



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Authorize the City Manager to approve Contract Change Order No. 2 to professional services contract with ELS for additional services for Indoor Sports Complex facility design work (\$365,620)

**MEETING DATE:** July 17, 2002

**PREPARED BY:** Parks and Recreation Director

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**RECOMMENDED ACTION:** That the City Council authorize the City Manager to approve the requested Additional Services Change Order No. 2 for Indoor Sports Complex Facility Design work for \$365,620 which would result in a total revised appropriation of \$935,120 for planning, design, and construction administration.

**BACKGROUND INFORMATION:** City Council awarded project design work contract to ELS Architecture and Urban Design on February 6, 2002, and appropriated a not to exceed amount of \$681,135 for design work for the Indoor Sports Complex and Master Planning of a Parks and Recreation Campus. Of this total some \$554,500 is for Indoor Sports Complex basic design services and reimbursables with an additional \$15,000 designated from contingency for change order #1 for a total of \$569,500 for fees. An assumption of the project at that time was an estimated project construction budget of \$5,250,000 for the Indoor Sports Complex.

The planning and concept design work has proceeded with various options for a two gymnasium and three gymnasium concept design along with multiple use areas and exterior landscaping being presented to Council. The City Council reviewed the concept design options and provided direction on May 1, 2002, to proceed with the Scheme B site plan option of three courts plus multiple use areas option of roughly 39,000 square feet and sitework as noted. At the May 1, 2002, meeting presentation Council was informed that these design concepts will increase the estimated project construction budget estimate to a total estimate of \$9,404,413. Attached as Exhibits A and B are the site plan and program and budget analysis information from the May 1, 2002, Council meeting for this conceptual design.

The design fees requested incorporate services needed to prepare for the construction work to include removal of existing building on site and also reflect an alternate component to eliminate the elaborate landscaping along Main Street and instead retain Main Street with a basic curb and gutter system and parking. This alternate was included after ELS met with the City Manager and staff to discuss the project.

The attached requested Additional Services Change Order No. 2 from ELS is for a not to exceed amount of \$345,620. The Additional Services Change Order is requested by ELS in response to City Council clarification and direction to proceed with the Scheme B site plan option concept plan elements which increases the original estimated project construction budget from \$5,250,000 to \$9,404,413.

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn -- City Manager

07/10/02



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After negotiations, ELS has indicated that the attached fee request is based upon their specific project phase amounts listed in their proposed fee breakdown and represents their position on the matter. ELS has performed their work to date well and has been responsive to staff requests.

Council has expressed concern regarding the fact that the requested fees for this project have changed. As you may recall, the project concept design has expanded substantially from the original budget. The additional fees were requested by ELS after the final concept design was approved by Council and indicated a substantial change and expansion in the estimated construction budget. The total design fees indicated on this request for schematic design through construction administration and including reimburseable amounts to 9.4% of the estimated construction budget.

The above 9.4% request for fees is not inconsistent with some of our other recent City projects.

ELS was been directed to cease design work until this request is reviewed for action. This request represents the adjustment in fees as noted.

Should Council approve, Additional Services Change Order No. 2 would result in total fees appropriated not to exceed \$935,120.

**FUNDING:**

\$365,620 Additional Services Change Order No. 2 requested amount for additional basic design services and reimbursables. (To come from COP Financing)

Please note the following summary:

\$365,620 Additional Services Change Order No. 2 referenced above.  
\$569,500 Current total appropriated for project design. Approved by City Council February 6, 2002, (To come from COP Financing)

\$935,120 Total revised appropriation for project design services for indoor complex and excluding master planning compensation. (To come from COP Financing)

Funding Available: *Wichy M. O'Brien*  
Finance Director

*Roger Baltz*  
Roger Baltz  
Parks and Recreation Director

cc: City Attorney

APPROVED: *Jayel Keeter*  
H. Dixon Flynn -- City Manager



## Fax Transmittal

To:	Mr. Roger Baltz	Date:	July 2, 2002
Company:	Lodi Parks and Recreation Department	Project:	Indoor Sports Facility
Fax No:	209-333-0162	Project No:	200117
From:	David Petta	Subject:	Revised Add Serve Request: Expanded Budget & Scope

No. of pages including this transmittal: 3

Original to follow in regular mail: Yes

Date original mailed:

Attached please find our request for Additional Services, second revision. I believe it picks up all the points of your 6/27 fax and our conversation of the same date. If it does not meet with your expectations, or if you have other language to suggest, please let me know immediately. If it does, please advise so I may send clean copies overnight.

The Main Street Alternate is specifically included in our services, at no additional fee; however, as we discussed, any further alternates would have to be evaluated individually for fee impact.

Let me know when I may come to explain our approach in person to any elected officials, prior to the presentation to Council on July 17.

ELS

ARCHITECTURE AND URBAN DESIGN



2040 Addison Street Berkeley, CA 94704  
510.549.2929 510.843.3304 fax

## Additional Services Request No. 2R2

Date:	July 2, 2002	Project:	Lodi Indoor Sports Complex
To:	Roger Baltz	Project No:	200117
From:	David Petta	Subject:	Increased Budget and Scope

### ELS REQUESTS ADDITIONAL SERVICES AUTHORIZATION FOR THE FOLLOWING:

At the request of the Department of Parks and Recreation, ELS proposes to provide the additional design services required for a 39,000 sq. ft. sports facility with a construction budget of \$9,404,413, including three 50' x 84' basketball courts, 7,000 sq. ft. of multi use spaces, and integrated outdoor recreation and parking facilities on the Main Street right of way. Services also include documentation for a Bid Alternate for the work in the Main Street right-of-way, and documents to provide for demolition of existing structures. This represents a change of scope to currently contracted services, which included design of a 30,000 sq. ft. facility with a budget of \$5,250,000.

- ( ) WORK HAS BEGUN PER VERBAL DIRECTION AND TO MAINTAIN SCHEDULE.
- (X) AUTHORIZATION REQUIRED BEFORE WORK RECOMMENCES.
- (X) RESPONSE REQUESTED WITHIN 5 DAYS

**PROPOSED FEE INCREASE:**

<b>Design Services:</b>	<b>\$351,620</b>
<b>Increase to Reimbursables:</b>	<b>\$14,000</b>
<b>Total:</b>	<b>\$365,620</b>
Original Contract Amount:	\$554,500
Additional Service No. 1:	\$15,000
Proposed Not to Exceed Total:	\$935,120

Submitted By:

Authorized by:

\_\_\_\_\_  
ELS

\_\_\_\_\_  
City of Lodi

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Attachment: Fee Breakdown by discipline and phase

### Proposed Indoor Sports Complex Compensation

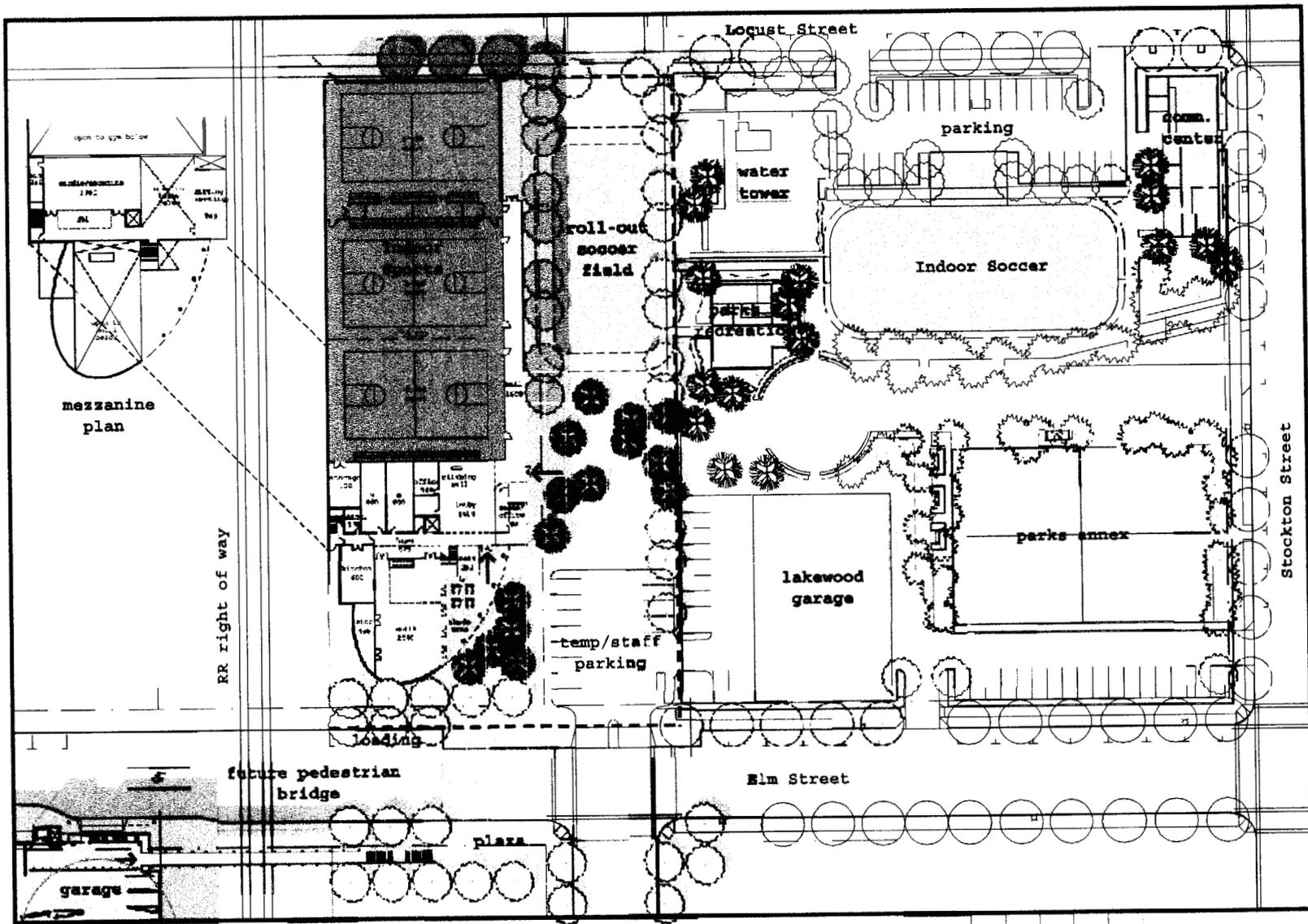
This Proposed Fee Breakdown replaces the Indoor Sports Complex Compensation fees listed on Exhibit B of the Agreement for Professional Consulting Services dated February 6, 2002.

	<i>Planning</i>	<i>Schem Design</i>	<i>Design Develop</i>	<i>Constr. Docs</i>	<i>Bid</i>	<i>Constr. Admin</i>	<i>Subtotal SD-CA</i>	<i>Reimb</i>	<i>Total</i>
Civil	\$9,400	\$9,200	\$7,350	\$10,950	\$1,350	\$3,120	\$31,970		\$41,370
Landscape	\$4,000	\$7,305	\$9,740	\$19,480	\$2,435	\$9,740	\$48,700		\$52,700
Programming	\$4,000								\$4,000
Architecture	\$11,100	\$85,000	\$109,395	\$222,105	\$13,600	\$105,000	\$535,100		\$546,200
Structural		\$13,200	\$17,600	\$35,200	\$4,400	\$17,600	\$88,000		\$88,000
Mechanical		\$10,700	\$10,700	\$21,400	\$2,675	\$8,025	\$53,500		\$53,500
Electrical		\$15,000	\$10,000	\$21,000	\$3,000	\$11,000	\$60,000		\$60,000
Food Service		\$1,000	\$1,000	\$2,550		\$1,700	\$6,250		\$6,250
Cost Estimating		\$3,000	\$6,000	\$9,100			\$18,100		\$18,100
Reimb. Exp.								\$50,000	\$50,000
Add Serve No.	\$15,000								\$15,000
<b>Subtotal</b>	<b>\$43,500</b>	<b>\$144,405</b>	<b>\$171,785</b>	<b>\$341,785</b>	<b>\$27,460</b>	<b>\$156,185</b>	<b>\$841,620</b>	<b>\$50,000</b>	<b>\$935,120</b>
Date	\$43,500	\$65,000	\$100,000	\$200,000	\$25,000	\$100,000	\$490,000	\$36,000	\$569,500
<b>Increase</b>	<b>\$0</b>	<b>\$79,405</b>	<b>\$71,785</b>	<b>\$141,785</b>	<b>\$2,460</b>	<b>\$56,185</b>	<b>\$351,620</b>	<b>\$14,000</b>	<b>\$365,620</b>

Percentile Comparisons	
Original SD-CA Fee (\$490,000) as a percent of construction budget (\$5.25m)	9.33%
Proposed SD-CA Fee (\$841,620) as a percent of construction budget (\$9.4+m)	8.95%
Approved Construction Budget	\$9,404,413
Original Construction Budget	\$5,250,000
Increase to Construction Budget	\$4,154,413

**Notes**

- Professional fees are "not-to-exceed" amounts, billed hourly. Allocations for subconsultants may be redistributed between subconsultants, within the overall approved totals. Not-to-exceed amounts are intended to be cumulative, such that amounts "under" limits for any completed phase may be applied to subsequent phases throughout the project; and amounts "over" limits may be applied to subsequent phases through the CD phase only. However, if City elects not to proceed with subsequent phase, consultant is solely responsible for any overrun in last phase completed. At no time during the course of the project shall billings exceed the total authorized amount to that point.
- Fee for Construction Administration Phase services is based on a duration of 15 months.
- Reimbursable expenses shall not exceed \$50,000 without advance notice and written approval by City. However, please note that reimbursable expenses are not solely under the control of Consultant.
- Documentation for work within the Main Street right-of-way as a Bid Alternate is included at no additional cost.



**ELS** Lodi Downtown Community  
Indoor Sports Complex

**scheme B site plan**

From  
 ELS  
 4-23-02

### Program and Budget Analysis

	Program Areas	Plan A	Plan B
1			
2	<b>Indoor Sports Building</b>		(Same Program as Plan A)
3	<b>A. Support Spaces</b>	4,800	
4	<b>B. Large Gym: 2 x 50' x 84'</b>	15,230	
5	<b>C. Activity Rooms</b>		
6	Divisible Multi Use for 80	2,925	
7	Cardio / Aerobics Studio	2,250	
8	Climbing Wall	300	
9	Babysit Room	750	
10	<b>D. Food</b>		
11	Catering Kitchen	600	
12	Café	250	
13	<b>Total Net Area</b>	27,105	
14	Gross Area	31,825	
15	Cost \$/sq.ft.	\$190	
16	<b>Cost</b>	<b>\$6,046,750</b>	
17			
18	<b>Small Gym 1 x 50 'x 84'</b>		
19	Net Area		7,150
20	Gross Area		7,280
21	Cost \$/sq. ft.		\$175
22	<b>Cost</b>		<b>\$1,274,000</b>
23			
24	<b>Site Work</b>		
25	<b>Civil</b>	<b>\$500,000</b>	<b>\$500,000</b>
26	<b>Landscape</b>	<b>\$357,000</b>	<b>\$357,000</b>
27	<b>Contingency 15%</b>	<b>\$1,035,563</b>	<b>\$1,226,663</b>
28	<b>Total Recommended Budget</b>	<b>\$7,939,313</b>	<b>\$9,404,413</b>

RESOLUTION NO. 2002-160

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO APPROVE CONTRACT CHANGE ORDER NO. 2 TO PROFESSIONAL SERVICES CONTRACT WITH ELS ARCHITECTURE AND URBAN DESIGN FOR ADDITIONAL SERVICES FOR INDOOR SPORTS COMPLEX FACILITY DESIGN WORK, AND FURTHER APPROPRIATING ADDITIONAL FUNDS

WHEREAS, the City Council awarded the project design work contract to ELS Architecture and Urban Design on February 6, 2002, and appropriated \$681,135.00 for the Indoor Sports Complex and Master Planning of a Parks and Recreation Campus; and

WHEREAS, at the Council meeting of May 1, 2002, the City Council provided direction to proceed with Scheme B site plan option, which includes three courts, plus multiple use areas option of roughly 39,000 square feet and site work as noted; and

WHEREAS, at the May 1, 2002 meeting, the City Council was informed that these design concepts will increase the estimated project construction budget estimate to \$9,404,413.00.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby authorize the City Manager to approve Contract Change Order No. 2 to professional services contract with ELS Architecture and Urban Design for additional services for the Indoor Sports Complex facility design work; and

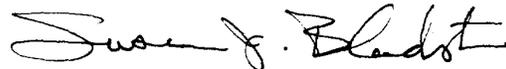
BE IT FURTHER RESOLVED, that additional funds in the amount of \$365,620.00 be appropriated from the COP Financing for the project design; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said Contract Change Order on behalf of the City of Lodi

Dated: July 17, 2002

I hereby certify that Resolution No. 2002-160 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 17, 2002 by the following vote:

- AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk