

CITY OF OAKLAND
COUNCIL AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 NOV 25 AM 9:13

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: December 9, 2003

RE: **RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO THE AGREEMENT WITH THE KPA GROUP FOR ADDITIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE POLICE ADMINISTRATION BUILDING SEISMIC RETROFIT PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED \$131,017 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$899,028**

SUMMARY

A resolution has been prepared authorizing the City Manager, or her designee, to amend the existing agreement with The KPA Group ("KPA") to provide additional architectural and engineering services for an amount not to exceed \$131,017 for a total contract amount not to exceed \$899,028. The PAB seismic retrofit design was expanded from the original scope of work and the previous contract amendments to include structural improvements on all floors of the building instead of only from the basement to the 3rd floor. Due to the urgent nature of the seismic retrofit work, KPA provided the additional design services in good faith without a formal contract amendment. Amendment No. 6 is now necessary to compensate KPA for these added design services performed under good faith for the Police Administration Building ("PAB") Seismic Retrofit Project Phase 1.

The project is consistent with the following Mayoral and City Council goals: #1) Make Oakland a Safe City and #6) Maintain and Enhance Oakland's Physical Assets.

FISCAL IMPACT

This resolution will authorize Amendment No. 6 with The KPA Group in the amount of \$131,017. Funding for this services agreement is provided by \$6,500,000 in Measure I (1992 Emergency Response Bond Issue) funds (Org. 92290, Project No. C58690, Fund 5008). Funding for the project is also available through a Hazard Mitigation Grant (Org. 92270, Project No. C58691, Fund 2146). The Hazard Mitigation Grant in the amount of \$7,518,375 was accepted and appropriated pursuant to City Council Resolution No. 75110 C.M.S., dated July 6, 1999. The grant funds are provided by the Federal Emergency Management Agency ("FEMA") through the Governor's Office of Emergency Services.

In accordance with City Policy, an amount of \$3,960 will be set aside (within Org. 92290, Account 56918, Project No. C58690, Fund 5008) for Contract Compliance fees (3% of the contract amendment).

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BACKGROUND

In July 2000, Council approved the Police Facilities Plan. The Plan included the seismic retrofit of the PAB to an “essential services” standard in two phases of construction. Phase 1 would address the most significant structural weakness of the building between the basement and the 3rd floor, and would require minimal relocation of occupants. Phase 2 would seismically retrofit the remaining floors, completely renovate the building systems and interiors, and provide additional ADA and safety-related improvements. Phase 2 would require the temporary relocation of all occupants during the construction to an entirely separate facility.

Phase 1 involved structural improvements from the basement to the 3rd floor, and was designed to significantly reduce the risks of the building from collapsing after an earthquake. It, however, did not address the structural deficiencies of the upper floors, which could still collapse after a major earthquake. In addition, there was no definitive timeline for commencing with Phase 2 due to budget constraints, lack of a suitable relocation site for PAB occupants during construction, and the uncertainty of constructing a new Police Administration Building. Therefore, in late-summer 2003, the City Manager’s Office directed that the Phase 1 work be expanded to include structural improvements at all floors (from the basement to the roof level) instead of only from the basement to the 3rd floor, and to incorporate code changes from the 2001 California Building Code that mandate more stringent structural design requirements.

Due to the urgent nature of the project to complete the expanded Phase 1 design work and to commence construction as soon as possible, KPA provided architectural and engineering services in good faith without a formal contract amendment. KPA has completed the expanded Phase 1 design work. No other services are anticipated from KPA in connection with this contract at this time. The amount requested in Amendment No. 6 will compensate KPA in full. Local Business Enterprise (LBE) participation for the agreement with KPA, including Amendment No. 6, is approximately 90%.

KEY ISSUES AND IMPACTS

KPA provided additional architectural and engineering services for the expanded PAB Seismic Retrofit Phase 1 design at the direction of the City in order to maintain quality, continuity and timeliness on the project. Amendment No. 6 to the agreement with KPA is necessary to compensate the consultant for work performed in good faith without a formal contract amendment.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate business tax and sales tax for the City for work performed on the project.

Environmental: The consultant was required to consider the use of green building technologies to the extent feasible, utilize recycled materials in the products and materials specified, and explore other environmental opportunities such as waste reduction and energy conservation. Hazardous materials abatement will be performed prior to the performance of the seismic retrofit work.

Social Equity: Social equity opportunities are not applicable in this project.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will provide benefits to the disabled and senior citizen communities by partially improving accessibility within the PAB. Some facilities such as restrooms, drinking fountains, public telephones, elevator cabs, and path-of-travel will be upgraded in accordance with applicable state accessibility standards and the Americans with Disabilities Act.

RECOMMENDATION AND RATIONALE

It is recommended that the City Manager, or her designee, be authorized to amend the existing agreement with The KPA Group (KPA) to provide additional architectural and engineering services for the Police Administration Building Seismic Retrofit Phase 1 Project for an amount not to exceed \$131,017 for a total contract amount not to exceed \$899,028.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

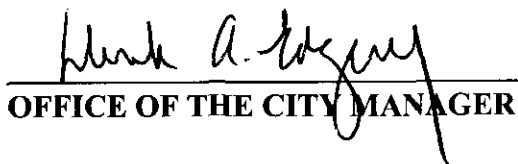
Respectfully submitted,


CLAUDETTE R. FORD
Director, Public Works Agency

Reviewed by:
Raul Godinez II, P.E.
Assistant Director, Public Works Agency
Design & Construction Services

Prepared by:
Calvin Hao, AIA
CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED TO THE
PUBLIC SAFETY COMMITTEE:


OFFICE OF THE CITY MANAGER

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____



RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO THE AGREEMENT WITH THE KPA GROUP FOR ADDITIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE POLICE ADMINISTRATION BUILDING SEISMIC RETROFIT PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED \$131,017 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$899,028

WHEREAS, on April 16, 1996, City Council approved Resolution No. 72567 C.M.S. awarding a professional services contract to The KPA Group (formerly known as KPA Consulting Engineers, Inc.) to provide architectural and engineering services for an amount not to exceed \$418,011; and

WHEREAS, on July 11, 2000, City Council approved the Police Facilities Plan that determined that the Police Administration Building ("PAB") shall instead be retrofitted to an "essential services" standard in two phases with the first phase ready to commence design; and

WHEREAS, Phase 1 has been redefined to include structural improvements at all floors instead of only the basement to the 3rd floor and to incorporate recent code changes that mandate more stringent structural design requirements; and

WHEREAS, Phase 1 is intended to prevent collapse of the PAB, to reduce damage and to improve exiting of occupants from the building after a major earthquake; and

WHEREAS, due to the urgency of the project, the City Manager's Office directed that the expanded Phase 1 design commence immediately; and

WHEREAS, KPA provided architectural and engineering services at the direction of the City in order to maintain quality, continuity and timeliness on the project; and

WHEREAS, Amendment No. 6 is needed to compensate the consultant for work performed in good faith without a formal contract amendment; and

WHEREAS, staff does not anticipate any further professional services in connection with this contract; and

WHEREAS, funds to cover the contract amendment are available in Measure I (1992 Emergency Response Bond Issue) funds and a Federal Emergency Management Agency grant; and

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WHEREAS, the City Council finds that this contract is for services of a professional nature; and

WHEREAS, the City Council finds that services under contract will be temporary; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Manager, or her designee, to amend the existing agreement with The KPA Group to provide additional architectural and engineering services for the Police Administration Building Seismic Retrofit Phase 1 project for an amount not to exceed \$131,017 for a total contract amount not to exceed \$899,028; and be it

FURTHER RESOLVED: That the City Manager, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said contract with the exception of those related to an increase in the total dollar amount of the agreement, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

307379

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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