

Staff Summary Report



Council Meeting Date: 12/06/07

Agenda Item Number: 37

SUBJECT: Request approval of professional services contract addenda with URS Corporation and OTAK, Inc., and approval of a change order contingency increase for the Tempe Transportation Center.

DOCUMENT NAME: 20071206PWCH11 TRANSPORTATION PLANNING (1101-01)
PROJECT NO. 60-976762

SUPPORTING DOCS: Yes

COMMENTS: Addendum to a professional services contract with URS Corporation for an amount not to exceed \$430,565 and an addendum to a professional services contract with OTAK, Inc. for an amount not to exceed \$263,383, both subject to the execution of the final written addenda, plus a construction change order contingency increase of \$229,717.

PREPARED BY: TOM WILHITE, PRINCIPAL CIVIL ENGINEER (x2921)

REVIEWED BY: ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

LEGAL REVIEW AS TO FORM: JENAE NAUMANN, ASSISTANT CITY ATTORNEY (x8402)

FISCAL NOTE: Sufficient funds are available in Capital Improvement Fund No. 60-976762.

RECOMMENDATION: Approve addenda and change order contingency increase.

ADDITIONAL INFO: The fee of \$430,565, for URS Corporation was negotiated by staff and is considered reasonable for the scope of services to provide additional archaeological data recovery at the Tempe Transportation Center site. This addendum is for field data recovery, analysis and curation, and extends the contract to March 31, 2009. The previously approved original contract and addendum amount of \$919,405.40, plus approval of this addendum will increase the amount of the original contract to \$1,349,970.40.

The fee of \$263,383.00 for OTAK, Inc. was negotiated by staff and is considered reasonable for the scope of services to provide design assistance during construction. The previously approved original contract and addendum amount of \$2,064,733, plus approval of this addendum will increase the amount of the original contract to \$2,328,116.

Both addenda approvals are conditioned upon execution of final written contract documents and approved submittals of any required insurance certificates or other documents.

The request for approval of a construction change order contingency increase is to address the need of construction support of the archaeological data recovery efforts and consists of providing temporary fencing, backhoe operations, security, steel plating to protect excavation areas, extra dirt hauling and sorting, installation of a conduit in 5th Street for data connection of the Transportation Center with the Performing Arts Center, and revisions to the gabion wall art feature. The contingency increase of \$229,717, was negotiated by staff with Adolfson & Peterson Construction and is considered reasonable for the scope of work.

Approved by Glenn Kephart, Public Works Manager



8085380

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

CONSULTANT AGREEMENT

ADDENDUM NO. TWO

PROJECT NO. 60-976762

PROJECT NAME: ARCHAEOLOGICAL DATA RECOVERY FOR THE TEMPE
TRANSPORTATION CENTER

This AGREEMENT made and entered into on the 6th day of December 2007,
by and between the CITY OF TEMPE, ARIZONA, a municipal corporation, hereinafter called the
CITY and URS CORPORATION hereinafter called the CONSULTANT amends the original
Agreement made and entered into by and between the same parties on June 15, 2006 (C2006-154).

For and in consideration of the mutual covenants and conditions hereinafter
contained, it is agreed by and between the CITY and the CONSULTANT as follows:

I. The original Agreement shall be extended to cover:

Additional archaeological services for field data recovery, analysis, curation
and incorporation into the final report, as described in Exhibit "A" attached.

II. The services for the extension shall be the same as those stipulated under the
original contract.

III. For services described in this Agreement Addendum, the method of payment shall be payment by installments. Total compensation for services performed shall not exceed \$430,565.00, which shall be payment in full for all labor, equipment, materials and supplies needed to perform these services. This fee includes an allowance of \$63,120.00 for reimbursable expenses, which in no event will ever be more than actual cost.

All other provisions of the original contract Schedule of Payment Section shall apply to this Addendum.

Cost Analysis:	<u>Professional Services</u>	<u>Reimbursables</u>	<u>Total</u>
Initial Contract Amount	\$271,650.00	\$39,566.00	\$311,216.00
Previous Addenda	\$553,540.00	\$54,649.40	\$608,189.40
This Addendum	\$367,445.00	\$63,120.00	\$430,565.00
 NEW CONTRACT AMOUNT			<u>\$1,349,970.40</u>

IV. The CONSULTANT shall proceed with the work immediately upon execution of this Agreement Addendum and shall be completed by March 31, 2009.

V. All other provisions of the original Agreement where not inconsistent with this Addendum shall remain binding on the parties hereto.

Archaeological Data Recovery for the Tempe Transportation Center
Project No. 60-976762

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day
of _____, 2007.

CITY OF TEMPE, ARIZONA

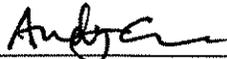
By _____
Mayor

By _____
Public Works Manager

ATTEST:

City Clerk

Recommended By:



Deputy PW Manager/City Engineer

APPROVED AS TO FORM:

City Attorney

The CONSULTANT warrants that the person who is signing this Agreement on behalf of the CONSULTANT is authorized to do so and to execute all other documents necessary to carry out the terms of this Agreement.

CONSULTANT
URS Corporation

Name

Title

Federal I.D. No. /Social Security No.

Certified to be a true and exact copy.

Karen M. Fillmore
Records Specialist



EXHIBIT A

1 November 2007

Tom Wilhite
Engineering Division
City of Tempe
P.O. Box 5002
Tempe, Arizona 85280

Subject: Supplemental Budget for Archaeological Data Recovery for the Tempe
Transportation Center, Project No. 60-976762, Encumbrance No. 8085380

Dear Tom:

Our current authorized budget for the archaeological excavations that we are conducting to mitigate the impacts of constructing the new Tempe Transportation Center is \$919,405.00. This includes the original \$311,216.00 authorized in May 2006 when we completed the testing and estimated that we could complete the data recovery excavation in 7 weeks, plus \$608,189.00 authorized when we estimated that we need an additional 15 weeks to complete of fieldwork (by 8 December 2007).

Because the numbers of archaeological features and associated human burials were much more extensive than expected, we submitted a second request for supplemental funds on 20 June 2007. At that time, we requested an additional \$399,039.00 to cover the costs of the unanticipated fieldwork conducted between 9 December 2006 and 20 March 2007, and the associated analysis and reporting. On 25 October 2007, we submitted a third request for supplemental funds to cover the costs of unanticipated archaeological monitoring of the installation of deeply buried water lines. At that time, we requested an additional \$31,526.00. As you requested yesterday, we are writing this letter consolidate our requests for a total of \$430,565.00, which would bring the total contract budget to \$1,349,970.00.

9 December 2006 to 20 March 2007 Fieldwork, and Associated Analysis and Reporting

After it became clear that we could not complete the fieldwork by 8 December 2006 because of the extent of unanticipated discoveries, we continued, at your direction, to pursue the fieldwork to accommodate the project construction schedule by using funds originally allocated for post-fieldwork analysis and report preparation. When we completed the fieldwork on 20 March 2007, we had expended \$184,736.00 in labor costs and expenses on the additional fieldwork.

According to a common rule of thumb for data recovery projects, analysis and reporting typically require at least twice as much effort as the fieldwork. Although we recovered 170 burials and an estimated 200,000 artifacts, we concluded that we could complete the analysis and reporting stemming from the additional 15 weeks of fieldwork for \$214,303 (which is only 1.1 times rather than 2 times the fieldwork costs). Our estimate for the additional fieldwork and associated analysis and reporting is documented in the attached Tables 1 and 2.

URS Corporation
7720 North 16th Street, Suite 100
Phoenix, AZ 85020
Tel: 602.371.1100
Fax: 602.371.1615

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Tom Wilhite
1 November 2007
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Unanticipated Archaeological Monitoring of Construction Activities

When the fieldwork was completed on 20 March 2007, we had been informed that the grading of the bus plaza area should require no more than two to three days of archaeological monitoring, and we included that effort in the request for additional budget that we submitted in June 2007.

About a week after completing the excavations in March 2007, we archaeologically monitored the installation of a traffic signal, and in September 2007 we were notified of the installation of additional water lines that required archaeological monitoring. During the past seven weeks, we have expended about \$12,000 for the monitoring effort, and the construction contractor has informed us that these activities will continue periodically through December 2007 (another 8 or 9 weeks). To date, the monitoring has discovered three more Hohokam burials, four Hohokam archaeological features, and three historical features.

Based on information provided by the construction contractor, we estimate that the future monitoring efforts will be approximately equal to those we have expended thus far, and that the additional laboratory analysis and reporting would require an effort equal to about one-fourth of the monitoring fieldwork. In total, we estimate that the unanticipated monitoring will require about 620 hours of effort at a cost of \$30,250 for labor plus \$1,276 for expenses for a total of \$31,526 (refer to the attached Table 3).

We also request an extension of the term of the contract. Some of the specialized analyses of sediment samples, pottery clays and tempers, and radiocarbon dating are unlikely to be completed before September 2008. We would work to submit a complete draft report by the end of November 2008, 2 months after the specialized analyses are completed. We assume we will need to allow 2 months for review of the draft report and 2 additional months to make report revisions, submit the final report, and turn over the collections for curation at the Tempe Historical Society. Therefore, we request an extension until 31 March 2009.

If you need more information or have questions, please contact Gene Rogge at 602-861-7414, or gene_rogge@urscorp.com.

Cordially,

URS CORPORATION

A.E. (Gene) Rogge, Manager
Cultural Resources Group

Cindy Smith, Manager
Environmental Planning Division

cc: Bonnie Richardson, Transportation Division



Tom Wilhite
1 November 2007
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<i>Second Supplemental Effort and Cost Estimate</i>					
Personnel Categories	Fieldwork	Additional Analysis	Additional Draft Report	Additional Final Report/ Curation	Total Hours
Principal Investigator	53		35	7	95
Senior Archaeologist	3	104	120	13	240
Staff Archaeologist	1,463	400	945	230	3,038
Assistant Archaeologist	1,485	1,369	130	15	2,999
Support Staff	3		25	25	53
Total Hours	3,007	1,873	1,255	290	6,425
Labor Costs	\$155,100	\$91,925	\$73,575	\$16,595	\$337,195
Expenses	\$29,636	\$31,424	\$722	\$62	\$61,844
Total Costs	\$184,736	\$123,349	\$74,297	\$16,657	\$399,039

Labor	Person-Hours	Hourly Rate	Costs
Principal Investigator	95	\$140	\$13,300
Senior Archaeologist	240	\$80	\$19,200
Staff Archaeologist	3,038	\$55	\$167,090
Assistant Archaeologist	2,999	\$45	\$134,955
Support Staff	53	\$50	\$2,650
Labor Subtotals	6,425		\$337,195
Expenses			
Mileage			\$396
Vehicle (4X) Rental and Gas			\$6,649
Field/Lab Supplies			\$1,183
Photo Reproduction			\$134
Shipping			\$90
Radiocarbon AMS			\$1,830
Sediment Sample Splitting			\$120
Macrobotanical Analysis			\$1,880
Pollen Analysis			\$2,200
Phytolith Analysis			\$1,800
Faunal Analysis			\$1,000
Shell Analysis			\$2,500
Lithic Analysis			\$3,500
Expense Subtotal			\$23,282
Subconsultants			
Geomorphology			\$660
Pottery Analysis			\$16,000
ARS (Field Crew)			\$21,902
Subconsultants Subtotal			\$38,562
Total Cost			\$399,039

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Tom Wilhite
1 November 2007
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Table 3			
Summary Cost Estimate for Supplemental Archaeological Monitoring			
Labor	Person-Hours	Hourly Rate	Costs
Principal Investigator	10	\$140	\$1,400
Staff Archaeologist	140	\$55	\$7,700
Assistant Archaeologist	470	\$45	\$21,150
Labor Subtotals	620		\$30,250
Expenses			
Mileage			\$776
Field/Lab Supplies			\$500
Expense Subtotal			\$1,276
		Total Cost	\$31,526

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CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

CONSULTANT AGREEMENT

ADDENDUM NO. THREE

PROJECT NO. 60-976762

PROJECT NAME: TEMPE TRANSPORTATION CENTER

This AGREEMENT made and entered into on the 6th day of December 2007, by and between the CITY OF TEMPE, ARIZONA, a municipal corporation, hereinafter called the CITY and OTAK, INC., hereinafter called the CONSULTANT amends the original Agreement made and entered into by and between the same parties on December 9, 2004 (C2004-259).

For and in consideration of the mutual covenants and conditions hereinafter contained, it is agreed by and between the CITY and the CONSULTANT as follows:

I. The original Agreement shall be extended to cover:

Additional design services during construction as described in Exhibit "A" attached.

II. The services for the extension shall be the same as those stipulated under the original contract.

III. For services described in this Agreement Addendum, the method of payment shall be payment by installments. Total compensation for services performed shall not exceed \$263,383.00, which shall be payment in full for all labor, equipment, materials and supplies needed to perform these services.

All other provisions of the original contract Schedule of Payment Section shall apply to this Addendum.

Cost Analysis:	<u>Professional Services</u>	<u>Reimbursables</u>	<u>Total</u>
Initial Contract Amount	\$1,386,004.00	\$129,199.00	\$1,515,203.00
Previous Addenda	\$516,800.00	\$32,730.00	\$549,530.00
This Addendum	\$263,383.00	\$0.00	\$263,383.00
NEW CONTRACT AMOUNT			<u>\$2,328,116.00</u>

IV. The CONSULTANT shall proceed with the work immediately upon execution of this Addendum. The CONSULTANT shall be granted a time extension as outlined below:

Notice to Proceed Date	12/28/2004
Initial Time Allowed for Completion	820 days
Total Time Extension from Previous Addenda	245 days
Time Extension for this Addendum	0 days

V. All other provisions of the original Agreement where not inconsistent with this Addendum shall remain binding on the parties hereto.

Tempe Transportation Center
Project No. 60-976762

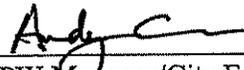
IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day
of _____, 2007.

CITY OF TEMPE, ARIZONA

By _____
Mayor

By _____
Public Works Manager

Recommended By:


Deputy PW Manager/City Engineer

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

The CONSULTANT warrants that the person who is signing this Agreement on behalf of the CONSULTANT is authorized to do so and to execute all other documents necessary to carry out the terms of this Agreement.

CONSULTANT
OTAK, Inc.

Name

Title

Federal I.D. No. /Social Security No.

Certified to be a true and exact copy.

Karen M. Fillmore
Records Specialist



EXHIBIT A

17355 sw boones ferry road • lake oswego, oregon 97035-5217

(503) 635-3618 • fax (503) 635-5395

www.otak.com

Revised November 6, 2007

October 19, 2007

Tom Wilhite, P.E., Principal Civil Engineer
City of Tempe
Public Works Department
31 E. 5th Street
Tempe, Arizona 85281

Re: *Tempe Transportation Center/Addendum #2 (Revised)*
Project No. 60-976762; Otak Project No. 12531

Dear Tom:

Otak Architects is pleased to submit this request for an adjustment addendum for an increase in fees for construction administration and additional design services for the Tempe Transportation Center in Downtown Tempe.

This addendum covers additional services by Otak and our subconsultants necessary to complete the construction, testing and final opening of the Transportation Center and surrounding site.

The additional fees are due in part to the following description of circumstances:

- attendance at significantly more construction meetings than agreed to in our original negotiations;
- additional site visits requested by the Contractor;
- additional coordination meetings than negotiated;
- additional submittal reviews;
- City requested changes and additions (i.e., sallyport separate submittal packages, new ticket area layout, revised data cabling drawings, additional AV equipment and conduct in community room, relocation of security cameras and security system conducts, green screen installation and coordination);
- resolution of City generated issues; (gray water vs. stormwater, change in sand and oil filter, sand filter relocation, reclaim water at the cooling towers, structural soils VE, community room structural revisions with W&W, raised floor and carpet, gabion wall design and mock-up, trash compactor and chute changes, wheatboard millwork issues and other LEED related issues.)
- Additional design services including the MPE design revision request for revised trash chute location, office relocation and storage room relocation on floor 2 and 3
- M&E design revision for revised ticket office/security area.
- Additional Contract Administration

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Addendum #2 Breakdown
October 18, 2007, Rev. 02

- 1) **Additional Site Meetings and Project Management** **\$44,222.00**
- a) The data cabling drawings for the building were revised. This necessitated two meetings with the city and Jerry Jones to review the changes as well as the electrical engineers to change the drawings.
 - b) Audio Visual Equipment and conduit were added to the Community Room. This necessitated meetings with the City drawings, door hardware revisions, electrical engineer coordination, and coordination with the A/V equipment representatives.
 - c) Several unforeseen issues necessitated additional meetings such as: grey water vs. storm water investigation and discussions; change in the sand and oil filter; relocation of the sand filter; reclaim water in the cooling towers; structural soils value engineering; community room structural revisions due to contractors selected means and methods; raised floor and carpeting; gabion wall design and mock-ups; trash compactor and changes to the trash chutes; millwork changes related to the wheat board issues.
 - d) Mechanical and electrical system changes also necessitated additional meetings, discussions and monitoring of the progress by the consulting engineers. These issues include: redesign of the trash chutes rooms; gray water system; bike display lighting at the stairs; CCTV additions/relocations; gabion wall lighting systems; fiber optic raceway additions; security access additions/relocations; voice/data additional and relocations; ADA door operators; ticketing area changes.
- 2) **Additional Submittal Reviews** **\$112,700.00**
- a) The sallyport was requested to become a separate bidding package. This involved several coordination meetings with the city and the contractor. It also necessitated separate specification documents, drawings, and permitting process.
 - b) The ticketing area was revised. This necessitated three meetings with the designers, electronic sketches for approvals, revisions to the sketches, revisions to the millwork shop drawings, revisions to the aluminum storefront shop drawings, revisions to the HVAC and electrical drawings backgrounds, revisions to the floor plan, revisions to the ceiling plan, revisions to the interior elevations, revisions to the millwork details, revisions to the door and window schedules and details, meeting with and revisions to the door hardware schedule, issue a pr to the contractor.
- 3) **Additional Site Visits** **\$48,300.00**

Addendum #2 Breakdown
October 18, 2007, Rev. 02

- 4) **Proposal Requests and Sketches** **\$32,000.00**
- a) A green screen was added to the project. This necessitated meetings with the city, investigation of the product, design sketches, design approval process, design coordination with engineers, drawings and details of the design and preparation of the proposal request.
- 5) **Architectural Supplemental Instructions** **\$10,000.00**
- 6) **Specialty Consultant Fees** **\$16,161.00**
- a) The grey water investigation and sand filter relocation design services by Natural Systems.
- b) Design revision requirements for the trash chute locations, office relocation, storage room relocation on the 2nd and 3rd floor by LSW Engineers.
- c) Providing M&E design revision requirements for the revised ticket office/security area by LSW Engineers.
- d) Construction observation for the gabion wall installation by A Dye Design.
- e) Additional service on the safety curbs at columns in courtyard supplemental sketch by A Dye Design.