



## REPORT TO CITY COUNCIL

Approved by:

  
\_\_\_\_\_  
Keith Helmuth, Department Director

  
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Arnaldo Rodriguez, City Manager

**Council Meeting of:** February 7, 2024

**Agenda Number:** B-7

### **SUBJECT:**

Amendment No. 2 to an Agreement with Beyaz and Patel Inc. Regarding the Loy Cook Water Tower

### **RECOMMENDATION:**

Adopt a Resolution approving Amendment No. 2 to the Consultant Services Agreement with Beyaz & Patel Inc. for the preparation of engineering plans and specifications for the renovation of the Loy Cook Water Tower

### **SUMMARY:**

On December 15, 2021, City Council (Council) approved an agreement with Beyaz and Patel in the amount of \$104,789.38 for professional engineering services for the structural evaluation and interior and exterior coating evaluation of the Loy Cook Water Tower. On December 21, 2022, Council approved Amendment No. 1 to this agreement for engineering services to prepare construction bidding documents and provide services during construction for the renovation of both the interior and exterior of the tank including structural rehabilitation. However, the amount authorized as part of Amendment No. 1 only included costs related to engineering services for the water tower structural retrofit and exterior coating. It inadvertently omitted \$50,689.39 in costs for the engineering services for the interior recoating of the water tower. Amendment No. 2 is needed to bring those costs into the contract.

### **BACKGROUND:**

On September 16, 2021, the City issued a Request for Proposals to prepare an evaluation of the water tower. The City received two responses, and on December 15, 2021, Council approved an agreement with Beyaz and Patel Inc. ('Consultant') to prepare an engineering evaluation of the tower for \$104,798.38. More specifically, the agreement called for:

- Field investigation, structural analysis, and recommendations of the water evaluate the structure relative to current seismic and building codes.
- Analysis and recommendations of the interior and exterior coatings of the structure. A 20-year maintenance program will be provided.

On December 21, 2022 Council approved Amendment 1 for the preparation of engineering plans and specifications for bidding purposes and to provide engineering services during construction for the interior recoating and exterior recoating and structural retrofit. Table 1 summarizes the proposed costs to provide said services as submitted by the consultant.

| <b>Table 1: Loy Cook Additional Engineering Services Costs from Proposal</b> |                     |
|--|---------------------|
| <i>Item</i>  | <i>Amount</i>       |
| Interior Recoating   | \$50,689.39         |
| Tower Structural Retrofit & Exterior Coating                                 | \$119,149.37        |
| <b>Total</b>   | <b>\$169,838.76</b> |

Bayez & Patel completed preparation of the contract documents for the interior, exterior and structural rehabilitation for the Loy Cook Water Tower. The project has moved into construction and is approximately 35% complete.

It was discovered when processing a consultant invoice that the approved Amendment No. 1 neglected to include the of costs of engineering services for the interior of the tank in the compensation total. The compensation approved with Amendment No. 1 was \$119,149.37 rather than \$169,838.76. As a result, staff is presenting Amendment No. 2 modifying the compensation amount to include the fees for the interior and exterior, in the amount of \$169,838.76 as intended with Amendment No. 1.

**FINANCIAL IMPACT:**

The funding for City Project W-22 and W-34, for the water storage tank improvements, is managed and allocated within the Fiscal Year 2023/24 Capital Projects Budgets. These budgets draw exclusively from the Water Utility Funds, safeguarding the City's General Fund from any financial burden associated with this specific project.

This approach ensures that the essential improvements to our water storage tank in alignment with the City’s commitment to maintaining a robust and reliable water infrastructure. By leveraging the Water Utility Funds for Project W-22 and W-34, the City can continue to meet the demands for high-quality water services without adversely affecting the City’s broader financial stability.

**ALTERNATIVES:**

Not approve Amendment No. 2 as presented and reduce the scope of work for the project to the approved budget of \$119,149.37. However, critical construction oversight and

inspection services to be provided by the consultant would be halted and engineering staff does not have the proper qualifications for this work.

**ATTACHMENTS:**

1. Resolution
  - a. Exhibit A – Amendment No. 2
    - a. Attachment A to Amendment No. 1

**Attachment 1**

Resolution

**RESOLUTION NO. 24-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA APPROVING AMENDMENT NO. 2 TO THE  
CONSULTANT SERVICES AGREEMENT WITH BEYAZ & PATEL, INC.  
FOR PROFESSIONAL ENGINEERING SERVICES FOR THE  
PREPARATION OF ENGINEERING PLANS AND SPECIFICATIONS  
FOR THE RENOVATION OF THE LOY COOK WATER TOWER**

**WHEREAS**, a project to rehabilitate and repair the Loy Cook Water Tower is included in the 23/24 Capital Project Budget (the Project); and

**WHEREAS**, the City of Madera (City) received an engineering report from Beyaz and Patel Inc. with recommendations for the renovation of the interior and exterior of the Loy Cook Water Tower; and

**WHEREAS**, the City received a proposal from Beyaz and Patel Inc to prepare engineering plans and specifications and provide certain services during construction based on their engineering report; and

**WHEREAS**, Beyaz & Patel Inc. submitted a fee proposal of \$50,689.39 for engineering services related to the interior recoating and \$119,149.37 for services related to the exterior recoating and seismic retrofit for a total of \$169,838.76; and

**WHEREAS**, the City Council approved Amendment No. 1 to provide engineering services for both the interior and exterior renovation with a compensation amount of \$119,149.37; and

**WHEREAS**, an amendment is needed to add the costs relating to engineering services for the interior coating of the water tank to the total compensation for the services provided under Amendment No. 1.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA** hereby resolves, finds, determines and orders as follows:

1. The above recitals are true and correct.
2. Amendment No. 2 to the Agreement with Beyaz & Patel Inc. for Professional Engineering Services approving the total compensation amount of \$169,838.76 for the preparation of engineering plans and specifications for the interior coating, exterior painting, and structural upgrades of the Loy Cook Water Tower is approved. A copy of said Amendment No. 2 to the Agreement is attached as Exhibit A hereto.
3. This resolution is effective immediately.

**EXHIBIT A**

Amendment No. 2

**AMENDMENT NO. 2 TO THE CONSULTANT SERVICES AGREEMENT  
WITH BEYAZ & PATEL, INC. FOR THE PREPARATION OF ENGINEERING  
PLANS AND SPECIFICATIONS AND CONSTRUCTION MANAGEMENT  
SERVICES FOR THE RENOVATION OF THE LOY COOK WATER TOWER**

This Amendment No. 2 to the Consultant Services Agreement for Professional Engineering Services for the Structural Evaluation and Interior and Exterior Coating Evaluation of the Loy Cook Water Tower, City Projects W-22 and W-32 (“Amendment No. 2”) between the City of Madera (“City”) and Beyaz & Patel, Inc. (“Consultant”) is entered into this 7th day of February, 2024.

**WHEREAS**, on December 15, 2021, City and the Consultant entered into an Agreement for professional engineering services for the structural evaluation and interior and exterior coating evaluation of the Loy Cook water tower (“Agreement”); and

**WHEREAS**, the Agreement was amended on December 21, 2022 (“Amendment No. 1”) to include preparation of engineering plans and specifications and certain services during construction for the renovation of the interior and exterior of the Loy Cook Water Tower; and

**WHEREAS**, the compensation provided for in Amendment No. 1 did not include costs related to engineering services for the interior recoating portion of the project; and

**WHEREAS**, Amendment No. 2 to Agreement is necessary to revise the compensation for the additional engineering services agreed to under Amendment No.1.

**AGREEMENT**

In consideration of the recitals listed above and the mutual obligations of the parties herein, City and Consultant agree that the Agreement for Professional Engineering Service for the Structural Evaluation and Interior and Exterior Coating Evaluation of the Loy Cook Water Tower specifically City Project W-22 and W-34, between City and Consultant shall be amended as follows:

**SECTION 3.** **Section 3 of the Agreement titled “Compensation for Services”** shall be amended by deleting the text added to this section by Amendment 1 and adding the following text to the end of said Section:

Consultant shall provide the additional professional engineering services for a fee of \$169,838.76 as identified in Attachment A to Amendment No. 1 and incorporated by reference.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 2 to Agreement to be executed as of the day and year first above written.

**CITY OF MADERA**

**BEYAZ AND PATEL INC.**

\_\_\_\_\_  
Santos Garcia, Mayor

  
\_\_\_\_\_  
Subhash Patel  
President

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Shannon L. Chaffin, City Attorney

**ATTEST:**

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

**Attachment A to Amendment No. 1**

Proposal, Fee, and Schedule



## ATTACHMENT A, AMENDMENT NO 1 PROPOSAL, FEE, & SCHEDULE

November 28, 2022

Steve Bettencourt  
Project Manager  
**CITY OF MADERA**  
428 E. Yosemite Ave.  
Madera, CA 93636

**SUBJECT: LOY E. COOK WATER TOWER INTERIOR AND EXTERIOR RECOATING AND TOWER  
RETROFIT DESIGN, ADDENDUM A**

Dear Mr. Bettencourt:

As requested, Beyaz & Patel is pleased to submit our proposal for the interior and exterior recoating and retrofit design of the Loy E. Cook Water Tower (the "Tower"), located on the southwest corner of South and Columbia Streets. Beyaz & Patel's proposal is based on the inspection and evaluation work conducted under City Projects W-22 and W-34 and subsequent conversations with the City.

### A. PROJECT BACKGROUND

Beyaz & Patel evaluated the Tower. The objective was to assess the water tower's structural integrity and the interior and exterior coating condition and make recommendations for improvements.

#### **Interior and Exterior Recoating**

The tank interior is corroded and needs the replacement of the existing coating. Field inspection revealed that the tank exterior and tower structure have experienced minor corrosion damage and need recoating. First, the critical element is the overstressed anchor bolt connections to the concrete foundation.

#### **Retrofit Design**

The structural evaluation revealed that the Tower structure does not meet the current code requirements. Major elements include: First, the column base plate and anchor bolts require retrofit. Second, the existing horizontal tie-rods at mid-height connecting outer columns to the center column are inadequate and need replacement.

### B. SCOPE OF SERVICES

The City has prioritized first replacing the interior coating of the tank. The second contract will be exterior recoating and structural retrofits of the tank and tower structure. Please see **Bid Package 1 and 2 Schedules** for more detail, and refer to the **Cost Proposal** for more information regarding the bid and construction phases.

**BID PACKAGE 1: Tank interior corrosion repairs and coating replacement**

1.0 PROJECT MANAGEMENT

1.1 Kick-Off Meeting

1.2 Bi-Weekly Coordination Meeting

2.0 INTERIOR COATING

2.1 Interior Coating Submittal and Cost Estimate

2.2 QA/QC

2.3 Review Comments

2.4 Final Submittal

2.5 Assist the City in preparing bid documents.

3.0 BID PHASE

3.1 PreBid Meeting

3.2 Respond to Contractor Questions

4.0 CONSTRUCTION PHASE

4.1 Construction Meeting (1)/Observations

4.2 Respond to RFIs

4.3 Review Submittals

4.4 Coating Inspections by a SSPC QP5 Certified Coating Inspector by CSI Services Inc.

**BID PACKAGE 2: Tank exterior and tower structure corrosion repairs and recoating and retrofitting the tower structure.**

1.0 PROJECT MANAGEMENT

1.1 Kick-off Meeting

1.2 Monthly Invoicing and Status Updates

1.3 Biweekly Coordination Meetings

## 2.0 75% DESIGN PACKAGE

2.1 75% Submittal

2.2 City Review of 75% Design Package

2.3 75% Design Review Meeting

## 3.0 95% DESIGN PACKAGE

3.1 95% Submittal

3.2 95% QA/QC Review

3.3 City Review of 95% Submittal

3.3 95% Design Review Meeting

## 4.0 FINAL DESIGN PACKAGE AND COST ESTIMATE

### 5.0 BID PHASE

5.1 PreBid Meeting

5.2 Respond to Contractor Questions

### 6.0 CONSTRUCTION PHASE

6.1 Construction Meeting (1)/Observations

6.2 Respond to RFIs

6.3 Review Submittals

6.4 Coating Inspections by a SSPC QP5 Certified Coating Inspector by CSI Services Inc.

## **C. ASSUMPTIONS AND EXCLUSIONS**

- All drawings shall be prepared in AutoCAD.
- Bid phase and construction support services are included as separate tasks in the Cost Proposal.
- Each bid package will include technical specifications, a bid list, and a description of each bid item.
- Rates match the current contract rates.
- Attached schedules include the date of each deliverable.

Steve Bettencourt  
November 28, 2022  
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**D. COMPENSATION**

For **Bid Package No. 1**, we propose a fee of \$17,435 for design and \$33,255 for bid and construction. For **Bid Package No. 2**, we propose a fee of \$65,861 for design and a fee of \$53,288 for bid and construction. Please see the attached Cost Proposal. Any changes in the Scope of Services require adjusting the proposed fees. The proposed fees include all reasonable expenses.

Thank you for letting Beyaz & Patel be of continued service to the City. If you have any questions or need additional information regarding our proposal, please contact me at 858.451.0374 or by email.

Best Regards,

A handwritten signature in blue ink that reads "Subhash Patel". The signature is written in a cursive style with a horizontal line underneath the name.

**BEYAZ & PATEL**

Subhash Patel, PE, SE  
President and Principal Structural Engineer

858.451.0374  
spatel@beyazpatel.com

**City of Madera  
 Loy E. Cook Water Tower  
 Interior Coating, Exterior Recoating, and Retrofit Design**

|  | Principal<br>Engineer | Senior<br>Engineer | Cad<br>Designer | Admin<br>Assistant | Sub<br>CSI         | ODC<br>3%           | TOTAL<br>COST       |
|--|-----------------------|--------------------|-----------------|--------------------|--------------------|---------------------|---------------------|
| Hourly Billing Rates                             | \$246.00              | \$213.00           | \$133.00        | \$77.00            | Lump Sum           | Total Labor         |                     |
| <b>Bid Package 1: Interior Recoating</b>         |                       |                    |                 |                    |                    |                     |                     |
| 1.0 Project Management                           | 5                     | 2                  | 0               | 1                  | \$1,000.00         | \$2,733.00          | \$2,814.99          |
| 1.1 Kick-Off Meeting                             | 1                     |                    |                 | 1                  | \$200.00           | \$523.00            | \$538.69            |
| 1.2 Bi-Weekly Coordination Meeting               | 4                     | 2                  |                 |                    | \$800              | \$2,210.00          | \$2,276.30          |
| 2.0 Interior Coating                             | 18                    | 24                 | 0               | 2                  | \$4,500.00         | \$14,194.00         | \$14,619.82         |
| 2.1 Interior Coating Submittal and Cost Estimate | 8                     | 14                 |                 |                    | \$3,000.00         | \$7,950.00          | \$8,188.50          |
| 2.2 QA/QC  | 2                     | 6                  |                 |                    | \$0.00             | \$1,770.00          | \$1,823.10          |
| 2.3 Review Comments                              | 4                     |                    |                 |                    | \$500.00           | \$1,484.00          | \$1,528.52          |
| 2.4 Final Submittal                              | 2                     |                    |                 | 2                  | \$1,000.00         | \$1,646.00          | \$1,695.38          |
| 2.5 Assist the City in preparing bid documents.  | 2                     | 4                  |                 |                    | \$0.00             | \$1,344.00          | \$1,384.32          |
| 3.0 Bid Phase                                    | 4                     | 6                  | 0               | 0                  | \$1,000.00         | \$3,262.00          | \$3,359.86          |
| 3.1 PreBid Meeting                               | 2                     |                    |                 |                    | \$500.00           | \$992.00            | \$1,021.76          |
| 3.2 Respond to Contractor Questions              | 2                     | 6                  |                 |                    | \$500.00           | \$2,270.00          | \$2,338.10          |
| 4.0 Construction Phase                           | 22                    | 24                 | 0               | 0                  | \$18,500.00        | \$29,024.00         | \$29,894.72         |
| 4.1 Construction Meeting (1)/Observations        | 8                     | 8                  |                 |                    | \$1,500            | \$5,172.00          | \$5,327.16          |
| 4.2 Respond to RFIs                              | 2                     | 8                  |                 |                    | \$800              | \$2,996.00          | \$3,085.88          |
| 4.3 Review Submittals                            | 4                     | 8                  |                 |                    | \$1,200            | \$3,888.00          | \$4,004.64          |
| 4.4 Coating Inspections                          | 8                     |                    |                 |                    | \$15,000           | \$16,968.00         | \$17,477.04         |
| <b>TOTAL</b>                                     | <b>49</b>             | <b>56</b>          | <b>0</b>        | <b>3</b>           | <b>\$25,000.00</b> | <b>\$49,213.00</b>  | <b>\$50,689.39</b>  |
| <b>Bid Package 2: Tower Retrofit and Coating</b> |                       |                    |                 |                    |                    |                     |                     |
| 1.0 Project Management                           | 11                    | 4                  | 0               | 3                  | \$1,200.00         | \$4,989.00          | \$5,138.67          |
| 1.1 Kick-Off Meeting                             | 1                     |                    |                 | 1                  | \$200.00           | \$523.00            | \$538.69            |
| 1.2 Monthly Invoicing and Status Report          | 4                     | 4                  |                 |                    | \$0.00             | \$1,836.00          | \$1,891.08          |
| 1.3 Bi-Weekly Coordination Meetings              | 6                     |                    |                 | 2                  | \$1,000.00         | \$2,630.00          | \$2,708.90          |
| 2.0 75% Design Package                           | 14                    | 44                 | 96              | 3                  | \$3,500.00         | \$29,315.00         | \$30,194.45         |
| 2.1 75% Submittal                                | 12                    | 44                 | 96              | 2                  | \$3,200.00         | \$25,246.00         | \$26,003.38         |
| 2.2 75% Design Review Meeting                    | 2                     |                    |                 | 1                  | \$300.00           | \$569.00            | \$586.07            |
| 3.0 95% Design Package                           | 22                    | 32                 | 62              | 5                  | \$1,900.00         | \$22,759.00         | \$23,441.77         |
| 3.1 95% Submittal                                | 8                     | 24                 | 62              | 4                  | \$1,600.00         | \$17,234.00         | \$17,751.02         |
| 3.2 QA/QC  | 10                    |                    |                 |                    | \$0.00             | \$2,460.00          | \$2,533.80          |
| 3.3 95% Review Meeting Commnets                  | 4                     | 8                  |                 | 1                  | \$300.00           | \$3,065.00          | \$3,156.95          |
| 4.0 Final Design Package                         | 2                     | 4                  | 16              | 4                  | \$3,100.00         | \$6,880.00          | \$7,086.40          |
| 5.0 Bid Phase                                    | 9                     | 18                 | 0               | 0                  | \$2,300.00         | \$8,348.00          | \$8,598.44          |
| 5.1 Assist City with Bid Document Preparation    | 2                     | 4                  |                 |                    | \$1,000.00         | \$2,344.00          | \$2,414.32          |
| 5.2 PreBid Meeting                               | 2                     | 2                  |                 |                    | \$300.00           | \$1,218.00          | \$1,254.54          |
| 5.3 Respond to Contractor Questions              | 1                     | 8                  |                 |                    | \$500.00           | \$2,450.00          | \$2,523.50          |
| 5.4 Addenda                                      | 4                     | 4                  |                 |                    | \$500.00           | \$2,336.00          | \$2,406.08          |
| 6.0 Construction Phase                           | 42                    | 56                 | 16              | 0                  | \$19,000.00        | \$43,388.00         | \$44,689.64         |
| 6.1 Construction Meeting (2)/Observations        | 16                    |                    |                 |                    | \$1,600.00         | \$5,536.00          | \$5,702.08          |
| 6.2 Respond to RFIs                              | 8                     | 16                 |                 |                    | \$1,200.00         | \$6,576.00          | \$6,773.28          |
| 6.3 Review Submittals                            | 8                     | 36                 |                 |                    | \$1,200.00         | \$10,836.00         | \$11,161.08         |
| 6.4 Coating Inspections                          | 8                     |                    |                 |                    | \$15,000.00        | \$16,968.00         | \$17,477.04         |
| 6.5 As-Built Plans                               | 2                     | 4                  | 16              |                    | \$0.00             | \$3,472.00          | \$3,576.16          |
| <b>TOTAL</b>                                     | <b>100</b>            | <b>158</b>         | <b>190</b>      | <b>15</b>          | <b>\$31,000.00</b> | <b>\$115,679.00</b> | <b>\$119,149.37</b> |