



## City Council Staff Report

**From: City Manager**

**Report Type: CONSENT CALENDAR**

**Lead Department: Public Works**

**Meeting Date: February 26, 2024**

Report #:2310-2130

### **TITLE**

Approval of Amendment No. 6 to Contract No. C16163034A with Nova Partners, Inc. to Add \$766,919, Increasing the Not to Exceed Amount to \$9,647,825, for Additional Construction Management Services for the New Public Safety Building Capital Improvement Program Project (PE- 15001) and Extend the Contract Term; and Approval of Amendment No. 2 to Contract No. S20177452 with Schaaf & Wheeler Consulting Civil Engineers to Add \$9,600, Increasing the Not to Exceed Amount to \$20,200, for Additional Professional Services and Extend the Contract Term for the New Public Safety Building Capital Improvement Program project (PE- 15001); CEQA: Environmental Impact Report for the New Public Safety Building and New California Avenue Area Parking Garage (Resolution No. 9772)

### **RECOMMENDATION**

Staff recommends that Council:

1. Approve and authorize the City Manager or their designee to execute Amendment No. 6 to Contract No. C16163034A with Nova Partners, Inc. to add \$766,919, increasing the not to exceed amount to \$9,647,825 and to extend the contract term through July 31, 2025, for Construction Management Services for the New Public Safety Building project (PE-15001); and
2. Approve and authorize the City Manager or their designee to execute Amendment No. 2 to Contract No. S20177452 with Schaaf & Wheeler Consulting Civil Engineers to add \$9,600, increasing the not to exceed amount to \$20,200, for additional Professional Services and extend the contract term through December 31, 2024.

### **BACKGROUND**

The New Public Safety Building (PSB) (PE-15001) is one of ten key projects included in the 2014 Council Infrastructure Plan. The PSB was identified as the plan's highest priority project, and its environmental impacts were analyzed with the 350 Sherman Avenue parking garage project for the purposes of complying with the California Environmental Quality Act (CEQA). The parking garage opened in December 2020. On February 1, 2021, Council approved the award of the

construction contract for the PSB to Swinerton Builders (Swinerton) and authorized execution and delivery of one series of Certificates of Participation (COPs) in an amount not to exceed \$120 million to finance PSB construction.<sup>1</sup>

On June 13, 2016, Council authorized a contract with Nova Partners, Inc. (Nova) for program management and construction management services for the Infrastructure Plan projects implementation.<sup>2</sup> On November 27, 2017, Amendment No. 1 to Nova's contract added construction management services for the Fire Station #3 replacement project.<sup>3</sup> On February 21, 2018, Amendment No. 2 to Nova's contract updated the hourly rate schedules for years 2018 and 2019. On December 10, 2018, Amendment No. 3 to Nova's contract added construction management, special inspection and testing for the California Avenue Parking Garage.<sup>4</sup> On February 1, 2021, Amendment No. 4 to Nova's contract added the construction management, special inspection and testing for the PSB.<sup>5</sup> On July 31, 2023, Amendment No. 5 to Nova's contract extended the time of the contract through January 2024.

## **ANALYSIS**

Staff recommends approval of Amendment No. 6 (Attachment A) to the contract with Nova Partners, Inc., which provides additional funding for four significant scopes of work, as well as a 10% replenishment in the amount of \$69,720 to address other potential construction management services and testing needs for the project.

The four significant scopes of work in Nova's contract include Construction Management Services (performed by Nova Partners Inc.), Specialty Scheduling Services (performed by Rowecon, LLC.), Special Testing & Inspection Services (performed by Consolidated Engineering Laboratories (CEL), and Photo-Documentation (performed by Multi-Vista). The extension of construction management services is instrumental to meet the project needs and projected project completion date.

Staff recommends the approval of Amendment No. 2 (Attachment B) to the contract with Schaaf and Wheeler Consulting Civil Engineers. Schaaf and Wheeler Consulting Civil Engineers

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<sup>1</sup> City Council, February 1, 2021; Agenda Item #3, SR #11752

<https://www.cityofpaloalto.org/files/assets/public/v/3/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11752.pdf>

<sup>2</sup> City Council, June 13, 2016; Agenda Item #5, SR #6809

<https://www.cityofpaloalto.org/files/assets/public/v/1/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2016/id.-6809-program-manager-contract.pdf>

<sup>3</sup> City Council, November 27, 2017; Agenda Item #7, SR #8561

<https://www.cityofpaloalto.org/files/assets/public/v/1/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2017/id.-8561-fire-station-3-rebuild.pdf>

<sup>4</sup> City Council, December 10, 2018; Agenda Item #15, SR #9688

<https://www.cityofpaloalto.org/files/assets/public/v/1/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2018/id.-9688-350-sherman-ave-garage-construction.pdf?t=62452.05>

<sup>5</sup> City Council, February 1, 2021; Agenda Item #3, SR #11752

<https://www.cityofpaloalto.org/files/assets/public/v/3/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11752.pdf>

Amendment No. 2 extends the contract term and provides additional funding for stormwater construction observation and certification services.

Although the PSB project is 95% complete as of January 2024, completion of construction of the facility is behind schedule and is expected to be completed in the second quarter of 2024, followed by furniture and equipment installation, communication testing and setup. Move-in timelines project the PSB to be fully operational in Spring 2024, subject to unforeseen construction impacts such as weather or other impacts.

#### **FISCAL/RESOURCE IMPACT**

Funding for this contract amendment is available in the Fiscal Year 2024 Adopted Capital Improvement Program budget for the New Public Safety Building project (PE-15001), and is covered by the PSB project contingency and reserves for items that cost less than expected. Approval of this amendment does not increase the overall PSB budget approved by Council when the construction contract was approved in early 2021.

#### **STAKEHOLDER ENGAGEMENT**

Public Works has coordinated with key staff from departments whose operations will be dependent upon the PSB.

#### **ENVIRONMENTAL REVIEW**

An Environmental Impact Report for the PSB and the New California Avenue Area Parking Garage was prepared and certified by Council on June 11, 2018 (ID #8967), by adoption of Resolution No. 9772.<sup>6</sup>

#### **ATTACHMENTS**

Attachment A: Nova Partners, Inc. Contract No. C16163034A Amendment No. 6

Attachment B: Schaaf & Wheeler Consulting Civil Engineers Contract No. S20177452 Amendment No. 2

#### **APPROVED BY:**

Brad Eggleston, Director Public Works/City Engineer

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<sup>6</sup> Resolution 9772, <https://www.cityofpaloalto.org/files/assets/public/v/1/city-clerk/resolutions/reso-9772.pdf?t=40475.53>