



Agenda Date: 5/8/2007
Agenda Placement: 6G

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Stoltz for Robert Peterson - Director
Public Works
REPORT BY: Juan Arias, PRINCIPAL PUB WORKS ENGINEER , 259-8374
SUBJECT: City/County of Napa Fifth Street Parking Garage - Design Build Contract & Other Awards

RECOMMENDATION

Director of Public Works requests the following actions regarding the "City/County of Napa Fifth Street Parking Garage Project," PW 07-01:

1. Award of a design-build contract to West Bay Builders of Novato, California, based on its March 29, 2007 design-build proposal in the amount of \$12,100,000, and authorization for the Chair to sign the design-build contract;
2. Authorization of payment of a \$20,000 stipend each to C. Overaa & Co. and to Howard S. Wright for submittal of the second and third ranked proposals; payment to be coordinated with the Auditor's office;
3. Approval of and authorization for the Chair to sign an agreement with Harris and Associates of Concord, California for a maximum of \$65,807 for the term July 1, 2007 through June 30, 2008 to operate a labor compliance program containing the requirements outlined in Section 1771.5 of the Labor Code as required by Public Contract Code Section 20133 for design-build projects;
4. Approval of and authorization for the Chair to sign an agreement with Ron Critchley for a maximum of \$100,000 for the term July 1, 2007 through June 30, 2008 to provide construction inspection services for various County construction projects including the Fifth Street Garage Project;
5. Approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6674 with Watry Design, Inc. increasing the amount by \$160,000 for a new maximum of \$470,500 and amending the Scope of Work for unforeseen tasks during the concept design, bidding and construction administration phases; and
6. Approval of Budget Transfer No. 61 appropriating \$4,642,000 in the Parking Garage budget with offsetting revenue of \$742,000 from the Accumulated Capital Outlay Fund and \$3,900,000 from three private participation agreements approved by the Board January 9, 2007, and canceling a designation and appropriating \$742,000 in the Accumulated Capital Outlay Fund budget to allow for the transfer. (4/5 vote required)

EXECUTIVE SUMMARY

On January 9, 2007 the County Executive Officer (CEO) and the Director of Public Works requested approval of the design-build Request For Proposals (RFP) and authorization for the Director of Public Works to request design-build proposals from the pre-qualified top five ranked design-build entities in accordance with Public Contract Code Section 20133 for the "City/County of Napa Fifth Street Parking Garage Project". Proposals have been received and a contract needs to be awarded to the successful design-builder so that design and construction may proceed. In addition, various specialized services to support County staff in the oversight of the design and construction of the project, are required. Necessary contracts are included in the recommended action to support the construction management of the project.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Capital Improvement Budget for the Parking Garage (1140 11400).
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Approval of today's requested action will implement prior actions taken by the Board and City Council for the construction of this multimillion dollar project.
Is the general fund affected?	Yes
Future fiscal impact:	Total remaining construction costs will be included in Fiscal Years 2007/2008 and 2008/2009 budgets as appropriate.
Consequences if not approved:	The construction of the parking garage, being funded by the County, City and private participants, will not proceed.
Additional Information:	Project budget is \$15.2 Million; with \$6,554,000 contributed by the County, \$4,746,000 contributed by the City, and \$3,900,000 contributed by private participants. In addition, Budget Transfer No. 61 transfers \$742,000 from the Accumulated Capital Outlay Fund for repayment of site relocation costs incurred during the design phase of the project.

ENVIRONMENTAL IMPACT

Categorical Exemption Class 32: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 32 ("In-fill Development Projects") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15332.]

BACKGROUND AND DISCUSSION

Public Contract Code Section 20133 allows the County of Napa to award design-build projects using either the lowest responsible bidder or best value method. As stated in the RFP document, the best value method was chosen over the lowest responsible bidder method as there was an established project budget of \$15.2 Million that the County, City and private participants were willing to invest in the project.

The RFP specified that the successful proposal would obtain the majority of points in the following categories:

- | Price (10%)
- | Best Value/Quality Enhancement (25%)
- | Technical Design and Construction Expertise (20%)
- | Life Cycle Costs Over 15 Years or More (10%)
- | Skilled Labor Force Availability (10%)
- | Acceptable Safety Record (10%)
- | Architectural Design (15%)

The RFP also specified minimum criteria to be met such as a number of spaces, clearances, and slopes, etc. In addition, there was a provision that the maximum design-build proposal price had to be at or below \$12,225,000 in order to stay within the \$15.2 million budget.

On January 9, 2007 the Board of Supervisors approved design-build RFP and authorized the Director of Public Works to release the RFP to the top five ranked pre-qualified design-build entities in accordance with Public Contract Code Section 20133 for the "City/County of Napa Fifth Street Parking Garage Project," PW 07-01.

On January 9, 2007, the Board was also advised that those design-build entities whose proposals ranked 2 through 5, would receive a stipend in the amount of \$20,000 for having participated. The stipend was to help the entities offset the costs for preparing their proposals, which could have run somewhere between \$50,000 and \$100,000. The stipend provision was provided so as to encourage the submittal of quality proposals to the County.

Three proposals were received from the following design-builders on March 29, 2007:

- | C. Overaa & Co. in the amount of \$11,850,000;
- | Howard S. Wright Constructors in the amount of \$12,225,000; and
- | West Bay Builders in the amount of \$12,100,000.

On March 30, 2007, the design-builders presented their proposals to the evaluation and advisory team. With input from the private developers, the evaluation team consisting of County staff, City staff and consultants graded the proposals and deemed the proposal from West Bay Builders in the amount of \$12,100,000 to be best in accordance with Public Contract Code Section 20133.

On April 24, 2007, at a joint City Council/Board of Supervisors meeting, County and City staff reviewed the project development history, presented the results of the design-build RFP process, and recommended award of a contract to West Bay Builders. County and City staff also advised the Council and Board that staff would be looking into the potential of installing a parking garage control system and a photovoltaic system, and that staff would be returning to the Council and Board to make recommendations. In addition, staff recommended that the additive alternates for the parking garage control system and for water line work on Main Street, not be awarded at this time. Staff would like to clearly define the parking garage control system in relationship to a uniform control system that would make sense for all City garages. Staff also wishes to explore other more cost effective ways of performing the water line work on Main Street. Staff indicated that they would return to the City Council/Board of Supervisors with project progress updates and also with recommendations for the photovoltaic system, garage control system and water line work on Main St.

Upon issuance of a contract award, the County, through its Public Works Department, is to publicly announce its award, identify the contractor to whom the award is made, along with a written decision supporting its contract award, and stating the basis of the award. The notice of award will include the County's second and third ranked design-build bidders. The Department of Public Works has received quality proposals and recommends the

payment of the \$20,000 stipend to the second ranked proposer C. Overaa & Co. and to the third ranked proposer Howard S. Wright Construction.

Public Contract Code Section 20133 requires that either the Board of Supervisors establish and enforce for design-build projects a labor compliance program containing the requirements outlined in Section 1771.5 of the Labor Code, or that it shall contract with a third party to operate a labor compliance program containing the requirements outlined in Section 1771.5 of the Labor Code. Due to the specialized services required to enforce such a program, Public Works staff sent a Request For Qualifications (RFQ) for a third party to operate a labor compliance program. Staff selected Harris and Associates of Concord based on their vast experience and qualifications in the field of labor compliance programs for various government agency construction projects.

During the construction of the garage, it will be necessary for a team of staff to provide adequate oversight of construction activities to:

- | ensure that the project is built to plans and specifications,
- | to work in the office and in the field with the Contractor to promptly resolve various technical, logistical, safety and other issues, and
- | to oversee the operation of the labor compliance program, materials testing, and inspection services to be provided by a materials and testing firm.

Staff proposes Ron Critchley to serve as a Construction Inspector Consultant to the County for the garage project, and for various other County construction projects as needed. Mr. Critchley has been providing construction inspection services to the County for various capital improvement projects during fiscal year 2006/2007 under a professional services agreement authorized by the CEO. Mr. Critchley has excellent credentials and track record as the inspector for a wide number and variety of capital improvement construction projects, such as the new Sheriff's Facility, the new Homeless Shelter, the Animal Shelter, the Criminal Courts Building, the Devlin Road Extension, the Transfer Station, and various Road and Airport projects as a County Construction Inspector, until his retirement from County service in 2006.

On August 1, 2006, the Board approved and authorized the Chair to sign an agreement with Watry Design, Inc., of Redwood City, California, for a maximum of \$310,500 for the term August 1, 2006 through June 30, 2007, for the preparation of a design-build bidding package in accordance with Sections 20133(a)-(d) of the Public Contract Code, and for construction administration assistance services. Since then, additional services from Watry Design have been required for the following reasons:

- | additional concept design including the unforeseen need to lengthen the building to add parking spaces to accommodate a third private participant;
- | additional consultant work due to the complexity of utility design coordination on 5th Street with utility companies; and
- | additional structural review of the design builder's construction documents.

Potential future Board actions for this project include approval of plans and specifications, and authorization to advertise for bids and award of contracts for the photovoltaic system, garage control system or water line work on Main St. depending on staff findings in these areas.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi