



## City Council Report

915 I Street, 1<sup>st</sup> Floor

Sacramento, CA 95814

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**File #:** 2016-01181

**Consent Item 13**

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**Title: Supplemental Agreement No. 2: Old Sacramento Infrastructure Project  
(C13000730)**

**Recommendation:** Pass a Motion: 1) authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement No. 2 to Contract No. 2015-2130 with Unger Construction Co. to increase the preconstruction service fees for the Old Sacramento Infrastructure project by \$48,914 for a revised total contract amount not to exceed \$843,158; and 2) resetting the City Manager's authority to issue contract supplements.

**Location:** Old Sacramento Riverfront Boardwalk (J Street to Neasham Circle, west of Front Street); District 4

**Contact:** Kirk Thompson, Associate Architect, (916) 808-8431; James Christensen, Supervising Engineer, (916) 808-5863, Department of Public Works

**Presenter:** None

**Department:** Public Works

**Attachments:**

1-Description/Analysis

2-Supplemental Agreement No. 2

## Description/Analysis

**Issue Detail:** On January 13, 2015, City Council passed Motion No. 2015-0005 authorizing the City Manager to execute a design-build contract with Unger Construction Co. for the Old Sacramento Infrastructure project in the amount of \$722,244. Unger Construction Co. and design consultants have requested compensation for additional design services and coordination efforts related to: the re-design of pavement treatments and landscaping to reduce costs; the inclusion of future electrical conduits along the boardwalk; abandonment of City property no longer used as public right of way; underground utility coordination; and other changes that were not provided for in the original scope of the Contract and Supplemental Agreement No. 1.

Supplemental Agreement No. 1 in the amount of \$72,000 provided compensation for: determining bike trail options within the project; additional documentation related to historic preservation; a topographical survey along the flood wall; redesign of the valet at K Street; and pedestrian accessibility at J and L Streets.

**Policy Considerations:** The recommendation in this report is in accordance with the provisions of City Code Chapter 3.64.

**Economic Impacts:** None

**Environmental Considerations:** Approval of professional services agreements and supplements involve general policy and procedure are not subject to environmental review in accordance with Section 15378(b)(2) of the California Environmental Quality Act (CEQA); however, the overall project is currently under CEQA review and clearance will be obtained prior to the start of construction.

**Sustainability:** This project is consistent with the Pedestrian Master Plan and 2035 General Plan goals by improving pedestrian access to the Old Sacramento waterfront and adjacent historical and cultural resources.

**Commission/Committee Action:** None

**Rationale for Recommendation:** City staff have reviewed the consultant hours expended to date, the anticipated hours necessary to complete the design, and support the amount of additional compensation requested.

**Financial Considerations:** Sufficient funding exists in the Old Sacramento Infrastructure capital improvement project (CIRBS Fund, Fund 3003) to execute the recommended

Supplemental Agreement No. 2 with Unger Construction Co. for preconstruction services in the amount of \$48,914 for a total amount not to exceed \$843,158.

**Local Business Enterprise (LBE):** Unger Construction Co. is an LBE.



Requires Council Approval:  No  YES Meeting: 10-18-16

Real Estate  Other Party Signature Needed  Recording Requested

General Information

Type: <b>Public Project</b> Formal Bid-Price Agreement	PO Type:	Attachment: Supplement No.: 2 Original Doc Number: 2015-0029
\$ Not to Exceed: \$48,914.00		
Other Party: UNGER CONSTRUCTION COMPANY		Certified Copies of Document::
Project Name: OLD SACRAMENTO RIVERFRONT BOARDWALK & K STREET BARGE DESIGN BUILD		Deed: <input type="checkbox"/> None <input type="checkbox"/> Included <input type="checkbox"/> Separate
Project Number: C13000731/C13000732 Q14131541004	Bid Transaction #:	LBE: 5%

Department Information

Department: PUBLIC WORKS Division: A&E  
 Project Mgr: KIRK THOMPSON Supervisor:  
 Contract Services: Tim Hopper Date: 9-19-16 Division Mgr: JON BLANK  
 PM Phone Number: 808-8431 Org Number: 15004541  
 Comment:

Review and Signature Routing

Department	Signature or Initial	Date
Project Mgr:	K. Thompson <i>KT</i>	9/19/16
Contract Services:	Tim Hopper <i>TH</i>	9-19-16
Division Manager:	<i>Jon Blank</i>	9-20-16
City Attorney	Signature or Initial	Date
City Attorney:	G. Lindsey <i>GL</i>	9/20/2016

Call Tim Hopper x8173  Notify for Pick Up

Authorization	Signature or Initial	Date
Hector Barron Interim Director of Public Works		

Contract Cover/Routing Form: must Accompany ALL Contracts; however, is not part of the contract. (01-01-09)

**For City Clerk Processing**

**Finalized:**  
Initial: \_\_\_\_\_  
Date: \_\_\_\_\_

**Imaged:**  
Initial: \_\_\_\_\_  
Date: \_\_\_\_\_

**Received:**  
(City Clerk Stamp Here)

## SUPPLEMENTAL AGREEMENT

**Project Title: Old Sacramento Riverfront Boardwalk & K Street Barge Design Build**  
**Purchase Order #: 27643**

**Date: 09/14/16**  
**Supplemental Agreement No.:2**

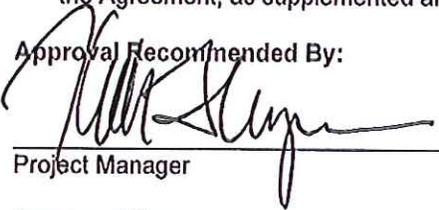
The City of Sacramento ("City") and Unger Construction Co ("Design-Builder"), as parties to that certain Design-Build Contract designated as Agreement Number 2015-0029, including any and all prior supplemental agreements modifying said agreement (said agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. The scope of services specified in Section 2.00 and Exhibit G of the Agreement is amended per Attachment 1.
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 Section 5.01(B) 1 and Exhibit K of the Agreement for payment of Design-Builder's fees and expenses, is increased by \$48,914.00, and said maximum not-to-exceed amount is amended as follows:

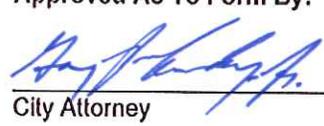
Agreement's original not-to-exceed amount:	\$722,244.00
Net change by previous supplemental agreements:	<u>\$72,000.00</u>
Not-to-exceed amount prior to this supplemental agreement:	\$794,244.00
Increase by this supplemental agreement:	<u>\$48,914.00</u>
New not-to exceed amount for:	<u>\$843,158.00</u>

3. Design-Builder understands and agrees that the new not-to-exceed amount specified in section <sup>2</sup> above, shall constitute full compensation for the additional and/or revised services specified in section 1, above, and shall fully compensate Design-Builder for any and all direct and indirect costs that may be incurred by Design-Builder in connection with such additional and/or revised services, including costs associated with any changes and/or delays in work schedules or work by Design-Builder including but not limited to the completion of the plans, specifications, cost estimate, bid documents, permitting and preparation of the GMP along with other work requested and defined in the daily communications and meetings.
4. Design-Builder warrants and represents that the person or persons executing this supplemental agreement on behalf of Design-Builder has or have been duly authorized by Design-Builder to sign this supplemental agreement and bind Design-Builder 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 Design-Builder shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

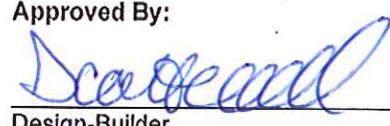
Approval Recommended By:

  
\_\_\_\_\_  
Project Manager

Approved As To Form By:

  
\_\_\_\_\_  
City Attorney

Approved By:

  
\_\_\_\_\_  
Design-Builder

Attested To By:

Approved By:

\_\_\_\_\_  
City of Sacramento

\_\_\_\_\_  
City Clerk

**Professional Services Agreement 2015-0029**

**Supplemental Agreement #2, Attachment 1**

Date: September 14, 2016

**Scope of Services**

**Timeline:**

The City anticipates work to complete Construction Documents and conduct the associated competitive bidding process will be completed no later than March 31, 2017.

**Construction Documents and Bidding:**

The services are as described in contract 2015-0029, executed on January 14, 2015, between Unger Construction Company and the City.

The architectural and engineering design fees for the design of the Old Sacramento Riverfront Boardwalk are being increased to account for the modifications and added complexity of the design. Modifications were required to meet the Secretary of Interior standards for the historic district, pedestrian pavement on J & L Streets, storm water retention and drainage, infrastructure for future use by seasonal venues along the Embarcadero, right of way abandonment, underground utility coordination and other changes that were not provided for in the original scope. The changes equate to a more complex project with a higher construction budget which requires additional design fees to complete the design and construction documents.

**Additional Compensation:**

**Phase IV – Construction Documents**

Contractor	\$18,794
Architect	\$12,330
Civil Engineer	\$8,340
Structural Engineer	\$3,885
Electrical Engineer	\$3,615
Landscape Architect	\$1,950
<b>Total Compensation – Fixed Sum</b>	<b>\$48,914</b>

CONTRACTOR shall be paid for the performance of Services on a lump sum / % complete basis. A work plan reflecting the distribution of hours is contained in the project file.