need to be budgeted for the proposed work at this time. Sufficient funds exist in the budget to cover this work.

STAFF RECOMMENDATION (ROLL CALL VOTE)

Approve additional funding in the amount of \$127,904.25 for additional construction management and temporary site services for the Ruben Castro Human Services Center and authorize the City Manager to execute Amendment No. 5 in the amount of \$127,904.25 with Barnhart, Balfour-Beatty, Inc., subject to final language approval of the City Manager and City Attorney.

- Attachment 1: Amendment No. 5 to Professional Services Agreement with Barnhart, Balfour-Beatty
- Exhibit A: Barnhart, Balfour-Beatty proposal letter dated May 11, 2012

ATTACHMENT 1

**FIFTH AMENDMENT TO AGREEMENT 2008-090
FOR CONSTRUCTION MANAGEMENT SERVICES**

THIS FIFTH AMENDMENT TO THE AGREEMENT FOR SERVICES ("Fifth Amendment"), is made and entered into this _____ day of _____, 2012, ("the Effective Date") between the City of Moorpark, a municipal corporation, hereinafter referred to as "CITY", and Barnhart-Balfour Beatty, Inc., 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, on July 21, 2010, the CITY and the CONSULTANT executed a First Amendment to incorporate a business name change and to increase the maximum payment by \$27,744 to \$1,300,620, for additional services not covered by the original Agreement; and

WHEREAS, on January 21, 2011, the CITY and the CONSULTANT executed a Second Amendment to fully fund Building Information Modeling (BIM) services and to increase the maximum payment by \$43,000 to \$1,343,620 for these additional services not covered by the original agreement; and

WHEREAS, on May 31, 2011, the CITY and the CONSULTANT executed a Third Amendment for the provision of temporary site services to increase the maximum payment by \$64,505 to \$1,408,125 for these additional services not covered by the original agreement; and

WHEREAS, on March 21, 2012, the CITY and the CONSULTANT executed a Fourth Amendment to decrease the maximum payment by (\$887) to \$1,407,238; and

WHEREAS, the CITY wishes to further AMEND the Agreement to provide for additional construction management services from June 2012 through August 2012 in the amount of \$121,142.25; and

WHEREAS, the CITY wishes to further AMEND the Agreement to provide for temporary construction fencing for an additional duration in the amount of \$2,162.00; and

WHEREAS, the CITY wishes to further AMEND the Agreement to provide for site security for an additional duration in the amount of \$4,600.00; and

WHEREAS, the CITY wishes to AMEND the Agreement to increase the total not-to-exceed amount by \$127,904.25 to \$1,535,142.25 based on these additional requirements as described in Request for Additional Services through August 2012 correspondence, dated May 11, 2012, and attached hereto and incorporated herein as Exhibit A to the Agreement by this Fifth Amendment.

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto AMEND the aforesaid Agreement follows:

I. Section 2 of the Agreement is amended to include:

CONSULTANT will provide additional Construction Management services in accordance with CONSULTANT's correspondence dated May 11, 2012, attached hereto and incorporated herein as Exhibit A to the Agreement by this Fifth Amendment.

II. Section 5 of the Agreement is amended to include:

CITY hereby increases the not-to-exceed amount of \$1,407,238 under this Agreement by \$127,904.25 to \$1,535,142.25 in accordance with Exhibit A and reflected through the line item revisions as follows:

- CITY hereby increases the not-to-exceed amount of \$646,092 for General Conditions for the Construction Phase services under this Agreement by \$121,142.25 to \$767,234.25 in accordance with Exhibit A; and
- CITY hereby adds \$2,162.00 to the Agreement for temporary construction fencing in accordance with Exhibit A; and
- CITY hereby increases the not-to-exceed amount of \$72,000 for General Conditions for the Site Security Allowance under this Agreement by \$4,600 to \$76,600 in accordance with Exhibit A.

III. Remaining Provisions

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

[SIGNATURES TO FOLLOW ON NEXT PAGE]

CITY OF MOORPARK

BARNHART BALFOUR-BEATTY, INC.

By: _____
Steven Kueny
City Manager

By: _____
Eric G. Stenman
President

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Consultant’s Letter, Request for Additional Services dated May 11, 2012

EXHIBIT A

Balfour Beatty Construction

May 11, 2012

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

Ruben Castro Human Services Center, City of Moorpark Request for Additional Services Thru August 2012

Dear Mr. Riley,

Per the Fourth Amendment to Agreement 2008-090 for Construction Management Services, an extension of services was extended through May 2012. At the time of execution of the Fourth Amendment, we were expecting the Project to be completed not later than May 2012. Subsequent to the above Amendment, the scope of the Project was expanded to include an extension of offsite storm drain systems to service the Project site and alleviate the storm water run off from the northerly railroad right of way. In addition, the onsite domestic and fire water systems were modified to feed each building independently. In consideration of the additional offsite scope and the onsite modifications, all onsite underground utility installations as depicted on the original bid documents were suspended pending issuance of the proper construction documents. This suspension of work in turn slowed the completion of the Project as a whole.

Final approved offsite plans and authorization for the prime contractor to proceed was issued about April 5, 2012 and work was started about April 16, 2012. The installations were anticipated to take about 30 days to complete thus pushing the onsite utilities and originally specified offsite improvements further into delay as indicated on the attached Project Schedule Update date 4-30-12. Per this schedule update, the completion of the Project is now anticipated to occur the end of August 2012.

In order to maintain the obligated Construction Management services, by this letter, we respectfully request an extension of General Conditions as follows;

Current CM Services thru May 2012	Resolved in Amendment # 4
CM Services June 2012 thru August 2012	(3) Three Months
Construction Phase monthly services Costs	\$40,380.75 x 3 mths = \$121,142.25

In addition to the Construction Phase monthly service costs, additional costs for various temporary site services will also be incurred as follows;

Temporary Construction Fence	\$2,162.00 (see attached)
Site Security	\$4,600.00 (see attached)

As a reminder, upon wrap up of the Project, we will review the final construction cost and advise of any Management Fee adjust similar to the adjustment which occurred in the Fourth Amendment.

We appreciate your consideration of this request. Should you require any additional information, or wish to discuss any of the items presented, please do not hesitate contact me at anytime.

Sincerely,



Dennis Kuykendall
Senior Project Manager
Balfour Beatty Construction

Attachments: Exhibit A – Temporary Construction Fence Rental cost log with projection thru August 2012
Exhibit B – Site Security Monthly Cost Log with projection thru August 2012
Project Schedule Update thru 4-30-12

Cc: Ky Spangler, City of Moorpark
File