




Office of the City Manager

CONSENT CALENDAR

October 24, 2006

To: Honorable Mayor and
Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: Stephen Barton, Director, Housing Department

Subject: Contract: Peer Review Waterproofing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with McGinnis Chen Associates, Inc. for peer review services increasing the contract amount by \$18,000 for an amount not to exceed \$36,000.

FISCAL IMPACTS OF RECOMMENDATION

The FY 2007 Budget includes funds for this contract amendment in Housing Department budget code: (610-8151-465-3038).

CURRENT SITUATION AND ITS EFFECTS

The Housing Department currently has a contract with McGinnis Chen Associates to provide peer review advisory services. These services include the preparation of analyses and peer review of the General Contractor's proposed waterproofing methods and materials to be used for the construction of the Oxford Plaza and David Brower Center development. This study has included McGinnis Chen Associates' analysis of the design development drawings and specifications for the entire development, which includes the building envelopes. The analysis includes all a peer review of the project's proposed methods and materials to be used in the construction of the development and provides both the staff and the City's construction manager for the project with areas of monitoring and concern the which will addressed by the Developer and General Contactor prior to construction and during the construction process. This independent assessment and professional analysis was completed on the development design drawings for the project. McGinnis Chen Associates' analysis will has provided the City Housing and Public Works staff with much valuable information which will provide to the City's construction manager for the development and will prove to be a valuable tool to the construction manager to better understand and monitor the construction of the project for the City. The amendment to the current contract will permit the firm to complete a more completed analysis of the construction drawings and construction specifications that were recently submitted. This analysis and the additional analysis of the final construction cost will provide the City's construction manager with a valuable tool to understand, monitor, and analyze the waterproofing process.

BACKGROUND

McGinnis Chen Associates entered into a contract with the Housing Department on July 1, 2006, to provide peer review advisory services for the Oxford Plaza and David Brower Center. In April 2006, the Housing staff solicited the peer services by submitting requests to several firms in the Bay Area based on description of the project and the services required. The firm responded with a flat fee for conducting such services. The staff reviewed both proposals and chose selected McGinnis Chen Associates.

McGinnis Chen Associates is an architectural and engineering firm that specializes in new construction peer review, design consultation and has experience with mixed used development construction projects and underground parking facilities. McGinnis Chen has completed well over a thousand major commercial, institutional or governmental projects.

RATIONALE FOR RECOMMENDATION

The contractor has provided the City with a final draft of its review of the waterproofing methods to be used by the Developer. This service will provide a valuable tool and staff believes that such services should again be performed and provided on the final construction drawings and specification that are submitted with the building permit application and are the actual bid documents. Staff believes it is essential that the construction manager be under contract and also be able to participate in the review when it is completed. It has become apparent to the staff that these services are needed for this project and Housing staff has sought to complete these plans in the best and most expedient manner. We have found these services to be very helpful and would like to continue utilizing the company's services for the recently completed construction drawings.

ALTERNATIVE ACTIONS CONSIDERED

If the Department is unable to amend the contract with McGinnis Chen Associates, there will be no funds available to complete the ongoing analysis of the Oxford Plaza and the contract will have to be terminated.

CONTACT PERSON

Stephen Barton, Director, Housing Department, 981-5400

Attachment:

1: Resolution

RESOLUTION NO.–N.S.

CONTRACT WITH MCGINNIS CHEN ASSOCIATES FOR PEER REVIEW SERVICES

WHEREAS, the Housing Department has used a consultant to provide the staff with an analysis of an affordable housing project and mixed-use development, by conducting peer review services and report related to the waterproofing methods and materials to be provided for the Oxford Plaza and David Brower Center development; and

WHEREAS, the City Council previously approved funding reservations from the Housing Trust Fund Program and approved predevelopment loan assistance to Resources for Community Development to assist in the development and expansion of affordable housing for low-income persons who work or reside in Berkeley; and

WHEREAS, Berkeley Redevelopment Agency approved a grant from the Agency's Housing Fund to assist with the acquisition of the Housing development Air Rights Parcel by the Housing Developer which will provide for long-term affordable housing; and

WHEREAS, the City Council has approved the submission of a Section 108 application to HUD to assist in the development of the Oxford Plaza and David Brower Center development; and

WHEREAS, the Housing Department solicited proposals for professional peer review consultant services, and the City subsequently entered into an agreement with McGinnis Chen Associates to provide such services; and

WHEREAS, McGinnis Chen Associates currently provides such services thereby assisting the City staff to meet its due diligence and underwriting requirements, and the funding for the additional contract amount is available from Budget Code (610-8151-465-3038), and the contract has been entered in the contract database, CMS No. YQQ5W.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the contract with McGinnis Chen Associates for peer review services to increase the contract amount by \$18,000 for an amount not to exceed \$36,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.