



City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 10/30/2012

Report Type: Consent

Title: Supplement Agreement: Intermodal Depot Retrofit Project (T15029000)

Report ID: 2012-00853

Location: District 1

Recommendation: Pass a Motion: 1) authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement No. 3 to City Agreement No. C2011-0220 with ENERCON for environmental monitoring services in an amount not to exceed \$50,452 for a revised total agreement amount not to exceed \$148,520; and 2) ratifying all previous supplemental agreements issued under City Manager authority.

Contact: David Morgan, Associate Architect, (916)808-8425; Hinda Chandler, Senior Architect, (916) 808-8422, General Services Department

Presenter: None

Department: General Services Dept

Division: Facility & Real Property Manag

Dept ID: 13001511

Attachments:

- 1-Description/Analysis
- 2-Contract with Enercon

City Attorney Review

Approved as to Form
Kourtney Burdick
10/22/2012 9:55:16 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
10/11/2012 4:20:43 PM

Approvals/Acknowledgements

Department Director or Designee: Craig Lymus - 10/17/2012 10:03:26 AM

Description/Analysis

Issue: The original agreement with ENERCON for the Intermodal Depot Retrofit Project addressed environmental investigation, testing, construction specifications and monitoring of hazardous material abatement associated with the structural retrofitting of the historic depot. Supplemental Agreement No. 3 is recommended for ongoing monitoring of demolition activities being completed by the general contractor. At the time of the original agreement it was anticipated that demolition activities by the general contractor would be completed in several large increments. In actuality, it has been necessary to complete demolition work in smaller than anticipated increments, requiring significantly more time to monitor and test the work being completed at the project site. Additional monitoring is necessary to maintain the general contractor's schedule and efficiently complete work on the site.

Policy Considerations: The recommendations in this report are in accordance with City Code Chapter 3.64 and Resolution No. 2010-346 prohibiting the City from entering into any contract to purchase goods or services from any business or entity headquartered in Arizona.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): The recommendations in this report involve the administrative activity of contract management and are exempt from CEQA in accordance with Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the recommendations may have a significant effect on the environment. Other aspects of the Intermodal Dept Retrofit project are subject to both CEQA and National Environmental Protection Act (NEPA) and will undergo review as appropriate for each phase of the project.

Sustainability: Completion of this project will contribute to achieving the City's Sustainability Master Plan goals by helping to reduce dependence on private automobiles, and working with community partners to provide efficient and accessible public transit and transit supportive land issues.

Commission/Committee Action: None

Rationale for Recommendation: Supplemental Agreement No. 3 to City Agreement No. C2011-0220 with ENERCON is necessary to maintain ongoing monitoring and testing of demolition activities by the general contractor and ensure a safe environment for the workers and the public.

The following table provides a summary of the supplemental agreements approved thus far with ENERCON for the Intermodal Depot Retrofit Project.

Agreement & Supplementals	Amount	Scope of Work
2011-0220	\$ 61,009	Original agreement.
1	\$ 1,691	Investigate and prepare construction specifications for abatement of hazardous materials related to demolition of the communications tower.
2	\$ 35,368	Monitoring and testing of construction demolition associated with the Depot structural retrofit.

Financial Considerations: Sufficient funds are available in the Intermodal Depot Retrofit Project (T15029000, Fund 3704, Other Capital Grants) to authorize Supplemental Agreement No. 3 with ENERCON in an amount not to exceed \$50,452 for ongoing monitoring of demolition activities being completed by the general contractor.

Emerging Small Business Development (ESBD): ESBD rules are held in abeyance because of federal funding on this project, and federal Disadvantaged Business Enterprise (DBE) guidelines apply. ENERCON has documented compliance with federal DBE guidelines.



Requires Council Approval:

No YES

Meeting: 10/30/12

Real Estate

Other Party Signature Needed

Recording Requested

General Information

Type: PO Type:	Attachment: Change Order No.: 3
Not to Exceed: \$148,519.19	Original Doc Number: 2011-0220
Other Party: Enercon	Certified Copies of Document: :
Project Name: Hazardous Materials Investigation & Abatement Planning	Deed: <input type="checkbox"/> None <input type="checkbox"/> Included <input type="checkbox"/> Separate
Project Number: 13398 Bid Transaction #: NA	E/SBE-: %

Department Information

Department: General Services

Division: Facilities Real Property Mgt

Project Mgr: Dave Morgan

Contract Services: Katherine Robbins

Director: Reina J. Schwartz

Phone Number: 808-1562

Org Number: 13001021

Comment: Original Contract Amount: \$61,008.79

Review and Signature Routing

Department	Signature or Initial	Date
Project Mgr:		
Contract Services:	<i>Katherine Robbins</i>	10-11-12
City Attorney	Signature or Initial	Date
City Attorney:		
<input checked="" type="checkbox"/> Send Interoffice Mail to Reina J. Schwartz (12500)		
<input type="checkbox"/> Notify for Pick Up		
Authorization	Signature or Initial	Date
Reina Schwartz		
Director, General Services:		
City Mgr: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

For City Clerk Processing

Finalized:

Initial: _____

Date: _____

Imaged:

Initial: _____

Date: _____

Received:
(City Clerk Stamp Here)

Contract Cover/Routing Form: Must Accompany ALL Contracts; however, is not part of the contract. (Approved On-Call Contractors - Orange*) (01-01-09)

Resolution No. / Date

rj

City of Sacramento
SUPPLEMENTAL AGREEMENT

Contract #: 2011-0220-3

Purchase Order #: 13398

Supplemental Agreement #: 3

Job#: T15029003

Project Title: Hazardous Materials Investigation & Abatement Planning

The City of Sacramento ("City") and ENERCON, ("Contractor"), as parties to that certain Professional Services Agreement designated as Agreement Number 2011-0220 including any and all prior supplemental agreements modifying said agreement (said agreement and supplemental agreements are hereby collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. The Scope of Services specified in Exhibit A of the Agreement is amended as follows:

See Exhibit A

2. In consideration of the additional and/or revised services described in section 1, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement of Payment of Contractor's fees and expenses, is increased by \$50,452.00 and said maximum not-to-exceed amount is amended as follows:

The original not-to-exceed amount:	\$61,008.79
The net change by previous Supplemental Agreements:	\$37,058.40
The not-to-exceed amount prior to this Supplemental Agreements:	\$98,067.19
The contract sum will be increased by this Supplemental Agreement:	\$50,452.00
The new not-to-exceed amount including all Supplemental Agreements:	\$148,519.19

3. Contractor agrees that the amount of increase or decrease in the not-to-exceed amount specified in section 2, above, shall constitute full compensation for additional and/or revised services specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised services, including costs associated with any changes in work schedules or in the performance of other services or work by Contractor. The time for the performance of the agreement is increased by 365 Days by reason of the performance of the work required by this Supplemental Agreement.
4. Contractor warrants and represents that the person or persons executing this supplemental agreement on behalf of Contractor has or have been duly authorized by Contractor to sign this supplemental agreement and bind Contractor to the terms hereof.
5. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all the services, duties, obligations and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

Approval Recommended By:


Project Manager

Approved as to Form By:

City Attorney

Approved By:


Contractor

Approved By:

City of Sacramento

Date

Attested to By:

City Clerk

(Rev. 07/16/08)

Exhibit A

Hazardous Materials Investigation & Abatement Planning

2011-0220

10/03/12

<i>Description</i>	<i>Amount</i>
Supplemental Agreement #3	
PCO # 3.0 Changed/Unforeseen Conditions	\$50,452.00
10/03/12 Abatement oversight, monitoring and testing for completion of demolition work completed by the General Contractor.	
1 Items	Total for Change Order # 3 \$50,452.00
1 Items	Total for Contract # 2011-0220 \$50,452.00
Totals By Reason	
	Changed/Unforeseen Conditions \$50,452.00
	Changes to Bid Documents \$0.00
	Client Initiated Changes \$0.00