



CITY OF POMONA COUNCIL REPORT

August 6, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Benita DeFrank, Neighborhood Services Director

Subject: **Recommend Amendment to the Engagement Letter Agreement with Cumming Construction Management, Inc. in the Amount of \$85,600 to Provide Staff Augmentation for Construction Management Services for the “Year-Round Emergency Shelter,” CIP Project No. 428-2590-XXXXX-71044.**

OVERVIEW:

Recommendation – That the City Council:

1. Amend the Engagement Letter Agreement with Cumming Construction Management, Inc. in the amount of \$85,600 to provide staff augmentation for Construction Management Services for the “Year-Round Emergency Shelter,” CIP Project No. 428-2590-XXXXX-71044; and
2. Authorize the City Manager to execute all documents and subsequent amendments related with this action, with approval of the City Attorney as to form.

Fiscal Impact – Funds for this procurement are available in the “Year-Round Emergency Shelter,” Capital Improvement Program (CIP) Project Number 428-2590-XXXXX-71044. The following Table summarizes the fiscal impact of this action.

Category	“Year-Round Emergency Shelter” Project No. 428-2590-XXXXX-71044
Beginning Budget (Funded)	\$9,388,825
Less Expenditures/Encumbrances (as of July 26, 2018)	(\$5,953,793)
Less Amendment to Cumming Contract	(\$85,600)
Budget Remaining for Construction Contract, Construction Contingency, Internal and Miscellaneous Costs	\$3,349,432

Authority - In accordance with Section 2-1003 (e)(2) of the City Code, the requested amendment in the amount of \$85,600 will increase the Cumming contract to \$143,600 which does not exceed the \$175,000 limit, but does exceed the “20 percent of the original contract cost” limit, both as set forth in this section of the City Code for Public Works projects.

Previous Council Actions – On September July 2, 2018, City Council authorized the acceptance of Measure H funding for the development of Phase II of the Year-Round Emergency Shelter.

EXECUTIVE SUMMARY

As of April 2018, Cumming Construction Management, Inc. has been engaged by the City to provide construction management and inspection services for the “Year-Round Emergency Shelter,” CIP Project No. 428-2590-XXXXX-71044 (“Project”). This professional augmentation to staff has benefited the City in addressing construction concerns regarding the Year-Round Emergency Shelter. Staff is recommending that City Council amend the current Letter of Engagement to extend the services of Cumming through completion of Phase II of the Project in an amount not to exceed \$85,600, increasing the total agreement to \$143,600.

BACKGROUND

In December 2017, a detailed scope of work was developed and based on the Specialty Area B-12, (Construction Management) of the Public Work Department’s Approved Master Consultant list. Five pre-qualified consultants from the category were contacted to submit proposals for the category.

Two proposals were received and reviewed in accordance with City’s Quality Based Selection (QBS) process for professional services which included review of technical experience, approach, resource allocation, and delivery schedule. Cumming Construction Management’s overall approach and methodology was comprehensive and each task and its deliverables were clearly identified. In addition to the two proposals, one proposer declined to submit due to work load.

Because Cumming Construction Management, Inc. met all of the necessary criteria, an Engagement Letter Agreement was signed under City Code Section 2-1003 authority of the City Manager on April 14, 2018 in the amount of \$58,000. This agreement provided for construction management services regarding Phase I of the “Year-Round Emergency Shelter,” CIP Project No. 428-2590-XXXXX-71044” (Project) through August 31, 2018.

DISCUSSION

As the City continues construction on Phase I of the Year-Round Emergency Shelter project and prepares to begin construction on the “Essential Service Areas” or Phase II of the Project, staff is recommending the continued use of Cumming Construction Management to assist staff with professional oversight of the Project. Following a delay in performance by TELACU, the company contracted to construct the Year-Round Emergency Shelter, Cumming was engaged by the City in April 2018 to provide project management services and to recommend solutions for consideration to all issues, problems, and/or concerns that arise during the course of the Project.

As of April 2018, Cumming staff has intervened on behalf of the City regarding areas of construction management of the Project, coordinating meetings to complete the scope of work, requesting necessary construction and subcontractor documentation to meet various regulations, reviewing invoices for payment, and addressing administrative and management elements necessary to complete the Project.

All City departments that have been engaged with the Project have benefited from Cumming’s professional, focused attention on the Project and their efforts to coordinate areas recognized as “critical paths” to completion of the Project. Even with the Project delays that have been experienced, Cumming has provided recommendations in moving forward and has worked with TELACU to mitigate potential future areas of delay.

Amendment to Cumming Engagement Letter Agreement

August 6, 2018

Page 3 of 3

Because Cumming is currently providing construction management services to the City in support of Phase I of the Project, and they are very familiar with this project, key project stakeholders, and the City's codes, processes, and requirements, staff is recommending that City Council amend the current Engagement Letter of Agreement to extend Cumming's services through the completion of Phase II of the Project for an amount not to exceed \$85,600, increasing the total agreement to \$143,600. The Phase II services of Cumming will incorporate all consulting services available to the City in Phase I, but will also include cost estimating services should they be needed to complete Phase II.

Prepared by: Benita DeFrank, Neighborhood Services Director