

## REPORT TO CITY COUNCIL

**Approved By:**

Keith Helmuth, Department Director

Arnaldo Rodriguez, City Manager

**Council Meeting of:** April 15, 2020

**Agenda Item Number:** B-6

**SUBJECT:**

Amendment to the Agreement with Stantec Architecture, Inc. for the New Transit Operations Facility located at Freedom Industrial Park

**RECOMMENDATION:**

Adopt a Resolution Amending the Agreement with Stantec Architecture, Inc. for Professional Architectural and Engineering Services in the amount of \$48,000 for Construction of the New Transit Operations Facility and Consider Acceptance of the Project

**SUMMARY:**

The Agreement with Stantec Architectural, Inc. (Stantec) was approved by Council on September 7, 2016 for a specific scope of work and for an estimated amount of \$415,000 for design and construction services. Stantec has submitted a list of additional services requested by the City that they have encountered during the construction of the project. Staff has reviewed the items and concurs with the additional services. Funds are available in the project contingency allocation for the additional \$48,000.

The Council, at its September 19, 2018 meeting, awarded a contract to BMY Construction Group, Inc., (Contractor) for the Project in the amount of \$3,838,500. The Contractor has completed the project in accordance with the plans and specifications and as modified by approved change orders. Staff recommends that the Council accept the Project.

## **DISCUSSION:**

### *Amendment to Agreement with Stantec*

The estimated expense in the Architectural & Engineering Agreement for construction inspection and management services performed by Stantec was \$94,000. The scope of these services include:

- Responding to contractor requests for information on construction details and interpretation of plans and specifications
- Review and approval of contractor shop drawings and submittals of products and materials to be used
- Review and approval of product warranties
- Participation in bi-weekly meetings with the contractor
- Perform inspections on critical structural design elements
- Conduct final inspection including preparing a “punch list” of items that need to be addressed; and
- Preparation of as-built record drawings

In addition to the increase in hours performed by Stantec for the work mentioned above, Stantec made revisions and modifications to the original plans to meet current project needs, including providing electrical conduit and pull boxes for a future PG&E transformer to serve proposed Bus Electrical Charging Stations, riser pole parking lot lighting to accommodate security cameras, and the addition of a flagpole.

The expense for the additional work is available from the 10 percent contingency approved with the original construction contract.

Pictures of the completed project are provided including a Plaque awarded to the City by the APWA Central California Chapter as a recipient of “Project of the Year” for Buildings/Structures less than \$5,000,000 Construction Cost.

### *Acceptance of the Madera Transit Operations Facility*

The Contractor has completed the project in accordance with the plans and specifications and as modified by approved change orders. Final inspections were conducted by the Engineering and Public Works Departments as required for approval of the building permit. The project Architect, Stantec, along with various design disciplines provided final inspections for compliance with project plans and specifications. The Grants Department also performed a final inspection of the project. All parties agree that the project can be recommended for acceptance by the Council and a “Notice of Completion” recorded.

The Project’s design and construction consists of a 3,200 square foot building that includes Transit staff offices, lobby/reception area, conference/training room, dispatch room, fare box room, break room, lockers, restrooms, storage room, and data/communications room. The

building is ADA compliant. A separate bus wash building was constructed with bus wash equipment and soap dispensers.

The Project contains parking areas for staff and buses that are fully landscaped. The Project provides parking for the current 22 transit buses and space for an additional 14 buses. A perimeter fence has been constructed along with access gate security features and surveillance cameras within parking areas.

The site work consists of constructing a fully paved access road into the Project including curbs, gutters, sidewalks, and ADA ramps. Sewer, water, and storm drains have been extended to serve the new facility. Included in the construction is LED lighting for access road and parking lots.

The Project includes a joint utility trench for installation of PG&E, AT&T, and Comcast conduit to serve the facility, inclusive of required manholes and ground vaults

The City Engineering Department provided construction management for the overall project and performed construction inspections as required for the site work. The City's Building Division provided building inspections for compliance with the Building Code and building permit requirements.

Three Construction Contract Change Orders (CCO's) have been processed for additional construction items that were necessary to complete the work. Also, several deductions were applied for deleted items and contractor credits. See tabulation in Table 1 below.

<b>Table 1: Contract Change Orders (CCO)</b>		
<b>CCO</b>	<b>Item Description</b>	<b>Amount</b>
1	CCO No. 1, Additive <i>Includes addition of 30-year extension for roof warranty, security cameras and other electrical items, various water, storm drain, and piping changes, changes in signage and fencing, additional concrete, and other miscellaneous adjustments.</i>	\$179,567.33
2	CCO No. 2, Additive <i>Includes changes to benches, addition of flag pole, water/drainage changes, electrical items, design changes, other miscellaneous adjustments.</i>	\$98,316.27
2	CCO No. 2, Deductive <i>Removal of paving for bus wash area.</i>	(\$1,889.43)
3	CCO No. 3, Additive <i>Includes bronze plaque, surveying, concrete, interior hardware and signage, water, pipe, changes to utilities, flooring, and striping, other miscellaneous adjustments.</i>	\$37,530.45

3	CCO No. 3, Deductive <i>Removal of PG&amp;E line and compaction retesting fees incurred by Contractor.</i>	(\$3,509.21)
<b>TOTAL ADDITIVE AMOUNT</b>		\$315,414.05
<b>TOTAL DEDUCTIVE AMOUNT</b>		(\$5,398.64)
<b>TOTAL CONTRACT CHANGE ORDER AMOUNT</b>		\$310,015.41

The final progress payment, less the retention amount of five percent, has been processed. The original contract amount was \$3,838,500. The total cost of CCO's resulted in a net increase of \$310,015.41, increasing the cost of the project approximately 8.07 percent to \$4,148,515.41. See attached list of CCO's.

The construction project was completed within the adjusted construction schedule with extensions of time, granted by change order, for the extra work and weather delays. Project's budget amount was approved by Council with the award of project at the September 19, 2018, meeting.

#### **FINANCIAL IMPACT:**

There is no fiscal impact to the City's General Fund. The Project is included in the adopted FY 2018/19 City Budget– Capital Improvement Program with \$2,339,588 of PTMISEA funds, \$300,000 of FTA Section 5307 funds CA-90-Z193-00 grant and \$3,284,990 FTA Section 5307 funds CA-2018-061-00 grant. These funds are programmed for the design and construction of the Project in the 2018 Federal Transportation Improvement Program approved by the Madera County Transportation Authority.

#### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN:**

Meets components of Strategy 121 to develop a city-wide multi-modal transportation plan and facilities to ensure safe, affordable, and convenient transportation modes for residents and businesses within Madera.

#### **ALTERNATIVES:**

As an alternative, the Council may elect to reject the Notice of Acceptance of the Project. Rejection of the Notice of Acceptance which will effect compliance with the Project's Construction Contract requirement to close the project and release the retention.

#### **ATTACHMENTS:**

1. Resolution: Amendment to Agreement with Stantec Architecture, Inc.
2. Notice of completion
3. Project Pictures (3)

**ATTACHMENT 1**

Resolution No. 20\_\_\_\_\_

Amendment to Agreement with Stantec Architecture, Inc.

**RESOLUTION NO. 20-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, APPROVING AMENDMENT TO AGREEMENT  
STANTEC ARCHITECTURE, INC. FOR PROFESSIONAL  
ARCHITECTURAL AND ENGINEERING SERVICES TO THE CITY OF  
MADERA FOR CONSTRUCTION OF THE NEW TRANSIT  
OPERATIONS FACILITY AND APPROVING ACCEPTANCE OF THE  
MADERA TRANSIT OPERATIONS FACILITY CITY PROJECT NO.  
TRANS-1, FEDERAL TRANSIT ADMINISTRATION GRANT PROJECT  
NO. CA-90-Z193-02, PTMISEA GRANT, NEW TRANSIT FACILITY,  
FILING OF NOTICE OF COMPLETION, AND RELEASING RETENTION  
FUNDS**

**WHEREAS**, on September 7, 2016, the City Council adopted Resolution No. 16-142 approving an agreement with RNL Interplan, Inc.; and

**WHEREAS**, thereafter the City Council adopted Resolution No. 17-123 consenting to assignment of the agreement to Stantec Architecture, Inc.; and

**WHEREAS**, Stantec Architecture, Inc. has requested additional compensation for professional architectural and engineering services incurred during the construction of the Madera Transit Center; and

**WHEREAS**, City Staff has reviewed the request and the scope of additional services and concurs that the additional amount of compensation is justified; and

**WHEREAS**, City Staff recommends acceptance of the Madera Transit Operations Facility City Project No. Trans-1, Federal Transit Administration Grant Project NO. CA-90-Z193-02, PTMISEA Grant, New Transit Facility, filing of Notice of Completion, and releasing retention funds.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA**, resolves as follows:

1. The above recitals are true and correct.
2. The Council approves the Amendment to Agreement with Stantec Architecture, Inc. a copy of which is attached hereto as Exhibit A and incorporated by reference.
3. The Council approves acceptance of the Madera Transit Operations Facility City Project No. Trans-1, Federal Transit Administration Grant Project NO. CA-90-Z193-02, PTMISEA Grant, New Transit Facility, filing of Notice of Completion, and releasing retention funds.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

## **EXHIBIT A**

### **AMENDMENT TO AGREEMENT WITH STANTEC ARCHITECTURE, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES TO THE CITY OF MADERA FOR CONSTRUCTION OF THE NEW TRANSIT OPERATIONS FACILITY PROJECT, ADDITIONAL AMOUNT NOT TO EXCEED \$48,000.**

#### **RECITALS**

**WHEREAS**, This Amendment to Agreement for Professional Architectural and Engineering Services for the Construction of the New Transit Operations Facility Project is entered between the City of Madera, a municipal corporation of the State of California, hereinafter called "**CITY**", and Stantec Architecture, Inc., hereinafter called "**ARCHITECT**".

**WHEREAS**, CITY and RNL Interplan, Inc. entered into agreement dated September 6, 2017 for the new Transit Operations Facility, hereinafter called "the Project"; and

**WHEREAS**, pursuant to a request for consent of assignment, the City Council adopted Resolution No. 17-203 consenting to the assignment of the Agreement to Stantec Architecture Inc. (ARCHITECT); and

**WHEREAS**, during the course of performance of the Agreement extra work was required and agreed to by the Parties;

**WHEREAS**, CITY and ARCHITECT wish to amend the Agreement to increase compensation for the extra work.

#### **AGREEMENT**

Based on the foregoing recitals, the Parties hereto mutually agree as follows:

Section 1. Section 5 of the Agreement titled "Extra Services" is hereby amended to read as follows:

##### **5. EXTRA SERVICES:**

Extra services not contemplated hereunder, as set forth in Exhibit A or for such services beyond the control of the CITY or ARCHITECT, may be specifically requested in writing by CITY or ARCHITECT. Upon mutual agreement of the

requested extra services, ARCHITECT shall be compensated at the hourly rates in EXHIBIT "C", provided, however, the City Engineer's authority is limited to expenditures not to exceed an additional amount of \$48,000.

Section 2. Except as amended by this Amendment, all other terms and conditions of the Agreement remain in full force and effect.

Section 3. This Amendment to Agreement shall be effective upon full execution by both Parties.

**CITY OF MADERA**

By: \_\_\_\_\_  
Andrew J. Medellin, Mayor

**STANTEC ARCHITECTURE, INC.**

By: \_\_\_\_\_  
Patrick M. McKelvey, Senior Principal  
\_\_\_\_\_  
Taxpayer I.D. Number

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Hilda Cantú Montoy, City Attorney

**ATTEST:**

By: \_\_\_\_\_  
Alicia Gonzales, City Clerk

**ATTACHMENT 2**

Notice of Completion

Recording Requested by:  
**City of Madera**

And When Recorded, Mail to:  
**City of Madera – City Clerk**  
**205 W. 4<sup>th</sup> Street**  
**Madera, CA 93637**

\_\_\_\_ Space above this line for Recorder's Use \_\_\_\_\_  
Fee Waived per Section 27383 & 27388.1(a)(2)(D) of the Government Code – No Document Tax Due \$-0-

## NOTICE OF COMPLETION

Corporation

**NOTICE IS HEREBY GIVEN THAT:**

1. The undersigned is owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is **City of Madera.**
3. The full address of the undersigned is **205 W. 4<sup>th</sup> Street, Madera, CA 93637.**
4. The nature of the title of the undersigned is: In fee **Public Improvement**  
(If other than fee, strike "In fee" and insert, for example, "purchaser under contract of purchase" or "lessee".)
5. The full name and full addresses of all persons, if any, who hold title with the undersigned as joint tenant or as tenants in common are:

**Name**

**Address**

**N/A**

**N/A**

6. A work of improvement on the property hereinafter described was completed on **April 15, 2020**
7. The name of the original contractor, if any, for such work of improvement was:  
(If no contractor for work of improvements as a whole, insert "none".)

**BMV Construction Group, Inc.**

8. The full name(s) and address(es) of the transferor(s) of the undersigned is(are):

**Name**

**Address**

**N/A**

**N/A**

9. The property on which said work of improvement was completed is in the City of **Madera**, County of **Madera**, State of California, and is described as follows:  
**Madera Transit Operations Facility, City Project No. Trans-1, Federal Transit Administration Grant**  
**Project No. CA-90-Z193-02, PTMISEA Grant, New Transit Facility**

10. The street address of said property is **Madera CityLimits**  
(If no street address has been officially assigned, insert "none".)

(Signature of Owner named in Paragraph 2)

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Keith Brent Helmuth, P.E.  
City Engineer

**State of California**  
**County of Madera**

Keith Brent Helmuth, being duly sworn says: He is the City Engineer of the City of Madera, the corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that he makes this verification on behalf of said corporation; that he has read said notice and knows the contents thereof, and that the facts herein stated are true.

**(Signature of Officer)**

\_\_\_\_\_  
Keith Brent Helmuth, P.E.  
City Engineer

The notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy or validity of that document.

**State of California**  
**County of Madera**

Subscribed and sworn to (or affirmed) before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by Keith Brent Helmuth, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

\_\_\_\_\_  
Alicia Gonzales  
City Clerk

(Seal)

**ATTACHMENT 3**

Project Pictures



Figure 1: Exterior of the City of Madera Transit Center



Figure 2: Interior of the City of Madera Transit Center

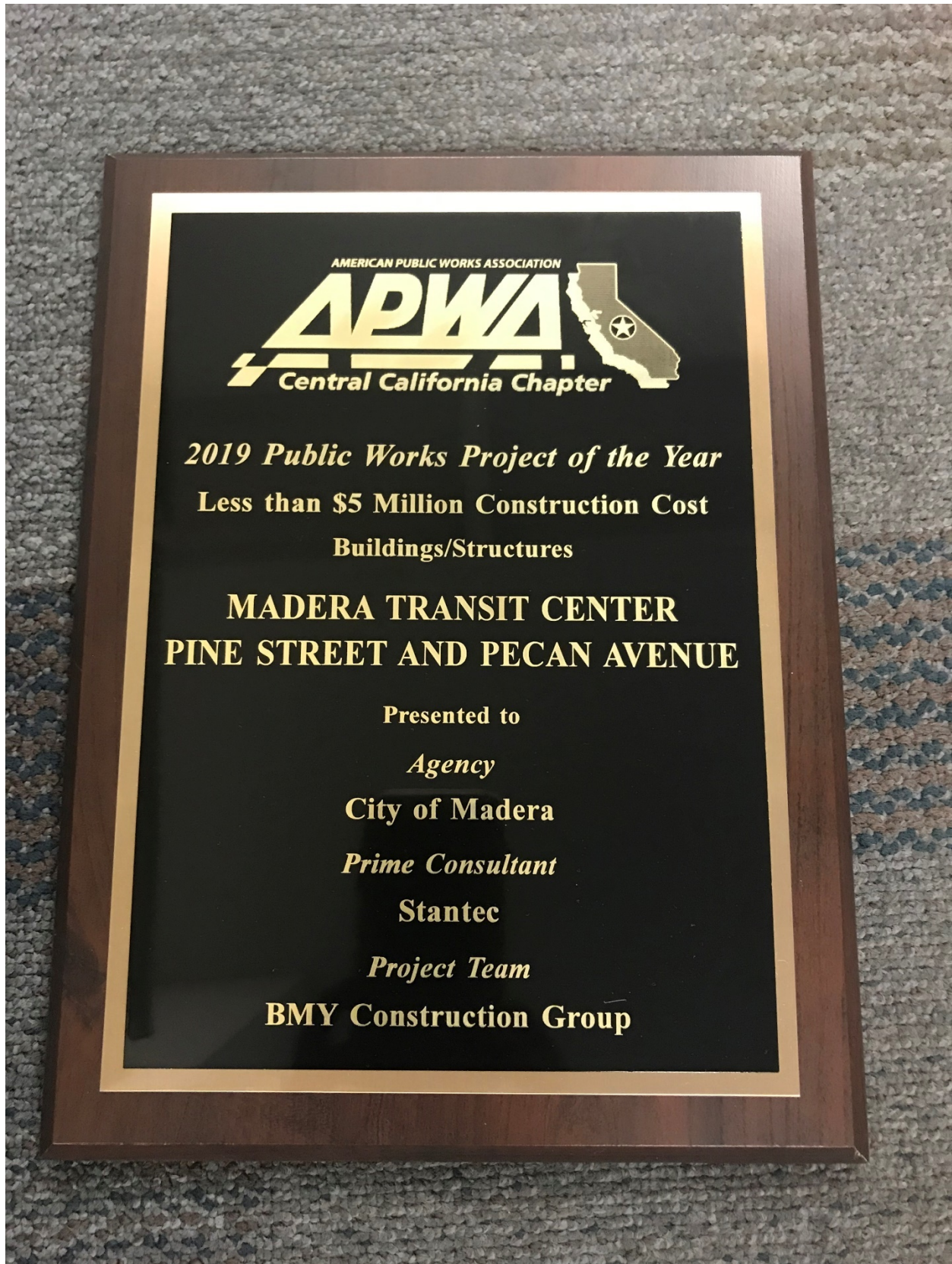


Figure 3: APWA Plaque for 2019 Public Works Project of the Year.