



Board of Library Trustees

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, Acting as Secretary, Board of Library Trustees

Subject: Contract No. 8159 Amendment: Harley Ellis Devereaux Architects for the Provision of Architectural and Engineering Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 8159 with Harley Ellis Devereaux Corporation for the provision of architectural and engineering services for the West Branch Library project as part of the branch library bond program, Measure FF, by increasing the expenditure authority \$50,000 to a revised total amount not to exceed \$838,194.

FISCAL IMPACTS OF RECOMMENDATION

Following City Council approval the Contract's scope will be amended in an amount not to exceed \$838,194; 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 West Branch Library improvement project. Funding for this amendment is to be provided by the Measure FF Fund (308) through budget code 308-9301-450.30-35.

The contract management system number for this amendment request is CMS No. UF4VD.

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 September 22, 2009 the City Council under Resolution No. 64,621-N.S. authorized the City Manager to execute Contract No. 8159 with Harley Ellis Devereaux for architectural and engineering services for the West Branch Library improvement project with funding provided by Bond Measure FF. The Contract's terms were for an amount not to exceed \$788,194 for all services and reimbursable expenses for the period from September 25, 2009 through December 30, 2013.

On September 11, 2013 under BOLT Resolution No. 13-052 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. 8159 with Harley Ellis Devereaux for the provision of architectural and engineering services for the West Branch Library Project in an amount of \$50,000 for a revised contracted total amount not to exceed \$838,194.

#### CURRENT SITUATION AND ITS EFFECTS

Harley Ellis Devereaux Corporation is providing architectural and commissioning services for the West Branch Library improvement project. The project is currently in the construction phase following the completion of an extended design and review period. The latter included the completion of the *Berkeley Public Libraries Program – Draft Environmental Impact Report (December 14, 2010)* and the *Berkeley Branch Libraries Program – Final Environmental Impact Report / Response to Comments Document (March 31, 2011)*. The design team provided assistance during this period that was unanticipated during the initial awarding of the design contract. To date, Harley Ellis Devereaux has met its contractual obligations.

An amendment is needed as the extended design and review period resulted in unanticipated costs leaving an inadequate contingency to cover the final phase of the project. In addition, the construction phase has extended beyond the anticipated period. Consequently, as currently contracted, all architectural service funds have been fully allocated. Staff recommends an additional \$50,000 contingency be added to the Contract's amount resulting in a revised amount not to exceed \$838,194. The current situation of a contingency shortfall poses potential additional extended program delays in the event of an unanticipated event that requires additional funds for resolution. In response, and moreover as a precautionary measure of good practice for a project of this scope and duration, staff recommends the additional requested funds be allocated to the Contract.

#### RATIONALE FOR RECOMMENDATION

Based on the recommendation of the Board of Library Trustees and staff an amendment to increase the value of the Contract is recommended. The City does not have the internal resources or staff expertise necessary to perform the specialized services required. Staff recommends an increase of \$50,000 be added to the Contract for a revised total contracted amount not to exceed \$838,194.

#### ALTERNATIVE ACTIONS CONSIDERED

Without an authorized contingency 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

Attachments:

1. Resolution

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

CONTRACT NO. 8159 AMENDMENT: HARLEY ELLIS DEVEREAUX CORPORATION  
FOR THE PROVISION OF ARCHITECTURAL AND ENGINEERING SERVICES

WHEREAS, the Branch Library Improvement Program is funded by Measure FF bond funds approved by the voters on November 4, 2008 to finance the renovation, expansion, and make seismic and access improvements at four neighborhood branch libraries; and

WHEREAS, architectural design services are included in the estimated project costs for the West Branch project; and

WHEREAS, the City Council on September 22, 2009 by Resolution No. 64,621-N.S. authorized the City Manager to execute Contract No. 8159 with Harley Ellis Devereaux Architects for architectural and engineering services for the West Branch Library project; and

WHEREAS, due to delays in the completion of the design and review phases of the project, the need for additional services related to the completion of a branch libraries program environmental impact study and to allow for contingency during the construction phase, which has extended beyond the anticipated period staff recommends the contracted amount be increased by \$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 308-9301-450.30-35; CMS No. UF4VD; and

WHEREAS, on September 11, 2013 at a regular meeting the Board of Library Trustees the board adopted BOLT Resolution No. 13-052 recommending to the City Council approval of an amendment in the amount of \$50,000 to Contract No. 8159 with Harley Ellis Devereaux to execute an amended contracted value not to exceed \$838,194.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby authorizes the City Manager to execute an amendment to Contract No. 8159 with Harley Ellis Devereaux Corporation increasing the contract amount by \$50,000 for a not-to-exceed value of \$838,194.

