



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: September 29, 2009

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: Engineering Division, Public Works Department
Housing and Redevelopment Division, Community Development
Department
Recreation Division, Parks and Recreation Department

SUBJECT: Contract For Construction For The Carrillo Recreation Center
Rehabilitation Project

RECOMMENDATION:

- A. That the Redevelopment Agency (Agency) Board authorize the expenditure of \$4,736,970 from the Agency's Carrillo Recreation Center Rehabilitation Project accounts in the 2001A Bond Fund, 2003A Bond Fund, and the Agency's General Capital Projects Fund, to fund the construction of the Carrillo Recreation Center Rehabilitation Project (Project), including construction, construction support, Leadership in Energy and Environmental Design (LEED) commissioning, inspection, materials testing, furniture allocation, staff time, and other items;
- B. That Council reject the bid protests of McGillivray Construction, Inc. (McGillivray), and Frank Schipper Construction (Schipper), and award a contract to TASCOC Construction, Inc. (TASCOC), in their low bid amount for the base bid of \$3,060,905, for construction of the Project, Bid No. 3503;
- C. That Council authorize the Public Works Director to execute the contract for the base bid, and approve expenditures of up to \$612,181 to cover any cost increases from contract change orders;
- D. That Council authorize the Public Works Director to execute a contract with Kruger Bensen Ziemer Architects, Incorporated (KBZ), in the amount of \$196,000, for construction support and LEED administrative services, and approve expenditures of up to \$20,000 for extra services;
- E. That Council authorize the Public Works Director to execute a contract with AG Mechanical, Inc. (AG Mechanical), in the amount of \$62,800 to provide Enhanced LEED Commissioning, and approve expenditures of up to \$6,280 for extra services;

- F. That Council authorize the General Services Manager to issue a Purchase Order to Penfield & Smith (P&S), in the amount of \$229,625, to provide construction inspection services, and approve expenditures of up to \$23,000 for extra services;
- G. That Council authorize the General Services Manager to issue a Purchase Order to Fugro West, Inc. (Fugro), in the amount of \$37,899, to provide materials testing and special inspection services, and to approve expenditures of up to \$3,790 for extra services;
- H. That Council authorize the General Services Manager to issue a Purchase Order to Criterion Environmental (Criterion), in the amount of \$11,340, to monitor asbestos and lead paint abatement, and to approve expenditures of up to \$1,150 for extra services; and
- I. That Council authorize the General Services Manager to issue a Purchase Order to a contractor selected from a bid process in an amount not to exceed \$100,000 to complete landscaping for the Project.

DISCUSSION:

BACKGROUND

The Carrillo Recreation Center (Center) was designed by J. Corbley Poole and built in 1913 under the auspices of Margaret Baylor, the Superintendent of the Neighborhood House Association. It featured an innovative dance floor installed with metal springs underneath. In addition to dancing, the large auditorium was used for plays, musicals, concerts, lectures, and political rallies. The Center also had rooms for small gatherings, lectures, and teas. The upper floor rooms were devoted to women in need of temporary shelter. The Center was used extensively during World War I to support the war efforts, and after the 1925 earthquake, it was used as an evacuation center. In 1944, Council voted to purchase the Center from the Neighborhood House Association and continue to provide programs and activities similar to those of when it opened in 1914. Today, the Center receives over 100,000 visitors each year, and provides over 25 programs and activities. It is also listed as a temporary evacuation center in the City's Emergency Operations Manual, and was used for this purpose during the 1995 floods.

PROJECT DESCRIPTION

In 2006, a Building Assessment Report was prepared by Vanderweil Facility Advisors to assess the Center's condition. The report addressed the degradation of the Center's components and the costs associated with the renewal or replacement of these components. Seismic concerns were outside the scope of this review.

In February 2007, KBZ was hired to perform the preliminary design for the Project, including a seismic analysis. The analysis indicated serious structural deficiencies in the Center, including the lack of sheer strength, compromised connections between the walls and roof, and no ties between the foundation and the structure.

In April 2008, Council approved a contract for design with KBZ to complete a comprehensive rehabilitation of the Center. The Project design addresses the seismic issues noted above, and improves American with Disabilities Act (ADA) access by adding an elevator and two lifts; one of which will provide access to the stage area. All of the restrooms will comply with ADA requirements. The Project also addresses the Center's heating, ventilation, air conditioning, and electrical systems. It provides an improved office configuration that allows for an additional dance studio for expanded programs. The finishes for the Center will reflect the historical period, and many of the original architectural features will be restored. Office furniture and landscaping for the Project will be provided under separate Purchase Orders.

CONTRACT BIDS

A total of 13 bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	TASCO Construction Inc., Camarillo, CA	\$3,060,905.00
2.	Frank Schipper Construction, Santa Barbara, CA	\$3,329,442.00
3.	McGillivray Construction, Ventura, CA	\$3,442,781.00
4.	Camco Pacific Construction, Irvine, CA	\$3,479,000.00
5.	Viola Constructors, Oxnard, CA	\$3,579,950.00
6.	AMG Associates, Santa Clarita, CA	\$3,735,619.00
7.	SBS Corporations, Westlake Village, CA	\$3,904,823.65
8.	Diani Building Corp., Santa Maria, CA	\$3,989,720.00
9.	Delmac Construction, Los Angeles, CA	\$4,036,000.00
10.	G-2000 Construction, Inc., Agoura Hills, CA	\$4,114,320.00
11.	Intertex General Contractors, Valencia, CA	\$4,117,847.00
12.	L. A. Builders, Inc., Van Nuys, CA	\$4,305,000.00
13.	Emma Corporation, Santa Monica, CA	\$4,878,000.00

The low bid of \$3,060,905, submitted by TASCO, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

Change order funding of \$612,181, or 20%, is recommended for this Project. The change order authority for a project of this type is typically 15%. The higher change order authority recommended reflects the challenges of working on an historical building in the downtown corridor, and most importantly, the fact that building plans for the Center were never found and therefore, required some professional assumptions as to how it was built.

BID PROTEST

Two bid protests were filed by the second and third apparent low bidders, Schipper and McGillivray, respectively. At the heart of the protests are two issues; one alleging that TASC0 failed to list all of the subcontractors necessary to complete the work in the base bid (the basis of the award of the bid), and the second alleging that TASC0 had failed to list all of the subcontractors necessary to complete the work in the Miscellaneous Bid Items (bid alternates). The Public Contract Code and the City's bid documents require that a contractor list the name and place of business of any subcontractor who will perform a minimum of one-half of one percent (.5%) of the prime contractor's total base bid. As to the first issue, after reviewing the subcontractor list submitted by TASC0 for work included in the base bid, staff determined that TASC0 listed the necessary subcontractors.

Regarding the second issue, TASC0 did not list the subcontractors necessary to perform the Miscellaneous Items, which included the photovoltaic (PV) system and the landscaping. The Public Contract Code provides that if the bidder fails to list a necessary subcontractor, then the bidder must perform this portion of the work itself, provided the bidder is qualified to do so. TASC0 is not qualified to self-perform these Miscellaneous Items. It is the opinion of the City Attorney's Office that if the City were to award the contract to TASC0, including the Miscellaneous Items, the courts could conclude that the City violated applicable provisions of the Subletting and Subcontracting Fair Practices Act of the Public Contract Code. However, since the bid documents state that the City has the absolute discretion whether or not to include the Miscellaneous Bid Items in the award of the contract, staff is recommending that Council award the base bid contract to TASC0 without the inclusion of the Miscellaneous Items. This action will eliminate the basis of the bid protests and allow the City to award the contract at a substantial savings relative to the next lowest bidder.

Awarding the contact to TASC0 without the Miscellaneous Items will eliminate the installation of new landscaping and the PV system on the adjacent roof of the Carrillo Gymnasium. Staff recommends that the landscape portion be bid separately by the Public Works Department for installation near the end of the Project. After further review of the PV system, staff does not recommend pursuing this option at all. The unique location on the gymnasium roof and the height of the surrounding buildings reduce the available solar exposure and thus, the potential power production. Under present circumstances, the payback for this system is estimated to be 25 years, which is 5 years beyond the expected useful life of the system. The removal of the PV system will not jeopardize the Project's goal of achieving LEED certification.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with KBZ in the amount of \$196,000, plus \$20,000 for extra services, for a total of \$216,000, to provide design support services during construction. KBZ was originally selected to design the Project by a Request For Proposal process, and is experienced in this type of work.

Staff recommends that Council authorize the Public Works Director to execute a contract with AG Mechanical in the amount of \$62,800, plus \$6,280 for extra services, for a total of \$69,080, to provide LEED Commissioning. LEED Commissioning ensures that all building systems are operating at optimal efficiencies and meeting project design goals.

Staff recommends that Council authorize the General Services Manger to issue a Purchase Order to P&S in the amount of \$229,625, plus \$23,000 for extra services, for a total of \$252,625, to provide construction inspection.

Staff recommends that Council authorize the General Services Manager to issue a Purchase Order to Fugro in the amount of \$37,899, plus \$3,790 for extra services, for a total of \$41,689, to provide materials testing and special inspection.

Staff recommends that Council authorize the General Services Manager to issue a Purchase Order to Criterion in the amount of \$11,340, plus \$1,150 for extra services, for a total of \$12,490, to provide monitoring of asbestos and lead paint abatement.

Staff recommends that Council authorize the General Services Manager to issue a Purchase Order to a contractor, selected from a bid process, in an amount not to exceed \$100,000 to complete the landscape for the Project.

FUNDING

The Agency's 2003A Tax Allocation Bond originally included \$5 million for the Project. At the January 27, 2005, Agency Board Work Session, held to consider modifications to the Agency's Capital Program, the Agency Board reallocated \$1.5 million from the Project to other near-term priority projects, reducing the total Project funding to \$3.5 million.

In April 2008, the Agency Board approved final design for the Project and allocated an additional \$3.2 million to the Project, with \$2.2 million from the Agency's Capital Project Contingency Fund, and \$1 million from the unappropriated interest earnings of the Agency's 2001A Bond account, bringing the amount available for the total Project to \$6.7 million. The total Project cost is \$5,629,350, including this recommendation to authorize expenditure of \$4,736,970 for construction and the previous authorizations of \$892,380 for design and engineering. There are sufficient monies available in these funds to cover the cost of the Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
TASCO	\$3,060,905	\$612,181	\$3,673,086
KBZ	\$196,000	\$20,000	\$216,000
AG Mechanical	\$62,800	\$6,280	\$69,080
P&S	\$229,625	\$23,000	\$252,625
Fugro	\$37,899	\$3,790	\$41,689
Criterion	\$11,340	\$1,150	\$12,490
Landscape	\$100,000	-0-	\$100,000
TOTAL RECOMMENDED CONSTRUCTION CONTRACT			\$4,364,970

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

Design (by Contract)	\$706,763
Design Management – (City staff)	\$165,233
Other Design Costs	\$20,384
<i>Subtotal (previously authorized)</i>	\$892,380
Construction Contract	\$3,060,905
Construction Change Order Allowance	\$612,181
Design Support Services during Construction (by Contract)	\$216,000
Enhanced LEED Commissioning (by Contract)	\$69,080
Materials Testing and Special Inspection (by Contract)	\$54,179
Construction Inspection (by Contract)	\$252,625
Landscape	\$100,000
<i>Subtotal- Construction Contract</i>	\$4,364,970

Construction Management (by City staff)	\$212,000
Other Construction Costs (permits, special supplies, services)	\$110,000
Office Furniture	\$50,000
<i>Subtotal-Construction Other</i>	\$372,000
<i>Total Construction (total authorized under this Agenda Report)</i>	\$4,736,970
ESTIMATED TOTAL PROJECT COST	\$5,629,350

SUSTAINABILITY IMPACT:

The full Project incorporates green building materials and construction techniques in alignment with the City's sustainability goals of pursuing a LEED certification. The Project will follow the guidelines for indoor air quality that include low-emitting volatile organic materials used in the adhesives, sealants, paint and coatings, and in the composite wood and wood glues. Controlled systems will be used for both lighting and thermal management. The building materials used will contain a minimum recycled content of 20%, and 10% of the building materials will be extracted, processed, or manufactured regionally. Low water use fixtures will be installed in the restrooms and kitchen. The landscaping will utilize low water use plants and will be watered by a micro-irrigation system with advanced controls to minimize outdoor water use.

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