

TO: TOWN COUNCIL

FROM: TOWN MANAGER



RE: CONSENT ITEM

REVISE ENGINEER AGREEMENT FOR DOWNTOWN PARK PLANNING

ISSUE

Due to various factors concerning the downtown park plans it is necessary to revise the engineering agreement to provide more money for planning, bidding and construction oversight.

RECOMMENDATION

Approve increase noted in this report for consultant Omni-Means on the downtown park project.

CEQA

There are no CEQA issues with contract revisions.

MONEY

In April 2010 a contract for services was awarded to Omni-Means in the amount of \$52,702 that was expected to carry out the work needed to plan, bid and do construction oversight on the downtown park. With the addition of the \$36,300 requested in this report the total contract will go to \$89,002. Money to pay this will come out of a combination of the \$420,000 State Park Grant funds + Town match of \$200,000 + the CMAC funds the Town will use on the parking lot + other park related funds the Town currently has on hand. In order to stay in the budget it may be necessary for the Town to scale back a little once construction bids are known.

DISCUSSION

The attached letter from Omni-Means explains the reasons for the increase that is being requested for planning, bidding and providing construction oversight on the downtown park. The drawings are close to completion and bids are expected to be solicited by the end of October.

In short the increase is necessary due to additional meetings and drawing revisions that were needed and some unexpected work needed with PCWA, erosion control plans, and a lot line adjustment needed to satisfy PCWA water meter service requirements so the Town doesn't have to pay for two meters at a cost that could exceed \$53,000.



September 27, 2010

Brian Fragio, Town Public Works Director
Town of Loomis
3665 Taylor Road
Loomis, CA 95650

RE: Town of Loomis Downtown Park Design (#25-4490-10): Extra Work Authorization Based on: Multiple Design Changes, Extra Meetings / Public Hearing Presentations, Exhibit Preparation, Lot Line Adjustment

Dear Brian:

Per your recent request for us to define costs associated with additional work not included in our original scope of services for the Downtown Park Design Services, please note the following:

Our scope of service proposal / budget was based on our understanding that the Town had (or was about to) approve a Master Plan for the Downtown area that included a fairly detailed master plan design for the Park area. As we understood the project, our effort would be to prepare the improvement plans associated with the proposed design, and define the detail associated with the various programmed elements.

The master plan had, as we understood, gone through public workshops, and community hearings in an effort to define the program elements, basic layout, vision narrative, and detailed cost estimate for the park (not fully available to the Consultant before preparing the proposal). We also prepared for your answer, a list of some eighteen questions to help us define our services. These answers were the basis for some of the assumptions we made, and reflected in our proposal. The expected construction budget for this project was identified to be \$420,000 and the design fee range for the project was identified by the Town Engineer to be between \$20,000 to \$50,000. Assuming a typical industry percent of design fee vs. construction for a project of this size/complexity, a design fee in the range of 10% to 14% is not unusual. As our budget proposal indicated, our design fee (including preparing the base topo/boundary survey – not identified in the RFP) included the addition of a skate park design consultant as we felt that this was one area of the Master Plan that was not adequately addressed. Our resulting fee was proposed at \$52,702.00 (approximately 12.5% of the available construction fee of \$420,000).

Unfortunately, from the outset of the project we found that the terms under which we proposed our scope of services / budget proposal changed. An overview of these changes is as follows:

- An unsettled master plan with differing ideas by the Council and other officials as to what elements should be included (despite an approved Master Plan design and program).
- Desire by the Council to revisit the overall parking layout and auto circulation vs. what the approved master plan illustrated.
- The direction to prepare improvement plans for the entire park, with the new understanding that the Town might fund additional improvements with approximately \$350,000 (plus?) from additional sources.

- The Master Plan cost estimate developed by MIG for the Phase 1 portion of the park (available after the award of contract) is determined to be approximately \$1.2-million dollars. Per the master plan estimate, **design fees were anticipated to be approximately \$187,000** (excluding construction administration).
- Review / approval steps by the City Council, PROS, and PC. Our understanding (per answers to our questions) was that only the Town engineering staff would be reviewing our design / plans and providing all comment.
- Unanticipated preparation for, and presentation to the PROS/PC and City Council on multiple occasions.
- Unanticipated meetings at the Town Hall with staff, the City Manager, and members of the Council / PROS / PC.
- Prepare revise new presentation for City Council Public hearing to review the design changes with the public (date to be determined)

Per one of the answers received from the Town Engineer prior to our proposal preparation, and noted on page 12 of our proposal:

“Despite what is indicated in the RFP the Consultant will only be reviewing design plans with the Town staff - not with the Town Council Planning Commission, or Open Space Committee. *Scope implications - attendance and presentation to Council, Commission and Committee is not included in scope/budget.*”

Consequently, the additional presentations and coordination for the public meetings, public hearings and staff meetings required considerable extra effort / budget beyond what we anticipated (approximately 16-hours budgeted) during the design support phase of the project. As a result of these community meetings, and review / comments by the Town officials, additional design time and presentation preparation time was required to adequately address the many directions received in an effort to nail down the master plan design.

We have continued to be responsive to the Town’s requests, (from both the staff and Town Officials, hoping along the way that there would be an end to the changing direction and that we could get the project back on the original schedule in order for the Town to not lose out on a State Park Grant. As discussed with the Town Engineer along the course of this process, this additional work was not within the scope of services presented in our proposal. However, now that we collectively have the Master Plan process defined we respectfully request an Extra Work / Budget Authorization for the following specific extra work tasks:

Presentation, Preparation – Extra Meetings and Public Hearings:

\$8,722 (includes \$900 for Zach Wormhoudt’s meeting attendance Sept. 13th).

Original Scope expectations (16-hours): Changes to the community input vs. how we defined it in our scope. Per the RFP community input / meetings were not identified. Our scope included a meeting with the skate community in order to best respond to the end users. Prep for this meeting was expected to be minimal and relatively informal. We also expected to informally meet with the adjacent business owners to solicit concerns they might have regarding changes affecting their alley access. This was expected to be a 1-hour or so meeting with very little prep time required.

Out of Scope Services

- Community Workshop / Open House Preparation and Attendance
-The Omni-Means Team prepared multiple detailed exhibits and staffed a community workshop not defined in the RFP or in the approved proposal.



- Prepared Site Plan Alternative Studies for the Parking Area and Schematic Exhibits for the Park Element Relationships (Master Plan Level Services)
 - At the request of the Town Engineer we provided exhibits that were used in a public hearing (June 15th) to solicit public and Planning Commission (PC) direction regarding changes to the site design.
- 1st City Council Public Hearing (June 29th)
 - Prepared detailed design development plans, including a 3D presentation illustrating the majority of the park, the proposed elements, plant materials. Presentation to the City Council not defined in the RFP or in the proposal.
- 2nd City Council Hearing (August 25th)
 - Preparation for and presentation to the City Council regarding the 60% plans
- Document Comments / Prepare Response to Comments From City Council
- Meeting at Town Hall (September 2nd)
 - Preparation for, attendance at, and response to comments
- Meeting at Town Hall (September 13th)
 - Including attendance by Skate Park Consultant
- 3rd City Council Presentation (date to be determined)
 - At the Mayor's request Omni-Means will present the final design to the public, including 3D illustrative views of key elements, phasing options, and probable cost to construct.
- Documenting or responding to random input received from members of the Council, PROS, and PC.

PCWA Coordination / Redesign Utility Plan: \$357.00

The scope of services was based on the fact that coordination with PCWA was not necessary.

Per one of the answers received from the Town Engineer prior to our proposal preparation, and noted on page 12 of our proposal: "Water and utility connections can be made from services at the Depot. *Scope implications - coordination with PCWA and SPUMD is not required or scoped in this proposal.*"

However, after beginning the project we discovered that the water line extension between the Depot area and the park was not constructed requiring us to coordinate with PCWA to determine a new solution. Upon finding out the park would require its own service Omni designed the system accordingly.

Out of Scope Services

- Upon the Town discovering the costs associated with new meters and a public extension of the service line, we were asked to look into an alternative solution.
- Omni met with PCWA to developed a cost effective water service solution to provide potable and irrigation water to the project area. The proposed solution will save tens of thousands of dollars. (see lot line adjustment task below)

Design Revisions after 60% plans: \$15,121.00 (includes \$3,700 for Wormhoudt's revised design efforts).

After working through multiple changes in design direction received from the City Council, PROS, and PC, Omni-Means prepared a design that we believed met the many requested changes. Omni also presented the design using 3D illustrative views plans and photos in order to gain City Council approval before beginning construction documents. Approval from the Council to continue to move forward with



construction documents was provided on June 29, 2010. Shortly, after that time the multi-use skate plaza design was presented to the Town Engineer for review and comment. Upon Omni/Wormhoudt responding to comments, the Town Engineer provided written approval (via email) of the design layout for the site development and the multi-use skate plaza on August 4, 2010. We then submitted 60% complete construction documents (incorporating the Town staff and Town official comments). However, upon review of the 60% plans, Town officials requested multiple design changes that affected modifications (minor and major) to all previously completed documents. Comments at this stage usually involve changes to notes, additional minor detail to explain some situation, or other minor house keeping comments. By this point in the project the design is typically in place (as we had thought based on previous approvals).

Out of Scope Services

- Revise Site Design Based on Direction from the Planning Commission
- Design revisions to the skate plaza, and other elements after we were provided staff direction to move forward with 60% construction documents.
- New direction to revise the planting plan to include more native plants, after the Council had already approved the plant palette as part of the Design Review presentation on June 29th prior to preparing 60% construction plans.
- Additional research into lighting options (vs. what we were directed to specify to match Depot design).
- Research / provide documentation for lighting options (LED vs. Induction vs. Metal Halide)

Cost Estimate / Phasing / Bid Alternate Scenarios: \$4,800.00

Our scope and the RFP provided for one itemized estimate for the entire park design at 60% and 95% plans.

Out of Scope Services

- Multiple Phase Cost Estimate Break Down Options
- Prepare State Grant exhibit and cost breakdown for Town Manager
- Prepare final plans / quantity take-offs /bid forms to reflect multiple bid alternatives (5-total) with a base bid phase associated with the \$420,000 Grant

Prepare Erosion Control Plans / SWPPP: \$3,300.00

The RFP did not request the preparation of erosion control plan and the preparation of the SWPPP. Since the start of this project, the rules allowing the contractor to prepare the SWPPP have changed (as of July, 2010). Per the Town Engineer's request, we will provide the following services to complete this new task.

Out of Scope Services

- Prepare Erosion Control Plan
- Prepare preliminary SWPPP base document
- Coordinate NOI review with State (Town to provide fee payment)



Lot Line Adjustment: \$4,000.00

In order to allow the use of the Depot area meter / water service Omni-Means will process the application to move the lot line adjacent to the park so that water service will not cross two legal properties (as disallowed by PCWA). The line will be moved south westerly to the west side of the proposed cul-de-sac.

Out of Scope Services

- Drafting the lot line adjustment exhibit, including notes
- Preparation of the legal description(s) and plat map(s)
- Assembly / Submittal of documents to Town Engineer for review/comment
- Response to comments (assumes minor modifications)
- Assemble / submit documents to Town Engineer for recordation of the lot line adjustment

Tasks assumed provided by the Town:

- Application completion
- Notification radius map and mailing labels, distribution to surrounding property owners
- (2) copies of a recent title report for all properties involved
- Coordination of fee (the presumption is the City will waive the fees against itself)

TOTAL EWA FEE: \$36,300.00

The 60% cost estimate for the construction cost associated with the entire park, is approximately 1.2-million dollars. Utilizing typical industry standards of 10-14% fees/construction cost, a reasonable fee for this design would be between \$120,000 and \$168,000 (not including construction administration). Our fee for the project (including construction administration) is currently \$52,702.00 (based on a construction cost of \$420,000). This Extra Work Authorization would increase our fee to: \$89,002.00, or approximately 7.4% of the anticipated construction cost for the entire park.

Please also note that schedule slippage of approximately 1- 2 months can be directly attributed to the extra meetings and hearings, not in our control, while waiting for approval to move forward with construction plans. We are currently working diligently to complete the bid plans as-soon-as-possible.

Please contact us with any questions, regarding this extra work request.

Sincerely,
OMNI-MEANS, Ltd.
Engineers & Planners



Scott Robertson, Associate
Project Manager



Martin Inouye
Principal

M1444EWA001.doc

