



Office of the City Manager

CONSENT CALENDAR  
October 15, 2013

To: Honorable Mayor and Members of the City Council  
From: Board of Library Trustees  
Submitted by: Donna Corbeil, Director of Library Services  
Subject: Contract No. 7961C Amendment: Kitchell CEM, Inc. for the Provision of Construction / Project Management and LEED Commissioning Agent Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 7961C with Kitchell CEM, Inc. for the provision of construction / project management and LEED commissioning agent services for the branch library bond program, Measure FF, by increasing the expenditure authority by \$50,000 to a revised contracted total amount not to exceed \$1,523,580.

FISCAL IMPACTS OF RECOMMENDATION

Following City Council approval the contract scope will be amended in an amount not to exceed \$1,523,580; thereby providing an increased allowance for additional services not foreseen or accounted for in the original scope of work but directly related to completing the Branch Library Improvement Program. Funding for this amendment is to be provided by the Measure FF Fund (308) through budget code 308-9301-450.30-38. The contract management system number for this amendment request is CMS No. FSZIH.

BACKGROUND

In November 2008, Measure FF was passed by the voters, approving \$26 million in bond funds to make improvements to Berkeley’s four branch libraries. On May 5, 2009 by Resolution No. 64,430-N.S. the City Council authorized the City Manager to execute Contract No. 7961 at a not to exceed amount of \$996,990 with Kitchell CEM, Inc. for project management and contract administration services with funding provided from Measure FF for the renovation of the Berkeley Public Library branch libraries. On January 26, 2010 by Resolution No. 64,756-N.S. the City Council authorized the City Manager to amend Contract No. 7961 with Kitchell in the amount of \$201,590 to perform the specialized services required to execute and achieve LEED certification and to add a 10% contingency fee, for a revised total contracted value of \$1,198,580 and to extend the Contract’s term through September 30, 2013.

On June 13, 2012 by Resolution No. 65,814-N.S. the City Council authorized the City Manager to amend Contract No. 7961 with Kitchell in the amount of \$175,000 to a not to exceed amount of \$1,373,580 with Kitchell CEM, Inc. for additional services related to

the Claremont construction phase and the completion of the final two projects beyond the originally anticipated end-date of completion for the bond program. On May 21, 2013 by Resolution No. 66,168-N.S. the City Council authorized the City Manager to amend Contract No. 7961 with Kitchell in the amount of \$100,000 to a not to exceed amount of \$1,473,580 with Kitchell CEM, Inc.

On September 11, 2013 by Resolution No.:13-055 the Board of Library Trustees on a vote of 0 noes and four ayes (Ayes: Trustees Franklin, Holcomb, Moore and Novosel; Noes: None; Absent: Trustee Burton) recommended to the City Council that the City Manager be authorized to amend Contract No. 7961 with Kitchell CEM, Inc. for the provision of additional construction / project management services and LEED commissioning agent services to complete the branch library bond program in an amount of \$50,000 for a total revised contracted total amount not to exceed \$1,523,580.

#### CURRENT SITUATION AND ITS EFFECTS

Kitchell CEM, Inc. has been contracted to provide project management, construction administration, and LEED commissioning services for (Measure FF) the Branch Library Improvement Program. The program has achieved a significant milestone with the completed construction of three projects – the North Branch, the Claremont Branch and the recently reopened South Branch. Construction of the West Branch facility and final closeout of the South Branch remain as open ongoing items. To date, Kitchell has consistently met their contractual obligations.

Continued project management services are recommended for the duration of the program. Staff has identified a need for additional services related to the West Branch construction phase and the completion of the bond program closeout process beyond the originally anticipated end-date of the bond program. The City does not have the internal resources or staff expertise necessary to perform the specialized services required. To incorporate the costs of an additional two months of construction and project management services, estimated to be necessary to complete the construction of the West Branch Library and final close-out of the South Branch, staff recommends an increase of \$50,000 be added to the contract for a revised total contract value of \$1,523,580.

#### RATIONALE FOR RECOMMENDATION

Staff has identified a need for additional services related to the West Branch construction phase and the completion of the last two branch building projects beyond the originally anticipated end-date of completion for the bond program. The City does not have the internal resources or staff expertise necessary to perform the specialized services required. The Board of Library Trustees and staff recommend an increase of \$50,000 be added to the Contract for a revised total contracted amount not to exceed \$1,523,580.

#### ALTERNATIVE ACTIONS CONSIDERED

Without an authorized increase in the value for the Contract unforeseen events could result in substantial program delays as BOLT and City Council authorizations would need to be sought per occurrence.

CONTACT PERSON

Donna Corbeil, Director, Library Services, 981-6195

Attachment:

1: Resolution

RESOLUTION NO. ##,### N.S.

CONTRACT NO. 7961C AMENDMENT: KITCHELL CEM, INC. FOR THE PROVISION OF CONSTRUCTION / PROJECT MANAGEMENT AND LEED COMMISSIONING AGENT SERVICES

WHEREAS, on May 5, 2009 the City Council approved Resolution No. 64,430-N.S. authorizing the City Manager to execute Contract No. 7961 with Kitchell CEM, Inc. in an amount not to exceed \$996,990 for project management and contract administration services with funding provided from Measure FF for improvement of the Berkeley Public Library branch libraries; and

WHEREAS, on January 26, 2010 the City Council approved Resolution No. 64,756-N.S. authorizing the City Manager to amend Contract No. 7961 with Kitchell CEM, Inc. in the amount of \$201,590 to perform the specialized services required to execute and achieve LEED certification and to add a 10% contingency fee, for a revised total amount not to exceed \$1,198,580; and

WHEREAS, on July 10, 2012 the City Council approved Resolution No. 65,814-N.S. authorizing the City Manager to amend Contract No. 7961 with Kitchell CEM, Inc. in the amount of \$175,000 for additional services related to the Claremont construction phase and the completion of the final two projects beyond the originally anticipated end-date of completion for the bond program, for a revised total amount not to exceed \$1,373,580; and

WHEREAS, on May 21, 2013 the City Council approved Resolution No. 66,168-N.S. authorizing the City Manager to amend Contract No. 7961 with Kitchell CEM, Inc. for additional services related to the West Branch and closeout of the bond program, for a revised total not to exceed amount of \$1,473,580; and

WHEREAS, staff recommends the Contract be amended to allow additional project management related services for the balance of the Measure FF funded Branch Library Improvement Program in an amount not to exceed \$50,000; and

WHEREAS, pursuant to Berkeley Municipal Code Section 3.04.090(E) the Library shall recommend to the City Council the execution of contracts relating to the improvements at the four branch libraries, including but not limited to contracts for design, engineering, construction management, and construction; and

WHEREAS, funds are available in the Measure FF Fund in budget code 308-9301-450.30-38; CMS No. FSZIH; and

WHEREAS, on September 11, 2013 at a regular meeting of the Board of Library Trustees the Board adopted BOLT Resolution No. 13-055 recommending to the City Council approval of an amendment in the amount of \$50,000 to Contract No. 7961 with Kitchell CEM, Inc. to execute an amended contracted amount not to exceed \$1,523,580.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 7961 with Kitchell CEM, Inc. increasing the contract amount by \$50,000 for a not-to-exceed value of \$1,523,580.

