



COUNCIL REPORT

DATE: December 5, 2023
CATEGORY: Consent
DEPT.: Public Works
TITLE: **Rengstorff Park Aquatics Center Replacement, Project 18-38—Various Actions**

RECOMMENDATION

1. Authorize the City Manager or designee to amend the professional services agreement with ELS, a California corporation, for Rengstorff Park Aquatics Center Replacement, Project 18-38, to add \$90,000 for a not-to-exceed amount of \$2,401,855.
2. Authorize the City Manager or designee to amend the professional services agreement with Griffin Structures, Inc., for Rengstorff Park Aquatics Center Replacement, Project 18-38, to add \$190,000 for a not-to-exceed amount of \$1,050,000.
3. Authorize the City Manager or designee to amend the construction contract with Bobo Construction, Inc., for Rengstorff Park Aquatics Center Replacement, Project 18-38, to add \$300,000 for a not-to-exceed amount of \$21,788,000.

BACKGROUND

The original Rengstorff Park Aquatics Center (Aquatics Center) opened in 1959 and is located on the northeast side of Rengstorff Park along Crisanto Avenue. The project is replacing the existing building and two pools with new facilities intended for year-round use.

On [September 11, 2018](#), Council authorized the City Manager to execute a professional services agreement with ELS (California Corporation No. 663523) to provide architectural and engineering design services for Rengstorff Park Aquatics Center Replacement, Project 18-38, for a total not-to-exceed amount of \$1,148,632.

On [October 27, 2020](#), Council took the following actions for Rengstorff Park Aquatics Center Replacement, Project 18-38:

1. Approved the schematic design and the Heritage tree mitigation plan and directed staff to proceed with the detailed design of the project;

2. Authorized the City Manager to amend the professional services agreement with ELS, increasing compensation by \$1,163,223 for a total not-to-exceed amount of \$2,311,855; and
3. Authorized the City Manager to execute a professional services agreement with Griffin Structures Inc. (Griffin) for preconstruction, construction management, and Leadership in Energy and Environmental Design (LEED) commissioning services for a total not-to-exceed amount of \$710,000.

On [October 26, 2021](#), Council approved the plans and specifications for the project, approved the prequalified bidder list, and authorized staff to advertise the project for monetary bids and to award the project if bids were within the available budget. At the same meeting, Council also approved an amendment to the Griffin agreement to add \$150,000 for third-party special inspection and testing for a new total not-to-exceed amount of \$860,000.

On December 15, 2021, three bids were received, of which one bidder requested a relief of bid due to clerical error. On [February 8, 2022](#), Council granted the relief of bid request and awarded the construction contract for Rengstorff Park Aquatics Center Replacement, Project 18-38, to Bobo Construction, Inc., (Bobo) for \$21,488,000, including a \$1,954,000 construction contingency.

ANALYSIS

Construction Schedule

Construction of the new aquatics center began in April 2022 and was planned to be completed in fall 2023. The project is progressing with the main building framing and interior walls complete, the exterior windows installed, and the roofing and exterior finishes installations in process. The site improvements, including the pools, are partially completed while the pool decking is nearing completion.

While much progress has been made, the overall construction completion has been delayed until spring 2024. The revised completion date is attributable to the combined impact of various factors, including inclement weather, COVID-19 supply chain disruptions, and unforeseen change order work. In addition, the complexity of implementing an all-electric pool facility, including new pool heating technology with complicated mechanical, electrical, and plumbing systems, has required significant supplementary time and effort. The current estimated completion date has been extended to March 2024, assuming weather conditions this winter do not impact construction operations.

Consultant Fees

- **ELS:** The existing agreement with ELS includes full architectural and engineering design services and construction administration support services through January 2024. While ELS has absorbed some costs associated with the design changes, an amendment is needed to add \$90,000 to the additional services allowance to continue administration support beyond January 2024.
- **Griffin:** The existing Griffin agreement includes fees for construction management services through December 2023. To continue the construction management of the project through completion and closeout, increased funding for up to six additional months of service is required. Staff recommends an amendment to Griffin's agreement to add \$190,000 to the additional services allowance.

The requested agreement amendments will allow both consultants to continue to provide critical construction administration and design support services that are necessary to successfully complete and close out the project.

- **Construction Contingency:** The contract with Bobo is for an amount not to exceed \$21,488,000, which includes a construction contingency allowance of \$1,954,000. Approximately \$1,620,000 (83%) of the contingency has been spent or committed in executed and pending contract change orders (CCOs) to address various unforeseen conditions, coordination to implement the new technology, and required changes to the project.

Several elements, including the solar photovoltaic and thermal systems, as well as aquatic, mechanical, and plumbing facilities, are still in process. These elements are very complex and interdependent, and staff continues to closely monitor the coordination of these items. Given that only around \$334,000 (17%) of the contingency allowance remains, staff recommends increasing the contingency by \$300,000, representing a 15% increase in the total contingency budget. This will allow staff flexibility to address additional changes should they be required to complete the project.

FISCAL IMPACT

Rengstorff Park Aquatics Center Replacement Design, Project 18-38, is funded with \$29 million from the Park Land Dedication Fund. Amendments to consultant agreements and the

construction contract adding a total of \$580,000 in compensation is requested to finalize construction as follows:

Table 1: Additional Funding

<u>Consultant/Contractor</u>	<u>Additional Amount</u>	<u>New Total Not-to-Exceed</u>
ELS	\$ 90,000	\$ 2,401,855
Griffin	190,000	1,050,000
Bobo	300,000	21,788,000
Total	\$580,000	

The project has sufficient funds for the recommended actions; no additional appropriation is being requested at this time.

ALTERNATIVES

1. Do not approve the amendments adding funding to the professional services agreements with ELS and/or Griffin and direct staff to negotiate reduced scopes with one or both consultants for completing project construction with staff performing additional tasks where feasible.
2. Do not approve increasing the construction contract contingency at this time and direct staff to return to Council should the remaining contingency balance be exhausted prior to completing project construction.
3. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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