



DISCUSSION ITEM

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: April 27, 2021



Subject: Amendment No. 3 to the Agreement between the City of Los Altos, California and NOVA Partners, Inc. for the additional Construction Management Services for Hillview Community Center Redevelopment Project CF-01002.

Prepared by: Peter Maslo, Project Manager

Reviewed by: Jim Sandoval, Engineering Services Director

Approved by: Brad Kilger, Interim City Manager

Attachment(s):

1. NOVA's Partners Scope of Services

Initiated by:

City Council – CIP Project CF - 01002

Previous Council Consideration:

October 27, 2020; October 13, 2020; October 22, 2019; July 30, 2019; July 9, 2019; March 12, 2019

Fiscal Impact:

The following contract amendment will cost \$120,884 and would be funded by approved Los Altos Community Center Project CF – 01002 in the Capital Improvement Program. If approved, funds will be encumbered from available proceeds within the approved \$38.34M project budget. Including this amendment, the project remains under budget and no additional funding to the project is required.

- Breakdown of funds to be used:
 - o \$120,884 General Fund
- Amount already included in approved budget: Y
- Amount above budget requested: \$0

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- None

Summary:

- NOVA Partners is contracted with the City as the Construction Manager of the Los Altos Community Center.

Reviewed By:

City Manager

BK

City Attorney

JH

Finance Director

JM



Subject: Professional Design Services Agreement Amendment: Community Center Project

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- NOVA Partners' Construction Management Services are essential and needed until completion of the Los Altos Community Center.
 - A proposed Amendment No. 3 to the Construction Management agreement with NOVA Partners would extend the original construction management contract from April 30, 2021 through the end of June 2021.

Staff Recommendation

Authorize the Interim City Manager to execute a contract amendment on behalf of the City with NOVA Partners for additional construction management services on the Los Altos Community Center project through June 30, 2021, in the amount of \$120,884.

Purpose

Execute an amendment for \$120,884 to the existing agreement with NOVA Partners for the Los Altos Community Center Project.

Background

On July 9, 2019, City Council authorized the execution of a professional services agreement between the City of Los Altos and NOVA Partners in an amount not to exceed \$938,525 for construction management services for the Community Project.

Amendment No. 1 was issued on October 22, 2019 to cover the cost for Special Testing and Inspection Services in the amount of \$70,218.

Amendment No. 2 was issued on October 27, 2020 to extend the original construction management contract from November 25, 2020 through April 2021 in the amount of \$241,768 to cover the additional construction management services needed from construction delays caused by COVID-19 and unforeseen conditions. At the time, staff foresaw the potential further delays to the construction schedule and recommended a longer extension. However, the Council felt more comfortable with staff returning to them once the need for additional time and funding was confirmed.

Discussion/Analysis

Amendment No. 3 includes essential construction management services needed to complete the construction of the Los Altos Community Center due to the project schedule being extended owing to delays caused by COVID-19 and other unforeseen circumstances. Currently, the projected date for Final Completion is June 21, 2021, which represents approximately six months extension of the original contract Final Completion date of December 20, 2020 (the original Substantial Completion date was November 25, 2020).

NOVA Partners will continue to provide services in accordance with the existing agreement.



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Tasks NOVA Partners will continue to perform during construction and project closeout shall include:

- Continue on-site Construction Management to monitor, manage and administer all construction activities in accordance with contract requirements.
- Act as the focal point for all activities and provide coordination between the City, Architect, General Contractor, and other stakeholders including City vendors (for example furniture suppliers).
- Conduct weekly construction progress meetings to coordinate and schedule activities of contractors, design professionals, City staff, and others as required. Prepare and distribute minutes of meetings.
- Coordinate and administer scheduling, sequencing, change order requests, submittals, shop drawings, inspections, testing, etc., and constructability issues among the Architect, City, and Contractor. Implement procedures for review, processing, and maintenance of project documentation, records, and decisions.
- Expeditiously resolve disputes between contractor and design professionals without disruption to the project.
- Assist the City in resolving all technical, architectural, engineering, testing, surveying, scheduling, sequencing, and estimating issues, including change order cost and validity evaluation relating to design during construction.
- Conduct periodic walk-throughs of the project with City's management, program, and project personnel, including at least two formal reviews by City staff at appropriate comment periods.
- Direct, manage, and coordinate testing and inspection services, including monitoring and reporting to the City of actual versus estimated costs budgeted for such services through the course of the project.
- Represent or assist the City in review and resolution of disputes with Contractors, subcontractors, and suppliers. Maintain documentation and records on all relevant decisions and facts relating to changes, clarifications, change orders, and disputes on an ongoing basis.
- Review and provide recommendations on construction schedules submitted by the General Contractor to provide the shortest possible project completion.
- Review all progress requests for payment for amount, prevailing wage compliance, etc., and approve or modify them before forwarding to the City for payment. Review and monitor subcontractor compliance with the California Public Contract Code and report any non-compliance to the City.
- Review all project-related vendor invoices.
- Coordinate and manage the submittal and shop drawing review and approval process and advise design professionals of any unusual site conditions affecting approvals. Coordinate with the contractor to allow sufficient time for review and approval for all parties. Verify and document that the shop drawing process is proceeding according to the submittal schedule.



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- Implement a field log system. This system will be used for tracking requests for information (RFI), submittals, and proposed and actual change orders and their status, and will provide a database which presents a chronology, including change orders completed, in progress, planned, and projected.
 - Review all RFIs for completeness, clarity, and appropriateness.
 - Provide analysis of change orders to include, but not be limited to, analyzing validity, analyzing contractor's estimate, determining the source of the change, analyzing, and reporting on the effects of proposed and approved change orders in a timely manner.
 - Maintain project budget and issue monthly updates or as requested by the City.
 - Coordinate with utility companies including PG&E, AT&T and Comcast as needed to ensure power and communications systems are installed in accordance with the City's requirements without delaying project completion.
 - Manage close-out procedures approved by the City to accomplish timely completion of the construction contract (e.g., change orders, punch list, recommendation for acceptance, final payment, receipt of warranties and guarantees, transition to operation and maintenance phase, etc.).
 - Coordinate final testing, inspections, and approvals.
 - Advise the City regarding when building is ready for occupancy, when project is at the substantial and final completion stage, and when final payment is appropriate.
 - Direct the initial startup, commissioning and testing of utilities, electrical and mechanical systems, and equipment. Coordinate training of the City's personnel in conjunction with City's designated representatives. Collect and distribute all Operation and Maintenance manuals and warranty documentation.

Gonsalves and Stronck's latest construction schedule has revised the project Final Completion date approximately two months from April 21, 2021 to June 21, 2021. The not-to-exceed fee request by NOVA Partners for this additional scope of services to cover a period of approximately two months is \$120,884. The scope of work includes NOVA Partners construction management services in the amount of \$120,884.

NOVA Partners' monthly expenditure rate for project construction management services has averaged \$60,442 to date.



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Options

- 1) Authorize the Interim City Manager to execute an amendment with NOVA Partners for professional construction services through June 2021 in the amount of \$120,884.

Advantages: Allows construction management services to continue to manage the remaining construction activities and closeout of the Los Altos Community Center project.

Disadvantages: None.

- 2) Do not authorize the Interim City Manager to execute an amendment with NOVA Partners for professional construction services in the amount of \$120,884.

Advantages: None

Disadvantages: NOVA Partners cease to provide services at the end of April 2021 and will not be able to continue supporting the project through the construction of the facility's finishes, site work, commissioning, punch list items, and close-out.

Recommendation

The staff recommends Option 1.

NOVA PARTNERS INCORPORATED

March 30, 2021

Mr. Peter Maslo
City of Los Altos
1 N San Antonio Road
Los Altos, CA 94022

Subject: Los Altos Community Center Contract Amendment #3 - Construction Schedule Extension

Peter:

Nova Partners is performing Construction Management of the Los Altos Community Center (Project Number CF-01002). Due to the Covid-19 pandemic and scope modifications impacting project progress, the duration of the project has extended past the original construction contract completion date of November 25, 2020. Contract Amendment #2 extended Nova's contract through April 2021. The latest schedule shows a revised substantial completion date of May 4, 2021, with FINAL completion anticipated in June 2021.

We are requesting to increase our contract by a Not-to-Exceed amount of \$120,884 to enable us to continue to manage the remaining construction activities and closeout of the project. Please reference the below fee schedule for details of our proposed fee. This amendment would enable us to continue providing services through June 2021, including project closeout activities.

| BREAKDOWN - 2 MONTH EXTENSION | | | | | | | |
|-------------------------------|------------------|----------------|-----------------|-----------------|-----------------|----------------|------------------|
| | | Principal | Sr. PM | PM | APM | Admin | |
| | 2021 Rate | \$226 | \$204 | \$187 | \$171 | \$143 | Total |
| May | Hours | 9 | 52 | 173 | 87 | 4 | |
| June | Hours | 9 | 52 | 173 | 87 | 4 | |
| Total Fee | | \$4,068 | \$21,216 | \$64,702 | \$29,754 | \$1,144 | \$120,884 |

If you have any questions, please do not hesitate to contact us to discuss this request further.



Joe Capps-Jenner
Nova Partners, Inc.
Cc: David Marks