

RESOLUTION NO. 2007-885

Adopted by the Sacramento City Council

December 4, 2007

APPROVING THE GUARANTEED MAXIMUM PRICE FOR THE CROCKER ART MUSEUM EXPANSION AND RENOVATION PROJECT; AUTHORIZING THE CITY MANAGER AND CAMA TO EXECUTE THE PROJECT CONSTRUCTION PHASE AMENDMENT WITH RUDOLPH & SLETTEN, INC.; INCREASING THE CITY MANAGER CHANGE ORDER AUTHORITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSIGNMENT OF ONE CONSULTANT AGREEMENT FROM CAMA TO THE CITY

- A. City Council approved a Memorandum of Understanding (the "MOU") on December 3, 2002, (Resolution 2002-799) that outlined the roles and responsibilities of the City and the Crocker Art Museum Association (CAMA) throughout the preconstruction and construction phases of the Project.
- B. Under the MOU, CAMA acts as the Project "Owner" during the preconstruction phase, and CAMA is authorized to execute in its name all design and preconstruction services contracts, subject to City approvals.
- C. On December 3, 2002, (Resolution 2002-799) the City Council authorized CAMA to release a Request for Qualifications/Request for Proposals (RFQ/RFP) for the selection of a Construction Manager/General Contractor (CM/GC) for the Project.
- D. A panel comprised of CAMA and City representatives unanimously selected Rudolph & Sletten, Inc. as the Construction Manager for the Project through a competitive, qualification-based selection process. CAMA authorized Rudolph & Sletten to begin construction management services for the preconstruction phase, after approval by the City Manager.
- E. On March 11, 2003, (Resolution 2003-117) the City Council suspended competitive bidding for construction of the Project pursuant to Section 3.60.170D of the Sacramento City Code, that allows competitive bidding to be suspended if the City Council determines, on a 2/3 vote, that it is in the best interests of the City to do so. This also is authorized under Section 203 of the City Charter.
- F. On March 20, 2007, the City Council adopted Resolution 2007-162 that, among other things, authorized CAMA to execute an agreement with

Rudolph & Sletten, Inc. for construction management services for the Project.

- G. On June 5, 2007, the City Council authorized Rudolph & Sletten, Inc. to solicit bids from prospective subcontractors for the construction phase of the Project.
- H. Under the terms of the construction manager agreement between CAMA and Rudolph & Sletten, Inc., after soliciting bids Rudolph & Sletten, Inc, developed a Guaranteed Maximum Price (the "GMP") for construction of the Project. Under the terms of this agreement, the GMP is accepted and approved by execution of a "Construction Phase Amendment" by the City, CAMA and Rudolph & Sletten, Inc. The GMP proposal also lists the subcontractors selected by Rudolph & Sletten, Inc. in accordance with the procedures approved by the City and CAMA, and approval of the Construction Phase Amendment constitutes approval of this subcontractor list for purposes of Public Contract Code Sections 4100 and following, to the extent applicable.
- I. Upon execution of the Construction Phase Amendment, the City will be the "Owner" of the Project during the construction phase and Rudolph & Sletten, Inc., will be responsible for construction of the project as the City's Contractor.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Guaranteed Maximum Price for the Crocker Art Museum Expansion and Renovation Project in the amount of \$74,489,026 is approved.
- Section 2. The City Manager and CAMA are authorized to execute the Construction Phase Amendment with Rudolph & Sletten, Inc., in an amount not to exceed \$74,489,026.
- Section 3. For the construction phase of this Project, the limitation on the City Manager's individual change order approval authority specified in City Code section 3.60.210(E) is increased from \$100,000 to \$250,000.
- Section 4. The City Manager is authorized to execute an assignment of the agreement between CAMA and Tremaine & Associates, Project Archeologist, from CAMA to the City, for archeological services to be performed during the construction phase of the Project.

Adopted by the City of Sacramento City Council on December 4, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Waters.

Noes: None.

Abstain: None.

Absent: Mayor Fargo.



Kevin McCarty, Vice-Mayor

Attest:



Shirley Concolino, City Clerk