REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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CONSENT
December 11, 2007

Honorable Mayor and
Members of the City Council

Title: Contract: Memorial Auditorium Lighting and Landscaping Project (PC71)

Location/Council District: 1515 J Street, District 3

Recommendation: Adopt a **Resolution**: **(2/3 vote required)** 1) suspending competitive bidding in the best interests of the City for a competitively selected design-assist proposal; and, 2) authorizing the City Manager to execute an agreement with Unger Construction Co., in an amount not to exceed $2.42 million for the Memorial Auditorium Lighting and Landscaping Project (PC71).

Contact: Tina McCarty, Administrative Officer, 808-8220; Judy Goldbar, General Manager, 808-5630

Presenters: Not applicable

Department: Convention, Culture and Leisure

Division: Community Center Complex

Organization No: 4326

Description/Analysis

Issue: Staff is seeking authorization for the City Manager to suspend competitive bidding and execute an agreement with Unger Construction Co. for the Memorial Auditorium Lighting and Landscaping Project (PC71) in an amount not to exceed $2.42 million. The lighting and landscaping project is the final phase of the exterior work on the building that began with waterproofing the building's foundation in the summer of 2007. The contractor was selected through a competitive Request for Proposals process in order to use the design-assist method of project delivery.

Policy Considerations: The suspension of competitive bidding is authorized under Chapter 3.60 of the City Code. Such actions will serve the City's bests interests by allowing the project to be accomplished through the design-assist

method of project delivery. The design-assist alternative allows the contractor and design consultants to work collaboratively on the completion of construction documents.

Committee/Commission Action: The design for the lighting and landscaping project was reviewed and approved in a series of meetings by a stakeholders group composed of City staff, building users, Friends of the Memorial Auditorium, and adjacent landowners. The design was recommended for approval by the Preservation Commission on September 5, 2007. The design was presented to City Council on September 11, 2007 where staff received direction to move forward with construction documents and bidding.

Environmental Considerations: The City's Current Planning Division has determined and Design Review and Preservation Board approved that the projects undertaken for those significant features of the property identified in the HSR, and undertaken in compliance with the treatment recommendations identified in the HSR, are exempt pursuant to the California Environmental Quality Act Guidelines section 15331 (Historic Resources Restoration/Rehabilitation), based upon the findings that the treatments recommended in the HSR comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Rationale for Recommendation: The recommended actions will serve the City's best interests by allowing the project to be accomplished through the design-assist method of project delivery. The design-assist alternative allows the contractor and design consultants to work collaboratively on the completion of construction documents. In the case of the Memorial Auditorium, the historic status of the building prevents the use of more typical conduit locations on and throughout the building. Allowing the consultants and the contractor to resolve this challenge collaboratively reduces the likelihood of changes to the design during construction that could result in construction delays and additional cost. In addition, the lighting and landscaping project must be completed prior to local high school, 2008 graduations. Bringing the contractor on to the project prior to completion of construction drawings allows the contractor to maximize lead times for materials orders and project scheduling.

On October 24, 2007, the Department of General Services issued a Request for Proposals for the lighting and landscaping project. Proposals were received on November 15, 2007, from the following general contractors: C&C Construction and Unger Construction Co. Unger Construction Co. was unanimously selected by a panel on November 19, 2007, based on several criteria, including experience with, and performance on, similar projects, and schedule. The selection panel included the following interests: American Disability Act (ADA), History and Archives, Historic Preservation, Facility Management, Project Management, and Urban Forest. The selected contractor's bid was $2.4 million, including add alternates one and two. Add alternate one is $71,721 to move and incorporate the memorial veteran granite slabs in the exterior

landscaping (to be determined by Council in January 2008). Add Alternate two is for $83,158 to include LED lighting of the top tier windows. The cost estimate for this project was $1.65 million. The difference between previous estimates and the actual not-to-exceed amount are due to additional cement costs, concern for the unknowns required for the lighting fixtures electrical paths, and the addition of the bus drop off on 15th street. A not-to-exceed amount in the contract will allow staff and the contractor to work through the best options in the design assist phase and may provide for cost saving opportunities.

Financial Considerations: During FY2004/5, Memorial Auditorium Improvements Fund (PC71) was created by Council to be an accumulation CIP for on-going and HSR improvement needs. In total, there is approximately $7.1 million available for identified projects for Memorial Auditorium ($6.1 Million from the 2006 Community Reinvestment Capital Improvement Program (CRCIP).

To date, approximately $3.9 million has been obligated or anticipated for the completion of other projects. Included in this amount as the first priority was the waterproofing project estimated at approximately $1.5 million, including soft costs. The second priority is the lighting and landscaping project that is the subject of this report. Sufficient funding is available within the Memorial Auditorium Fund PC71 to award the lighting and landscaping contract to Unger Construction Co. in an amount not to exceed $2.42 million.

Overall Funding comes from the following sources:

$3,053,000	2002 Master Lease Tax Exempt Capital Improvement Fund (SHRA)
$3,053,000	Community Reinvestment Capital Improvement Projects Bond
$ 500,000	Community Center Fund
$ 580,000	General Fund
$7,186,000	Total

Emerging Small Business Development (ESBD): The selection of consultants and contractors for this project followed City of Sacramento established guidelines for inclusion of ESBD firms. Unger Construction Co. has certified that they will meet the required 20% ESBE goal.

Respectfully Submitted by: Judy Goldbar
Judy Goldbar, General Manager
Convention Center Complex

Respectfully Submitted by: Barbara E Bonebrake
Barbara E. Bonebrake, Director
Convention, Culture and Leisure

Recommendation Approved:

for Ray Kerridge
City Manager

Table of Contents:

Report		Pg 1
Attachments		
1	Background Information	Pg 5
2	Resolution	Pg 6

Attachment 1

BACKGROUND INFORMATION

On March 8, 2005, City Council approved the allocation of $80,000 for a Historic Structures Report (HSR) for the Memorial Auditorium, with an additional $500,000 allocated for the implementation of the items identified in the report. In addition, Council allocated $6.1 million from the Community Reinvestment bonds ($3,053,000 from Tax Exempt Bonds - Fund 713 and $3,053,000 from the Downtown Bond SHRA - Fund 206) for further implementation of items identified.

The report identified that the most critical project was the need to waterproof the foundation of the Memorial Auditorium building. It was found that water intrusion through the basement walls would cause long term damage to the stability of the building, if not protected. It was also noted that upon completion of the waterproofing project, landscaping would also be required.

On March 27, 2007, City Council adopted Resolution 2007-181, directing staff to proceed with the foundation waterproofing, landscape, and lighting projects needed at the Memorial Auditorium.

On June 12, 2007, City Council adopted Resolution 2007-377, awarding the Memorial Auditorium Foundation Waterproofing Project (PC71) to Ashron Construction in an amount not to exceed $1,330,783.

On September 11, 2007 City Council adopted Resolution 2007-680, directing staff to continue with final drawings and bidding for the Lighting and Landscaping project.

At the time of print, it is anticipated that on December 4, 2007, City Council will adopt Resolution 2007-XXXX, awarding the Memorial Auditorium Cleaning Project (PC71) to Rainbow Waterproofing & Restoration Company for an amount not to exceed $132,624.

RESOLUTION NO. 2007-

Adopted by the Sacramento City Council

December 11, 2007

AUTHORIZING THE CITY MANAGER TO SUSPEND COMPETITIVE BIDDING AND EXECUTE AN AGREEMENT WITH UNGER CONSTRUCTION CO, FOR THE MEMORIAL AUDITORIUM LIGHTING AND LANDSCAPING PROJECT (PC71) IN AN AMOUNT NOT TO EXCEED $2.42 MILLION

BACKGROUND

A. Staff is seeking authorization for the City Manager to suspend competitive bidding and execute an agreement with Unger Construction Co. for the Memorial Auditorium Lighting and Landscaping Project (PC71) in an amount not to exceed $2.42 million.

B. The lighting and landscaping project is the final phase of the exterior work on the building that began with waterproofing the building's foundation in the summer of 2007.

C. The suspension of competitive bidding is authorized under Chapter 3.60 of the City Code. Such actions will serve the City's bests interests by allowing the project to be accomplished through the design-assist method of project delivery. The design-assist alternative allows the contractor and design consultants to work collaboratively on the completion of construction documents.

D. The contractor, Unger Construction Co, was selected through a competitive Request for Proposals process in order to use the design-assist method of project delivery.

E. There are adequate funds in PC71 to execute this agreement.

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

Section 1. In the best interests of the City, competitive bidding is suspended and a competitively selected design-assist proposal is accepted for the Memorial Auditorium Lighting and Landscaping Project (PC71).

Section 2. The City Manager is authorized to execute the agreement with Unger Construction Co. for the Memorial Auditorium Lighting and Landscaping Project (PC71) in an amount not to exceed $2.42 million.