


CITY COUNCIL ACTION REQUEST			
Department(s): Public Works	CEQA: Not a project – PP17-003, Agreements / Contracts resulting in no physical changes to the environment	Coordination: CAO, CMO-Budget Office	Dept. Approval: /s/ Matt Cano
Council District(s): Citywide			CMO Approval:  <div style="text-align: right;">09/23/21</div>
SUBJECT: SECOND AMENDMENT TO MASTER AGREEMENT WITH TEN OVER STUDIO, INC. (CPMS No. 9030-B) FOR ARCHITECTURAL SERVICES FOR VARIOUS ESSENTIAL CITY FACILITY PROJECTS			
RECOMMENDATION:			
<p>Approve the Second Amendment to the Master Agreement with Ten Over Studio, Inc. (Ten Over) for Architectural Services to (1) increase the total compensation by \$1,900,000, for a total Agreement amount not to exceed \$5,900,000, and (2) extend the term of the Agreement from December 31, 2024 to December 31, 2025 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.</p>			
BASIS FOR RECOMMENDATION:			
<p>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, Council awarded a Master Agreement for Architectural Services on Essential City Facilities projects in the amount of \$3,000,000 to Ten Over Studio and two other firms for the upcoming Measure T projects. In November 2019, City issued a Service Order No. 1 to Ten Over for the design development, construction documents, bidding and construction administration services for the new Fire Training Center (“FTC”) Relocation project in the amount of \$2,743,990.</p> <p>Four months later, the City decided to combine the Emergency Operations Center (“EOC”) project with the FTC into one project. Combining these two major capital projects efficiently uses available funding. Moreover, the sharing of similar uses, spaces and infrastructure needs between two City department maximizes public resources. On June 23, 2020, the First Amendment to the Master Agreement was approved by council which increased the compensation limit by \$1,000,000, and the First Amendment Service Order (“SO”) No.1 for the additional design services of adding the EOC with the additional amount of \$1,246,440 was issued thereafter. The current Master Agreement now stands at \$4,000,000, with a total of \$3,990,430 allocated for the SO No. 1 and First Amendment to SO No. 1.</p> <p>On January 12, 2021, the FTC/EOC relocation project was awarded to Zovich Construction Company, Inc, for the construction of the new facility and with an estimated construction completion of December 2022, due to project complexity. Ten Over First Amendment to SO No.1 did not extend the term of Ten Over construction administration services since at the time of the First Amendment Master Agreement estimated construction was expected to be completed in June 2022. Due to project complexity additional months and compensation are needed for Ten Over work. Continuing services of the construction administrative with Ten Over who is familiar with the project is cost efficient due to their current construction administration services of the FTC and EOC. Because of this, it would not be practicable or cost efficient for the City to undertake a</p>			

competitive process for another consultant to perform this work. The Second Amendment to the SO No. 1, for the additional amount of \$450,100, total amount of \$4,440,530, will include the continuation of the construction administration services, including project closeout and LEED review and submittal of the project.

Ten Over Studio will also be granted a Service Order No. 2 for the Police Department - Air Support Unit ("ASU") Hangar project for the total amount of \$1,141,410. Ten Over was the only consultant that submitted the Request for Proposal (RFP) issued by the City to the Consultants under the Master Agreement with the deadline in May of this year. Other consultants opted not to submit their fees due to their busy schedule and lack of available staff, and subconsultants, from Structural to Mechanical, Electrical and Plumbing Engineers.

Approval of this Second Amendment to the Master Agreement will be utilized for the Second Amendment to SO No. 1 for Ten Over to provide for the additional months of scope of work and allow staff to continue working with Ten Over on the completion of the FTC/EOC project, and for the new SO No. 2 for the PD-ASU Hangar for a total add of \$1,900,000 to the Second Amendment to the Master Agreement with a limit not to exceed \$5,900,000.

Master Agreement extension is also requested since the PD - ASU Hangar project would not be completed by the Master Agreement current expiration of December 31, 2024, therefore extended request to December 31, 2025.

Climate Smart San Jose: The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals

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 appropriation in the General Fund and the Measure T – Emergency Operations Center Relocation and Police Air Support Hangar appropriations in the Public Safety and Infrastructure Bond Fund. An unappropriated balance of approximately \$300,000, allocated to the Second Amendment Master Agreement, will be used if necessary, on future Service Orders for projects with unforeseen condition changes.

FOR QUESTIONS CONTACT: Katherine Brown, Deputy Director of Public Works at 408-535-8300.