

## CITY COUNCIL AGENDA ITEM NO. 10

**Meeting Date:** January 26, 2010

**Subject/Title:** Adopt a Resolution approving and authorizing the City Manager or Designee to execute Amendment No. Three with Scarth-Lyons and Associates, in an amount not to exceed \$12,500 for a total not to exceed price of \$57,500 to amend the Civic Center Project Labor agreement to include the Civic Center Parking Facility Project (CIP No. 337-37211) and provide necessary administrative services.

**Prepared by:** Gail Leech, Management Analyst

**Submitted by:** Karen Chew, Assistant City Manager

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### RECOMMENDATION

Adopt a resolution approving and authorizing the City Manager or Designee to execute Amendment No. Three with Scarth-Lyons and Associates, in an amount not to exceed \$12,500 for a total not to exceed price of \$57,500 to amend the Civic Center Project Labor agreement to include the Civic Center Parking Facility Project (CIP No. 337-37211) and provide necessary administrative services.

### PREVIOUS ACTION

On April 24, 2007, by Resolution No. 2007-89, City Council approved and authorized the City Manager to execute an agreement with LPA, Inc., for the architectural planning, design and related services of the New City Hall (CIP No. 337-31390), including the Civic Center Parking Facility and Civic Center Plaza in an amount not to exceed \$2,922,218, plus 10% contingency of \$292,221.80 for a total of \$3,214,439.80.

On November 18, 2008, City Council directed staff to implement a phased approach for the Civic Center consisting of building the City Hall and Community Center as Phase 1; and the Parking Structure as Phase 2.

On March 24, 2009, by Resolution No. 2009-63, City Council authorized the preparation of a Labor Stability Study for the proposed Civic Center project.

On May 12, 2009, by Resolution No 2009-100, City Council directed staff to begin the negotiation process toward a PLA and authorized funding for negotiation services in an amount not to exceed \$25,000.

On June 18, 2009, by Resolution No. 2009-133, City Council accepted the Project Labor Agreement, directed Swinerton, Inc. to execute the agreement and directed staff to include the Project Labor Agreement in the bid documents for the Civic Center.

On June 23, 2009, City Council directed staff to go to bid on the Civic Center.

On October 13, 2009, by Resolution No. 2009-204, City Council approved the contract documents, awarded the bid and authorized staff to issue a Notice to Proceed for the construction of the Civic Center.

On October 27, 2009, by Resolution No. 2009-212, City Council directed staff to prepare and negotiate a professional services agreement with Lathrop Construction Associates, Inc. for management of the Parking Facility construction, authorized funding in an amount not to exceed \$126,285 to execute amendments to consultant agreements to include this component into the project and authorized staff to negotiate a change order with Lathrop to delete the surface parking lot from the project and begin preparatory work for the Parking Structure.

On January 12, 2010 City Council authorized the City Manager or Designee to execute an agreement with Lathrop Construction Associates (LCA) for Construction Manager at Risk services for the construction of the Civic Center Parking Facility in an amount not to exceed \$9,102,019; authorized staff to amend the Civic Center Project Labor Agreement to include the Parking Facility and authorized staff to amend the Civic Center Parking Facility budget sheet, CIP No. 337-37211.

## **BACKGROUND**

Pursuant to City Council direction, a Project Labor Agreement (PLA) was negotiated on behalf of the City for the construction of the Civic Center project. The PLA addresses the following purposes:

- 1) Promote efficient construction operations
- 2) Set uniform and fair working conditions
- 3) Employ local residents and utilize resources available in the local area.

The PLA also encompasses the City Council's project objectives in relation to the current labor market factors as outlined below:

- 1) Provide opportunities for Brentwood residents to participate on the project
- 2) Provide opportunities for returning veterans to participate on the project
- 3) Competitive bidding
- 4) Project cost efficiency
- 5) Reduced work delays / Timely completion of project

A Project Labor Agreement will support the City's intention to promote efficiency on the Civic Center project by entering into a productive partnership with the local construction labor community.

Now that the Parking Facility is being built with the rest of the Civic Center project, the Project Labor Agreement needs to be amended to include the Parking Facility. In addition to amending the agreement, additional administrative support will be needed, including scheduling, coordinating and chairing the Pre Job/Mark Up meeting for the trade contractors, chairing and preparing minutes for the quarterly Labor / Management meetings with the Contra Costa Building Trades during construction, managing claims and grievances and providing support to the City of Brentwood regarding PLA issues or questions.

## **FISCAL IMPACT**

The amendment to the Scarth-Lyons contract for the PLA amendment is a not to exceed amount of \$12,500 for a total not to exceed price of \$57,500 and funding is included in the adopted 2009/10 – 2013/14 Capital Improvement (CIP), Civic Center Parking Facility Project (CIP No. 337-37211).

Attachments:  
Resolution  
Project Labor Agreement

## RESOLUTION NO. 2010-

### **A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AMENDMENT NO. THREE WITH SCARTH-LYONS AND ASSOCIATES, IN AN AMOUNT NOT TO EXCEED \$12,500 FOR A TOTAL NOT TO EXCEED PRICE OF \$57,500 TO AMEND THE CIVIC CENTER PROJECT LABOR AGREEMENT TO INCLUDE THE CIVIC CENTER PARKING FACILITY PROJECT (CIP NO. 337-37211) AND PROVIDE NECESSARY ADMINISTRATIVE SERVICES**

**WHEREAS**, on April 24, 2007, by Resolution No. 2007-89, City Council approved and authorized the City Manager to execute an agreement with LPA, Inc., for the architectural planning, design and related services of the New City Hall (CIP No. 337-31390), including the Civic Center Parking Facility and Civic Center Plaza in an amount not to exceed \$2,922,218, plus 10% contingency of \$292,221.80 for a total of \$3,214,439.80; and

**WHEREAS**, on November 18, 2008, City Council directed staff to implement a phased approach for the Civic Center consisting of building the City Hall and Community Center as Phase I; and the Parking Structure as Phase 2; and

**WHEREAS**, on March 24, 2009, by Resolution No. 2009-63, City Council authorized the preparation of a Labor Stability Study for the proposed Civic Center project; and

**WHEREAS**, On May 12, 2009, by Resolution No 2009-100, directed staff to begin the negotiation process toward a PLA and authorized funding for negotiation services in an amount not to exceed \$25,000; and

**WHEREAS**, on June 18, 2009, by Resolution No. 2009-133, City Council accepted the Project Labor Agreement, directed Swinerton, Inc. to execute the agreement and directed staff to include the Project labor Agreement in the bid documents for the Civic Center.

**WHEREAS**, on June 23, 2009 City Council directed staff to go to bid on the Civic Center; and

**WHEREAS**, on October 13, 2009, by Resolution No. 2009-204, City Council approved the contract documents, awarded the bid and authorized staff to issue a Notice to Proceed for the construction of the Civic Center.

**WHEREAS**, on October 27, 2009, by Resolution No. 2009-212, City Council directed staff to prepare and negotiate a professional services agreement with Lathrop Construction Associates, Inc. for management of the Parking Structure construction, authorized funding in an amount not to exceed \$126,285 to execute amendments to include this component into to the project and authorized staff to negotiate a change order with Lathrop to delete the surface parking lot from the project and begin preparatory work for the Parking Structure.

**WHEREAS**, on January 12, 2010 City Council authorized the City Manager or Designee to execute an agreement with Lathrop Construction Associates for Construction Manager at Risk services for the construction of the Civic Center, authorized staff to amend the Civic Center Project Labor Agreement to include the Parking Facility and authorized staff to amend the Civic Center Parking Facility budget sheet.

**WHEREAS**, now that the Parking Facility is being built with the rest of the Civic Center project, the Project Labor Agreement needs to be amended to include the Parking Facility.

**WHEREAS**, the amendment to the Scarth-Lyons contract for the PLA amendment is a not to exceed amount of \$12,500 for a total not to exceed price of \$57,500 and is included in the Civic Center Parking Facility Project, CIP # 337-37211.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Brentwood hereby approves and authorizes the City Manager or Designee to execute Amendment No. Three with Scarth-Lyons and Associates, in an amount not to exceed \$12,500, for a total contract price of \$57,500 to amend the Civic Center Project Labor agreement to include the Civic Center Parking Facility Project (CIP No. 337-37211) and provide necessary administrative services.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 26<sup>th</sup> day of January 2010 by the following vote:

**AMENDMENT NO. THREE TO AGREEMENT FOR PROFESSIONAL LABOR RELATIONS  
SERVICES  
Scarth-Lyons and Associates**

This Amendment No. Three is entered into and effective as of the \_\_\_ day of January, 2010, amending the agreement dated April 8, 2009 (the "Agreement") by and between the City of Brentwood, a municipal corporation of the State of California ("City"), and Scarth-Lyons and Associates, a California Corporation ("Consultant") (collectively, the "Parties") for scope of work changes for the Labor Stability Study for the City of Brentwood Civic Center Project.

**RECITALS**

A. On May 26, 2009, the Parties executed Amendment No. One to the Agreement to include the negotiation of a Project Labor Agreement for the City of Brentwood Civic Center project.

B. On November 16, 2009, the Parties executed Amendment No. Two to the Agreement to include Project Labor Agreement administrative services for the City of Brentwood Civic Center Project; and

C. The Parties now desire to alter the Agreement's scope of work to amend the Civic Center Project Labor Agreement to include the Civic Center Parking Facility Project and to provide additional administrative services for the City of Brentwood Parking Facility Project; and

D. The Parties have negotiated and agreed to a supplemental scope of work which is attached to and incorporated by this reference as Exhibit "A-1," Supplemental Scope of Services.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the Parties agree as follows:

1. Exhibit "A" to the Agreement, which describes the Services, is hereby amended to include those services described in Exhibit "A-1".

2. The total not to exceed Agreement amount is increased by Twelve Thousand Five Hundred dollars (\$12,500) for a total not to exceed price of Fifty Seven Thousand Five Hundred Dollars (\$57,500).

3. Except as amended herein, all provisions of the Agreement, as may have been amended from time to time, will remain in full force and effect.

4. All requisite insurance policies to be maintained by Consultant pursuant to the Agreement, as may have been amended from time to time, will include coverage for this Amendment.

5. The individuals executing this Amendment and the instruments referenced in it on behalf of Consultant each represent and warrant that they have the legal power, right and actual authority to bind Consultant to the terms and conditions of this Amendment.

CONSULTANT:

CITY:

\* By: [Signature]

By: \_\_\_\_\_  
Donna Landeros, City Manager

Printed Name: MUSTAN J. VANDERKAM

Title: PRESIDENT

ATTEST:

By: \_\_\_\_\_  
Margaret Wimberly, City Clerk

APPROVED AS TO FORM PENDING  
RECEIPT OF ORIGINAL SIGNATURES:

By: [Signature]  
Damien Brower, City Attorney

If required by City, proper notarial acknowledgment of execution by Consultant must be attached. If a Corporation, Agreement must be signed by one corporate officer from each of the following two groups.

**\*Group A.**  
Chairman,  
President, or  
Vice-President

**\*\*Group B.**  
Secretary,  
Assistant Secretary,  
CFO or Assistant Treasurer

**Otherwise**, the corporation **must** attach a resolution certified by the secretary or assistant secretary under corporate seal empowering the officer(s) signing to bind the corporation.

**EXHIBIT "A-1"**

**SUPPLEMENTAL SCOPE OF SERVICES**

The scope of services to be provided include:

1. Extension of Project Labor Agreement: Develop language amending the Civic Center Project Labor Agreement, review language with appropriate City of Brentwood staff, meeting with Contra Costa Building Trades representatives to negotiate the proposed amendment, secure signatures from Contra Costa Building Trades representatives and signatory unions, deliver fully executed amendment to City of Brentwood.
2. Administration: Schedule, coordinate, chair and prepare the Minutes for the Pre Job/Mark Up Meeting for contractor and its subcontractors (one main meeting and perhaps additional smaller meeting(s) for subcontractors who are not ready for the main meeting); schedule, chair and prepare Minutes for the periodic (quarterly) Labor/Management Meetings with the Contra Costa Building Trades during the construction period; coordinate and schedule any No Strike/No Lock out claims and grievances under the Dispute Resolution Procedure; and be available for any PLA questions/issues raised by labor, contractors or the City of Brentwood staff.

The scope of services would be provided at an hourly rate of \$295 per hour with a not to exceed total of \$12,500. Expenses will be billed at cost and mileage will be at the IRS published rate.