



Legislation Details (With Text)

**File #:** 22-307      **Version:** 1      **Name:** Amend 2 Testing Engineers (SR and RES)  
**Type:** Staff Report      **Status:** Agenda Ready  
**In control:** City Council  
**On agenda:** 9/6/2022      **Final action:** 9/6/2022  
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**Title:** Adopt a Resolution to Authorize the City Manager to Execute Amendment No. 2 to an Existing Consulting Services Agreement with Testing Engineers for Special Inspection and Materials Testing to Increase the Amount of Compensation by \$10,000 for a Total not to Exceed Amount of \$95,000 on the Farrelly Pool Replacement, Project No. 2018.3420; and to Authorize the Extension of the Contract Term from December 31, 2021, to December 31, 2022

**Sponsors:** Sheila Marquises

**Indexes:**

**Code sections:**

**Attachments:** 1. Att A - Reso 2022- CSA Testing Engineers Amdt 2, 2. Att B - Scope of Work, 3. Att C - Compensation, 4. Att D - Amendment 1, 5. Att E - CSA

Date	Ver.	Action By	Action	Result
9/6/2022	1	City Council	Received and Filed	Pass

Adopt a Resolution to Authorize the City Manager to Execute Amendment No. 2 to an Existing Consulting Services Agreement with Testing Engineers for Special Inspection and Materials Testing to Increase the Amount of Compensation by \$10,000 for a Total not to Exceed Amount of \$95,000 on the Farrelly Pool Replacement, Project No. 2018.3420; and to Authorize the Extension of the Contract Term from December 31, 2021, to December 31, 2022

**COUNCIL PRIORITY**

- Public Safety
- Infrastructure

**SUMMARY**

This contract amendment provides for the additional cost for material testing and special inspection services required for the completion of the Farrelly Pool Replacement project.

**RECOMMENDATIONS**

Staff recommends the following actions:

- Authorize the City Manager to execute Amendment No. 2 to the Consultant Services Agreement (CSA) with Testing Engineers in an amount of \$10,000, resulting in a total contract amount of \$95,000; an increase of 179% above the original contract amount of \$34,000; and
- Authorize the extension of the contract term from December 31, 2021 to December 31, 2022

## **BACKGROUND**

On November 4, 2019, the City Council awarded a contract to Tricon Construction to reconstruct the Farrelly Pool aquatic facility. Quality assurance of the construction by special inspections and material testing was required by the Building Code, permit conditions, and City standards. These testing services were not included in the construction contract to avoid conflicts of interest, and a separate independent testing firm was contracted separately by the City for this work.

On September 30, 2019, a Consulting Services Agreement (CSA) with Testing Engineers was approved for the Farrelly Pool Replacement project in an amount of \$34,000. Testing Engineers was selected for these inspection services based on its successful completion of other City projects, is a local business, can be readily available to provide services with a minimum of travel time to the project site, and provided the City a 10% discount for its services.

On December 14, 2020 by Resolution No. 2020-160, the City Council approved Amendment 1 to the original contract which increased the value by \$51,000 to a total of \$85,000 to cover additional inspection and soil compaction testing services.

## **Analysis**

Testing Engineers has worked on this project since the start of construction in February 2020, providing testing and inspection services required to support the contractor's sitework without delay. The budget for this project was based on a forecast of an expected number of site visits and consultant hours, which has been exceeded. Amendment No. 2 to the contract is needed for the following reasons:

- Work on this contract is performed on a Time and Materials basis and is therefore highly dependent on the field construction activities and the contractor's actual schedule of activities, which are different than originally forecasted.
- The impacts of the Covid-19 pandemic affected the scheduling of work crews and therefore the efficiency of these inspections, resulting in the extension of the overall project schedule, and reduction in testing crews' capability to overlap field activities to reduce the number of site visits.
- Access to the work site is very constrained and construction actions had to accommodate the adjacent Roosevelt Elementary School activities. Often, these constraints required work to be completed in many smaller, limited phases rather than as one single mobilization. As a result, additional site visits were frequently required to monitor each phase of the work.
- The project's perimeter fence and ball wall installation required a separate California Department of State Architect (DSA) permit. The DSA permit has special forms and inspection requirements separate from those required for the rest of the project falling under purview of a City building permit, resulting in the consultant performing additional work to satisfy the DSA permit conditions.

The approval of Amendment No. 2 in an amount of \$10,000 is needed to cover the cost to complete all the remaining special inspection and materials testing tasks needed to complete the project and obtain final permit approvals. The various permits issued for the project must be closed out with each agency to allow the City to take the full possession and occupation of the facility. In addition, Amendment 2 will extend the contract to the end of the 2022 calendar year to ensure there is

sufficient time for project closeout.

### **Current Agency Policies**

- Maintain and enhance San Leandro's infrastructure
- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

### **Previous Actions**

- On November 4, 2019, by Resolution No. 2019-184, the City Council awarded a construction contract to Tricon Construction, Inc. for the Farrelly Pool Replacement project
- On December 14, 2020 by Resolution No. 2020-160, the City Council approved Amendment 1 to the original contract which increased the value by \$51,000 to a total of \$85,000

### **Committee Review and Actions**

On February 7, 2018, staff presented to the City Council Facilities and Transportation Committee information on the Farrelly Pool Replacement project.

### **Applicable General Plan Policies**

- Policy OSC-1.2 Park Maintenance. Provide for the regular, systematic maintenance of San Leandro's parks and recreational facilities to prevent deterioration, ensure public safety, and permit continued public use and enjoyment
- Policy OSC-4.1 Joint Use Agreements. Promote joint use agreements between the City and the San Leandro Unified School District and San Lorenzo School District to maximize public access to school recreational facilities and grounds during non-school hours

### **Permits and/or Variances Granted**

City Building Permit B19-0925, Alameda County Health Department Permit SR 0038325, and DSA permit 01-118560 were issued for the project.

### **Code Compliance Review**

Installed equipment complies with all applicable codes and were inspected for code compliance as part of the required building permits.

### **Summary of Public Outreach Efforts**

- An open house for the public was held at Roosevelt Elementary School on March 27, 2019 between 6:30pm and 8:30pm to present the new facility design. Four information stations were set up at the meeting with Engineering and Recreation staff personnel available to answer questions and provide comment cards for their opinions
- Notices regarding the start of construction were distributed to the neighborhood the week of January 20, 2020.

**Fiscal Impacts**

The cost of Amendment 2 is \$10,000. The total estimated cost of the Farrelly Pool Replacement project, including this Amendment 2, is \$8,945,000

Sufficient funds are budgeted for this construction contract as follows:

• Park Development Fees, Account 122-62-131	\$495,000
• Measure B, Account 144-38-392	\$354,000
• Capital Improvement Fund, Account 210-62-123	\$3,200,000
• Capital Improvement Fund, Account 210-62-131	\$4,855,000
• <u>Sanitary Sewer Funds, Account 593-52-277</u>	<u>\$41,500</u>
Total	\$8,945,000

This Council action will not impact fund balance because there are sufficient funds available in the FY2022-2023 adopted budget.

**ATTACHMENTS**

- Attachment A - Resolution
- Attachment B - CSA Amendment 2 Scope of Work
- Attachment C - CSA Amendment 2 Compensation Schedule
- Attachment D - CSA Amendment 1
- Attachment E - CSA with Testing Engineers

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