



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: May 10, 2011
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths} for items B & D

TO: Board of Supervisors
FROM: General Services: Bob Nisbet, Director (560-1011)
Contact Info: Paddy Langlands, Assistant Director (568-3096)
SUBJECT: **Santa Barbara Public Defender Remodel Project # 8661 Approval of Amendments 2 & 3, and PSA Amendment 2 First Supervisorial District,**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Authorize the Chair to execute the attached Amendment No. 2 to the contract with Melchiori Construction for the Public Defender Remodel project in the amount of \$67,071.62 upon return of the Contractor's executed contract documents and the review and approval of County Counsel, Auditor-Controller and Risk Manager or their authorized representatives; and
- B. Authorize the Chair to execute the attached Amendment No. 3 to the contract with Melchiori Construction for the Public Defender Remodel project in the amount of \$17,911.00 upon return of the Contractor's executed contract documents and the review and approval of County Counsel, Auditor-Controller and Risk Manager or their authorized representatives, for a total amended contract amount of \$3,295.313.91 (**4/5ths vote**); and
- C. Re-authorize the Director of General Services or designee to approve change orders up to the limit specified in Public Contract Code Section 20142, or \$210,000 for this contract; and
- D. Approve the attached Budget Revision Request #0001402 for \$36,911 to transfer funds from the Clerk Recorder Assessor into the project budget (includes all design fees and construction costs associated with the emergency generator modifications) (**4/5ths vote**); and

Auditor-Controller Concurrence

As to form: Yes

- E. Approve Amendment #2 to the Professional Services Agreement with the CBA Partnership for the Public Defender Remodel Project.

Summary Text:

On Jul 13, 2010, the Board approved award of the construction contract to Melchiori Construction in the amount of \$3,099,500.00 for the Public Defender Remodel project 8661. At that time, the Board approved a total project cost of \$5,600,000 inclusive of construction and non-construction components of the project. Amendment No. 2 and No. 3 will increase the contract amount by \$84,971.62. Amendment No. 2 reflects changes made to the contract by the Director of General Services or designee, under the authority granted by the Board in previous Board actions, pursuant to Public Contract Code 20142 for which the contractor is eligible to invoice. Amendment No. 3 is a discretionary change to the contract to augment the emergency generator scope to include the adjacent Hall of Records emergency power needs. If both recommendations are adopted, the new contract amount with Melchiori Construction, Inc. will be \$3,295,313.91.

The amendments do not require any additional general funds or financing. Amendment No. 2 does not increase or change the approved project cost, and Amendment No. 3 will be funded by the Clerk Recorder Assessor Modernization Designation. In addition, an amendment to increase the Professional Services Agreement with the CBA Partnership by \$55,570 will bring the total revised amount to \$461,382. The amendment is necessitated by the modifications to the generator (this portion to be funded by the Clerk Recorder Assessor), as well as unforeseen issues that have arisen during construction.

Background:

The remodel of the Public Defender offices in the Santa Barbara Historic Courthouse is underway and 45% complete. In addition to previously approved changes, some changes to the contract have been issued by the Director of General Services or designee, under the authority granted by the Board in previous Board actions, pursuant to Public Contract Code 20142. Amendment No. 2 represents these same changes totaling \$67,071.62, and provides for the Board to execute them as well. These changes have been performed by the contractor, the contractor has invoiced for them, and the contractor has been paid for them. They encompass a variety of unforeseen issues including demo of concealed items, repairs to the geothermal system which requires full capacity in order to serve the Public Defender heating ventilation and air conditioning (HVAC) systems, a code required fire wall at the 4th floor to account for lack of existing demising wall, plumbing revisions associated with modifications to the layout, and replacement of deteriorated valves required to allow tie in of the new plumbing.

The Public Defender remodel scope includes a new generator to provide emergency power for egress lighting and other minor critical loads within the building. Early in the construction phase, the Clerk Recorder Assessor approached the project team to investigate the feasibility of enhancing the emergency generator scope to include the Hall of Records' critical loads. The engineers were quickly able to determine that the costs for adding feeders and equipment to serve both spaces would be reasonable, and moreover, that by switching from diesel to a natural gas generator, the County could realize savings in the initial costs while providing a more energy efficient and environmentally sound solution. Placing both spaces on a shared backup generator supports the goal of continuity of government for the Hall of Records, and minimizes visual and space impacts in duplication of equipment within the historic courthouse grounds.

Amendment No. 3 would increase Melchiori’s contract by \$17,900 in order to accomplish the modifications to the emergency generator scope. Because the change is discretionary and exceeds \$6,500, California Public Contract Code requires a 4/5ths vote of approval by the Board of Supervisors.

The revised contract amount to Melchiori Construction, Inc. inclusive of Amendment No. 2 and Amendment No. 3 is \$3,295,313.91. All change orders to date and those issued under Amendment No. 2 do not impact the approved project budget, as they were included as part of the original budget as a contingency item. Amendment No. 3 is to be funded by the Clerk Recorder Assessor Modernization Designation, in accordance with the budget revision request to be approved in recommendation D.

The PSA amendment to the CBA Partnership includes additional services to re-engineer the generator to absorb the emergency Hall of Records loads, and also includes design modifications resulting from unforeseen issues encountered during construction including code compliance revisions, identifying remedial patching work, and engineering structural supports for mechanical equipment in light of inadequate roof support. The additional services total \$55,570 and result in a revised contract value of \$461,382.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			\$ 5,600,000.00
Elections Designation Funds	\$ 36,911.00		\$ 36,911.00
Other: RZEDB/COP financing	\$ 2,940,000.00		\$ 5,600,000.00
Total	\$ 36,911.00	\$ -	\$ 5,636,911.00

Narrative:

The financing for this project is Recovery Zone Economic Development Bonds (RZEDBs) that were made available to municipalities through the Federal Stimulus legislation passed in early 2009 and through Certificates of Participation (COPs). This financing is part of a larger issuance that finances the Betteravia Administration Building and the Emergency Operations Center projects. Funding is available in Fund 0030, Department 063, Account 8700, Program 1930, Project 8661.

The funding for Amendment No. 3 to the contract with Melchiori, as well as \$19,000 in additional design services (included as part of Amendment 2 to the CBA Partnership) for a total of \$36,911 is to be funded by the Clerk Recorder Assessor Modernization Designation.

Attachments

- (1) Copy of Amendment No. 2 to the contract with Melchiori Construction Co, to be processed per recommendation A.
- (2) Copy of Amendment No. 3 to the contract with Melchiori Construction Co., to be processed per recommendation B.
- (3) BRR #0001402 to be processed per recommendations D.
- (4) Amendment #2 to the Professional Services Agreement with the CBA Partnership, to be processed per Recommendation E.

Special Instructions:

Please send a copy of the minute order along with one signed original of PSA Amendment No. 2 to Celeste Manolas, General Services Support Services Division, Courthouse East Wing.

Authored by:

Celeste Manolas, General Services