



**CONSENT CALENDAR**

**Agenda Item # 3**

**AGENDA REPORT SUMMARY**

**Meeting Date:** October 27, 2020

**Subject:** Amendment No. 2 to the Agreement between the City of Los Altos, California and NOVA Partners, Inc. for the additional Construction Management Services for Hillview Community Center Redevelopment Project CF-01002.

**Prepared by:** Peter Maslo, Project Manager

**Reviewed by:** Jim Sandoval, Engineering Service Director

**Approved by:** Chris Jordan, City Manager

**Attachment(s):** NOVA Partners Amendment No. 2 Proposal

**Initiated by:**

Staff

**Previous Council Consideration:**

October 22, 2019; July 9, 2019; March 12, 2019; September 11, 2018; July 10, 2018; March 13, 2018; December 12, 2017; September 26, 2017; August 22, 2017, May 23, 2017; April 25, 2017; July 30, 2019

**Fiscal Impact:**

The following contract amendment will cost \$241,768 and an additional 20% contingency would cost \$48,354. Both costs will be funded by the \$38.3M budget approved by the City Council for development of the Los Altos Community Center Project CF – 01002 in the Capital Improvement Program.

- Breakdown of funds to be used :
  - o \$241,768 (contract amendment) - General Fund
  - o \$48,354 (20% contingency) – General Fund
- Amounts already included in approved budget? Yes
- Amount above budget requested: \$0

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- None

**Summary:**

- NOVA Partners is contracted with the City as the Construction Manager for the Los Altos Community Center.

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**Reviewed By:**

City Manager

City Attorney

Finance Director

*CJ*

*JH*

*SE*

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**Subject:** Professional Design Services Agreement Amendment: Community Center Project

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- Amendment No. 2 to the Construction Management agreement with NOVA Partners is recommended by staff to extend original construction management contract from November 25, 2020 through April 2021.

### **Staff Recommendation**

Authorize the City Manager to execute a contract amendment on behalf of the City with NOVA Partners for the additional construction management services on the Los Altos Community Center project in the amount of \$241,768 and up to a 20% contingency amount of \$48,354 on behalf of the City if a third amendment is necessary to further extend construction management services in Spring 2021.

### **Purpose**

Execute an amendment for \$241,768 to the existing agreement with NOVA Partners for the Los Altos Community Center Project.

### **Background**

On July 9, 2019, City Council authorized the execution of a professional services agreement between the City of Los Altos and NOVA Partners in an amount not to exceed \$938,525 for construction management services for the Community Project.

Amendment No. 1 was issued on October 22, 2019 to cover the cost for Special Testing and Inspection Services in the amount of \$70,218, which included the subcontractor CONSOLIDATED ENGINEERING Laboratories' cost proposal of \$63,834.40 with NOVA Partners, plus a 10% markup by NOVA Partners. Specifically, the Special Testing and Inspection Services included: Soil Testing and Observation Services, Geotechnical Engineering Services, Inspection of Reinforced Concrete, Inspection of Reinforcing Steel Placement, Monitoring and Sampling of Concrete Placement, and Concrete Compression Testing.

### **Discussion/Analysis**

Amendment No. 2 includes necessary consulting services to complete the construction phase of the Community Center Project due to the construction schedule being extended by COVID19 and other unforeseen conditions. Currently, the projected date for Substantial Completion is March 30, 2021, which represents an approximate four months extension to the original contract completion date of November 25, 2020.

NOVA Partners will continue to provide services in accordance with the existing agreement. Tasks NOVA Partners will continue to perform during construction and project closeout shall include:

- On-site Construction Management to monitor, manage and administer all construction activities in accordance with contract requirements.



**Subject:** Professional Design Services Agreement Amendment: Community Center Project

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- Act as the focal point for all activities and provide coordination between the City, Architect, General Contractor and other stakeholders including City vendors (for example furniture suppliers).
  - Conduct weekly construction progress meetings to coordinate and schedule activities of contractors, design professionals, City staff, and others as required. Prepare and distribute minutes of meetings.
  - Coordinate and administer scheduling, sequencing, change order requests, submittals, shop drawings, inspections, testing, etc., and constructability issues among the Architect, City, and Contractor. Implement procedures for review, processing, and maintenance of project documentation, records, and decisions.
  - Expeditiously resolve disputes between the construction contractor and design professionals without disruption to the project.
  - Assist the City in resolving all technical, architectural, engineering, testing, surveying, scheduling, sequencing, and estimating issues, including change order cost and validity evaluation relating to design during construction.
  - Conduct periodic walk-throughs and project reviews of the project with City's management, program, and project personnel.
  - Direct, manage, and coordinate testing and inspection services, including monitoring and reporting to the City of actual versus estimated costs budgeted for such services through the course of the project.
  - Represent or assist the City in review and resolution of disputes with the General Contractor, subcontractors, suppliers, and utilities. Maintain documentation and records on all relevant decisions and facts relating to changes, clarifications, change orders, and disputes on an ongoing basis.
  - Review and provide recommendations on construction schedules submitted by the General Contractor to provide the shortest possible project completion.
  - Review all progress requests for payment for amount, prevailing wage compliance, etc., and approve or modify them before forwarding to the City for payment. Review and monitor subcontractor compliance with the California Public Contract Code and report any non-compliance to the City.
  - Review all project-related vendor invoices.
  - Coordinate and manage the submittal and shop drawing review and approval process and advise design professionals of any unusual site conditions affecting approvals. Coordinate with the contractor to allow sufficient time for review and approval for all parties. Verify and document that the shop drawing process is proceeding according to the submittal schedule.
  - Implement a field log system. This system is used for tracking requests for information (RFI), submittals, and proposed and actual change orders and their status, and manages a database which presents a chronology, including change orders completed, in progress, planned, and projected.



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- Review all RFIs for completeness, clarity, and appropriateness.
- Provide analysis of change orders to include, but not be limited to, analyzing validity, analyzing contractor's estimate, determining the source of the change, analyzing and reporting on the effects of proposed and approved change orders in a timely manner.
- Maintain project budget and issue monthly updates or as requested by the City.
- Coordinate with utility companies including PG&E, Cal-Water, AT&T and Comcast as needed to ensure power, water and communications systems are installed in accordance with the City's requirements without delaying project completion.
- Coordinate with the Santa Clara County Fire Department.
- Manage close-out procedures approved by the City to accomplish timely completion of the construction contract (e.g., change orders, punch list, recommendation for acceptance, final payment, receipt of warranties and guarantees, transition to operation and maintenance phase, etc.).
- Coordinate final testing, inspections, and approvals.
- Advise the City regarding when building is ready for occupancy, when project is at the substantial and final completion stage, and when final payment is appropriate.
- Direct the initial startup, commissioning and testing of utilities, electrical and mechanical systems and equipment. Coordinate training of the City's personnel in conjunction with City's designated representatives. Collect and distribute all Operation and Maintenance manuals and warranty documentation.

The fee request by NOVA Partners for this additional scope of services to cover a period of four months is \$241,768.

### **Options**

- 1) Authorize the City Manager to execute an amendment with NOVA Partners for professional construction services in the amount of \$241,768 and up to a 20% contingency amount of \$48,354 on behalf of the City if a third amendment is necessary to further extend construction management services in Spring 2021.

**Advantages:** Allows construction management services to continue to manage the remaining construction activities and closeout of the Los Altos Community Center project.

**Disadvantages:** None.



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- 2) Do not authorize the City Manager to execute an amendment with NOVA Partners for professional construction services in the amount of \$241,768.

**Advantages:** None

**Disadvantages:** NOVA Partners will be owed funds for timely services performed that were necessary during construction and they will not be able to continue supporting the project, which puts the City in a position of significant risk from the standpoints of professional staff resources and project controls—i.e., cost and schedule oversight; construction quality assurance.

**Recommendation**

The staff recommends Option 1.



October 15, 2020

Mr. Peter Maslo  
 City of Los Altos  
 1 N San Antonio Road  
 Los Altos, CA 94022

Subject: Los Altos Community Center Contract Amendment #2 - Construction Schedule Extension

Peter:

Nova Partners is performing Construction Management of the Los Altos Community Center (Project Number CF-01002). Due to the Covid-19 pandemic and scope modifications impacting project progress, the duration of the project has extended past the original construction contract completion date of November 25, 2020. The latest schedule shows a revised substantial completion date of March 30, 2021, an extension of approximately four months.

We are requesting to increase or contract by \$241,768 to enable us to continue to manage the remaining construction activities and closeout of the project. Please reference the below fee schedule for details of our proposed fee. This amendment would enable us to continue providing services through April 2021, including approximately one month of project closeout activities.

BREAKDOWN - 4 MONTH EXTENSION							
		Principal	Sr. PM	PM	APM	Admin	
2021 Rate		\$226	\$204	\$187	\$171	\$143	Total
Month 1	Hours	9	52	173	87	4	
Month 2	Hours	9	52	173	87	4	
Month 3	Hours	9	52	173	87	4	
Month 4	Hours	9	52	173	87	4	
<b>Total Fee</b>		<b>\$8,136</b>	<b>\$42,432</b>	<b>\$129,404</b>	<b>\$59,508</b>	<b>\$2,288</b>	<b>\$241,768</b>

If you have any questions, please do not hesitate to contact us to discuss this request further.

Joe Capps-Jenner  
 Nova Partners, Inc.

Cc: David Marks

**Construction Project Management and Real Estate Development Services**