

County of Santa Clara  
Facilities and Fleet Department



100091 E

**DATE:** February 11, 2020

**TO:** Board of Supervisors

**FROM:** Jeffrey D Draper, Director, Facilities and Fleet

**SUBJECT:** Award Construction Manager at Risk Contract for O'Connor Seismic Compliance

**RECOMMENDED ACTION**

Consider recommendations relating to the Construction Manager at Risk (CMAR) contract for the Seismic Compliance at VMC-O'Connor Project (Project No. 263-CP20004).

Possible action:

- a. Award CMAR contract to SBay Construction, Inc., in the amount of \$28,544,616 with a contract time of 90 calendar days for the pre-construction phase and 821 calendar days for the construction phase.
- b. Approve encumbrance of \$2,855,000 as Supplemental Work Allowance for a total encumbered amount of \$31,399,616.
- c. Authorize the County Executive, or designee, as the Owner's Authorized Representative, with authority to issue Contract Modifications and Change Orders, as necessary, consistent with Public Contract Code Section 20142.
- d. Approve delegation of authority to the County Executive, or designee, to execute a Change Order for a Final Guaranteed Maximum Price after subcontractor bidding has been completed by the CMAR.
- e. Ratify Addendum No. 1 to the Bid Documents, which modified or clarified the Bid Documents in response to contractor questions.

**FISCAL IMPLICATIONS**

In Fiscal Year (FY) 2020, a total of \$30,000,000 was approved for the VMC-O'Connor Seismic Compliance Project. Requests for any additional funds needed to complete the Project will be presented to the Board of Supervisors (Board) to consider as part of future Recommended Budgets.

**REASONS FOR RECOMMENDATION**

## Award Contract

On November 5, 2019, Item 73, the Board approved the revised CMAR contract documents for this project and authorized advertisement soliciting proposals for CMAR Services on the VMC-O'Connor Seismic Compliance Project. The Request for Proposal (RFP) was released on November 13, 2019, and the solicitation closed on January 9, 2020.

Three proposals to the RFP were received by the January 9, 2020 submission deadline as is listed below:

<b>Bidder</b>	<b>Bid</b>
Layton Construction	\$32,000,156
California Plus Engineering, Inc.	\$30,806,745
SBay Construction Inc.	\$28,544,616

The Selection Panel interviewed the three firms on January 21, 2020. After a thorough evaluation of the technical merits of the proposals and holding interviews with the CMAR's key team members the Selection Panel deemed SBay to be the Best Value Proposer. The recommendation to award a contract to the Best Value Proposer is based on factors including financial strength, experience of entity, price, project plan, key team members, and a proven safety record and an effective safety plan.

The recommended award amount includes both pre-construction and construction services. Following the Contractor's completion of trade bidding and award of all trade subcontracts, the County and Contractor would complete and execute a Change Order establishing the Final Guaranteed Maximum Price.

## Supplemental Work Allowance

There is the possibility of encountering unknown field conditions because of the nature of the renovation in existing buildings. The Administration therefore recommends establishing an SWA of \$2,855,000.

## Designation and Authority

Designating the County Executive, or their designee, as the Owner's Representative with the authority to issue change orders against the SWA and approve time only modifications to the contract delivery schedule will streamline project management and minimize administrative delays and costs to the County.

## Ratify Addendum

The Administration recommends that the one addendum issued to update the project manual and clarify the scope of work during the bid period be ratified by the Board to formally incorporate it into the bid documents. This addendum is on file and available for review in the Clerk of the Board's Office.

### **CHILD IMPACT**

This action will have a positive impact on children and youth through the **Every Child Healthy** indicator. The seismic compliance upgrade will ensure that the County's hospital facilities where children receive care will be properly engineered and provide for required life safety exiting.

### **SENIOR IMPACT**

This action positively impacts seniors. The seismic compliance upgrade will ensure that the County's hospital facilities where seniors receive care will be properly engineered and provide for required life safety exiting.

### **SUSTAINABILITY IMPLICATIONS**

This action has positive sustainability implications. The project involves upgrades to utilities and power distribution, and will be designed to meet the requirements of sustainability and energy initiatives. The build environment will also respect the natural environment at areas that will undergo exterior site work.

### **BACKGROUND**

The overall project consists of seven proposed upgrade packages, including relocating any remaining acute care services and required utilities out of two non-conforming buildings constructed in 1953 and rerouting exiting to meet fire and life safety requirements. The existing acute care services located in the nonconforming 1953 L-Wing will move to a conforming building on campus, and site utilities currently routed from the 1953 Boiler House and through the 1953 L-Wing will be redistributed into seismically compliant buildings. Scope of work will also include fire and seismic separation of the 1953 buildings from adjoining buildings and renovation to the Diagnostic Imaging and Radiation Therapy Departments and staff and public areas. The construction will be phased so the affected campus buildings and site remains accessible and operational.

### **CONSEQUENCES OF NEGATIVE ACTION**

The contract would not be awarded at this time.

### **STEPS FOLLOWING APPROVAL**

- Please provide contract number to Andrea Nadell, Doug Koenig, and Kim Huynh of FAF immediately after Board approval.

- Notify Jeffrey Draper, Doug Koenig, and Kim Huynh of the Facilities and Fleet Department.

**ATTACHMENTS:**

- Addendum 01 RFP-FAF-FY20-0136 OCH Seismic Compliance(PDF)