


**CITY COUNCIL ACTION REQUEST**

|   |   |   |  |
|---|---|---|--|
| <b>Department(s):</b><br>Public Works   | <b>CEQA:</b><br>Not a Project, File No. PP17-003, Agreements / Contracts (New or Amended) resulting in no physical changes to the environment | <b>Coordination:</b><br>City Attorney's Office and City Manager's Budget Office | <b>Dept. Approval:</b><br>/s/<br>Matt Loesch   |
| <b>Council District(s):</b><br>Citywide |   |   | <b>CMO Approval:</b><br><br>8/16/23 |

**SUBJECT: THIRD AMENDMENT TO MASTER AGREEMENT WITH TEN OVER STUDIO, INC. FOR ARCHITECTURAL SERVICES FOR VARIOUS ESSENTIAL CITY FACILITY PROJECTS**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment to the Master Agreement with Ten Over Studio, Inc. (CPMS No. 9030-B) for Architectural Services to increase the total compensation by \$500,000, for a total Agreement amount not to exceed \$6,400,000, for the exclusive purpose of allowing the consultant to complete work on the new Fire Training Center and Emergency Operations Center Relocation project and the Police Department-Air Support Unit Hangar project.

**BASIS FOR RECOMMENDATION:**

On November 6, 2018, voters passed Measure T which authorized the City of San José to issue \$650 million in general obligation bonds to invest in City infrastructure. On June 4, 2019, City Council awarded a Master Agreement for architectural services on essential City facilities projects in the amount of \$3,000,000 to Ten Over Studio, Inc. and two other firms for the Measure T bond projects. In November 2019, the City issued Service Order (SO) No. 1 to Ten Over Studio, Inc. for the design development, construction documents, bidding, and construction administration services for the new Fire Training Center Relocation Project in the amount of \$2,743,990.

On June 23, 2020<sup>1</sup>, City Council approved the First Amendment to the Master Agreement increasing compensation by \$1,000,000. This additional compensation was used to increase the scope of SO No. 1 for the Fire Training Center to include the Emergency Operations Center Relocation Project (First Amendment to SO No. 1). On October 5, 2021<sup>2</sup>, City Council approved the Second Amendment to the Master Agreement increasing compensation by \$1,900,000. This additional compensation was used to increase the scope to SO No. 1 again (Second Amendment to SO No. 1 and Third Amendment to SO No. 1) and to issue a new SO No. 2 for the Police Department-Air Support Unit Hangar project to Ten Over Studio, Inc.

Due to the most recent delay related to the energization of the Fire Training Center and Emergency Operations Center Relocation Project, a fourth amendment to SO No. 1 is needed to provide for the additional six months of work and allow continuity with Ten Over Studio, Inc. to complete the Fire Training Center and Emergency Operations Center Relocation Project. Additionally, a first amendment to SO No. 2 is needed for the added scope of services to redesign the stormwater run-off and to design a vapor intrusion mitigation system for the Police Department-Air Support Unit Hangar project.

<sup>1</sup> <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4564812&GUID=73CB15B6-31A8-439C-B6B1-EDD792137B27>

<sup>2</sup> <https://sanjose.legistar.com/LegislationDetail.aspx?ID=5144062&GUID=1E4713C2-59A8-41E9-9F15-07053C28536F>

Approval of this Third Amendment to the Master Agreement will increase compensation by \$500,000, bringing the maximum total compensation from \$5,900,000 to \$6,400,000, and will be utilized for the Fourth Amendment to SO No.1 Fire Training Center and Emergency Operations Center Relocation Project and for the Second Amendment to SO No. 2 of the Police Department-Air Support Unit Hangar project. There is \$41,620 remaining in Ten Over Studio, Inc.'s master agreement. This amendment ensures there is sufficient compensation authority to continue architectural services for these projects.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

**COST AND FUNDING SOURCE:**

The recommended actions in this memorandum will be funded by the Fire Training Center Relocation (417L) appropriation in the General Fund (001) and the Measure T – Emergency Operations Center Relocation (414W) and Police Air Support Hangar (415C) appropriations in the Public Safety and Infrastructure Bond Fund (498).

**FOR QUESTIONS CONTACT:** Sal Kumar, Interim Deputy Director of Public Works at 408-793-5307.