

City of Piedmont
COUNCIL AGENDA REPORT

DATE: August 15, 2022

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of an Amendment to the City's Agreement with Griffin Structures for Project Management / Owner's Representative Services for the Piedmont Community Pool Project and Approval of an Amended Overall Budget for the Contract

RECOMMENDATION

By a single motion, take the following actions with regard to the proposed amendment to the City's agreement with Griffin Structures for Project Management / Owners Representative Services for the Piedmont Community Pool Project:

1. Approve the proposed amendment to the City's agreement with Griffin Structures for Project Management / Owner's Representative Services for the Piedmont Community Pool Project, based on a time and materials basis, at an amount not to exceed \$350,000.
2. Approve an amended overall budget for this contract of \$962,700, which includes the originally approved budget of \$612,700, and authorize the City Administrator to spend up to this amount.

BACKGROUND

On June 7, 2021, Council awarded an agreement to Griffin Structures to provide oversight of the Piedmont Community Pool Project, from design development through construction, with a focus on keeping the Project on-schedule and on-budget. In order to provide these services, Griffin Structures assigned George Sanen to serve as Project Manager for the Project. Over the last fourteen months, Mr. Sanen and Griffin Structures have assisted staff and guided the Project through the design phase into the bid phase and are prepared to leverage their extensive and detailed knowledge of the project to continue to assist in an expanded role during the time-intensive construction phase of the project. With the expanded hours, Griffin Structures will provide the City with continuous, full time project management assistance.

Full time project management services are required for a project of this size and magnitude, and the City anticipated that these services would expand significantly from the bid phase through construction. In addition to their experience as project managers, Griffin Structures has a deep, highly qualified and seasoned full-time staff with in-house capabilities that are essential for the additional project management services. With Griffin Structures having demonstrated their

capabilities and value to the project, the City requested that they provide additional hours to their existing scope of services to address this project need. Amending the City's agreement with Griffin Structures to incorporate these additional hours is anticipated to save the City approximately \$240,000 as opposed to these same services being contracted from another consultant firm.

FISCAL CONSIDERATIONS

The not to exceed fee and reimbursable expenses for Griffin Structures Additional Project Management Services, is \$350,000, for a total not to exceed contract price of \$907,000.00. Including the original \$55,700 contract contingency, the new overall budget for this contract will be \$962,700. The cost of the additional hours in this amended agreement will initially be paid from the General Fund. Subsequent to the sale of the voter approved Measure UU bonds, the General Fund will be reimbursed for all payments made prior to the receipt of bond funding.

CITY ATTORNEY REVIEW

The attached Amendment to Agreement for Professional Services was drafted by David Rosenthal, an attorney with Burke Williams Sorenson specializing in construction law, contract formation, negotiation and dispute resolution, and was reviewed and approved as to form and legality by City Attorney Michelle Kenyon.

ATTACHMENTS

1. Agreement with Griffin Structures

By: Daniel Gonzales, Public Works Director

AMENDMENT TO CONTRACT

This Amendment to Contract (“Amendment”) is made and entered into on this ____ day of August, 2022 (the “Effective Date”) by and between the City of Piedmont, a California municipal corporation (“City”), and Griffin Structures Inc. (“Independent Contractor”).

R E C I T A L S

A. City and Independent Contractor entered into a Contract, dated June 7, 2021 (“Original Contract” and, together with this Amendment, “Contract”), under which Independent Contractor provides certain project management, owner’s representative, and other services to the City in connection with the City’s Community Pool Project (“Project”).

B. The parties now wish to amend the Original Contract to add as Additional Services the additional scope (“Augmented Project Management Services Scope”) described in Exhibit A attached hereto and incorporated herein, and increase the NTE by \$345,960.00 and NTERC by \$4,040.00 (total \$350,000.00), also as provided in Exhibit A.

C. All capitalized terms not otherwise defined in this Amendment shall have the respective meanings provided in the Original Contract.

A G R E E M E N T

NOW, THEREFORE, the parties hereto agree as follows:

1. The parties agree that the Recitals set forth above are true and correct and are incorporated herein.
2. The City hereby approves the Augmented Project Management Services Scope as Additional Services under the Contract.
3. As provided in Exhibit A, the Not to Exceed fees and reimbursable expenses for the Augmented Project Management Services Scope are \$345,960.00 and \$4,040.00, respectively, bringing the total NTE and NTERC under the Contract to \$869,535.00 and \$37,465.00, respectively (overall total \$907,000.00).
4. Unless explicitly amended by this Amendment, all terms and provisions of the Contract shall remain in full force and effect.

[Signature Page Follows]

CONTRACTOR

GRIFFIN STRUCTURES INC.

By: _____
[Title]

CITY

CITY OF PIEDMONT, a California municipal corporation

By: _____
Theadora Gray King, Mayor

ATTEST:

John Tulloch, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney
Deepa Sharma, Assistant City Attorney

Exhibit A**Augmented Project Management
Services Scope Additional Services****ASR 01****GRIFFIN STRUCTURES FEE PROPOSAL****PIEDMONT COMMUNITY POOL PROJECT****CITY OF PIEDMONT**

007/01/2022

This Add Service Request is based on all reasonable costs necessary to perform augmented Project Management services for the Piedmont Community Pool Project. For these requisite services, Griffin Structures proposes the following Not to Exceed Fee:

Project Management:	\$	345,960
Reimbursable Expenses:	\$	4,040
Total	\$	350,000

All proposed hourly rates are fully burdened and include overhead, profit, taxes, and benefits. The hours identified for each individual employee and task are estimates only and are not to be construed as not to exceed hours for any individual task, phase, or time-period. **We reserve the right to reallocate hours between staff members and tasks to accomplish the overall objectives and requirements of the project.**

Services are based on the attached Fee Schedule, Resource Allocation Schedule, which provides detail on the allocation of hours. Any extension of the schedule or services may result in additional fee, in good faith negotiation with the City.

SCOPE ADJUSTMENTS

In the interest of providing enhanced value to the City, this Add Service request represents the addition for the performance of continuous Project Management during the construction phase of the project in lieu of outsourcing additional management services from another firm. As a result, this ASR, when considered against the savings achieved by not hiring an additional consultant, represents an overall savings to the City of \$240,000.

This ASR extends the existing scope of services and thus does not represent a scope change. Instead, this ASR only increases the hours for Griffin Structures staff to perform the existing scope of services on a full-time basis. For detail on how the additional hours compare to the existing contracted hours, please see attached Resource Allocation Schedule.

Attachment 1