



CITY OF POMONA COUNCIL REPORT

June 17, 2019

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 \$119,625 for Construction Management Services for the Year-Round Emergency Shelter**

OVERVIEW:

Recommendation – That the City Council:

1. Amend the Engagement Letter Agreement with Cumming Construction Management, Inc. in the amount of \$119,625 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)	\$11,185,016
Less Expenditures/Encumbrances (as of June 4, 2019)	(\$10,788,568)
Less Amendment to Cumming Contract	(\$119,625)
Budget Remaining for Construction Contract, Construction Contingency, Internal and Miscellaneous Costs	\$276,823

Authority - In accordance with Section 2-1003 (e)(2) of the City Code, the requested amendment in the amount of \$119,625 will increase the Cumming contract to \$330,215 which exceeds the \$200,000 limit as set forth in this section of the City Code for Public Works projects.

Previous Council Actions – On April 14, 2018, an Engagement Letter Agreement in the amount of \$58,000 was signed with Cumming Construction Management, Inc. On August 6, 2018, City Council authorized an amendment to the agreement in the amount of \$85,600 to assist with

Phase II of the construction of the Year-Round Emergency Shelter. On February 4, 2019, City Council authorized an amendment in the amount of \$66,990.

EXECUTIVE SUMMARY:

As of April 2018, Cumming Construction Management, Inc. has been engaged by the City to provide construction management 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 \$119,625, increasing the total agreement to \$330,215.

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 met all of the necessary criteria. Because of Cumming’s qualifications, 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 completes construction of Phase I of the Year-Round Emergency Shelter project and continues construction of Phase II, 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 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. Cumming staff was instrumental in helping the City meet the December 2018 opening of the shelter portion of the Project, allowing over 100 persons to move in at the closing of the Pomona Amory. They were also worked diligently with TELACU to open the Hope for Home Service Center Essential Service building that provides bathrooms, showers, laundry facilities, and staff office space to the campus.

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.

Currently, Phase I of the Project is completed and Phase II is underway. The entire project was expected to be completed by January 2019, but is now not expected to be completed until the end of November 2019. Because the initial amendments to Cumming's Engagement Letter Agreement will not be sufficient to cover the additional time needed for completion of the Project, staff is recommending an extension of their construction management services through December 13, 2019.

In addition, the City is constructing a parking lot at 1390 E. Mission, "Emergency Shelter Annex Water Utility Access" CIP Project No. 428-2590-XXXXX-71053, the property immediately west of the Year-Round Emergency Shelter project. Because these properties are so close and much of the construction staging for the Year-Round Emergency Shelter project has taken place on 1390 E. Mission, the City has requested Cummings Construction Management to assist with coordinating construction between both sites to reduce episodes of delay and negative impacts to either project as they move forward.

Prepared by: Benita DeFrank, Neighborhood Services Director