

Agenda Report

November 14, 2022

TO: Honorable Mayor and City Council

THROUGH: Finance Committee

FROM: Department of Public Works

SUBJECT: AMENDMENT TO CONTRACT WITH AME BUILDERS, INC. DBA AME ROOFING (NO. 32245) FOR ALLENDALE LIBRARY ROOF REPLACEMENT AND RETROFIT FOR AN INCREASE OF \$147,647 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$446,487 AND AMENDMENT TO FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM BUDGET

RECOMMENDATION:

It is recommended that the City Council:

1. Find the proposed action of amending an existing contract is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(4) and (5) of the State CEQA Guidelines and, as such, are not subject to environmental review;
2. Authorize the City Manager to amend Contract No. 32245 with AME Builders, Inc., dba AME Roofing by \$147,647 for a total not-to-exceed amount of \$446,487. It is further recommended, to the extent this might be viewed as a separate project which should be competitively bid, the City Council exempt this transaction from competitive bidding based on this action serving the best interest of the City; and
3. Amend the Fiscal Year 2023 Capital Improvement Program Budget by appropriating \$200,000 in Charter Capital Fund to the Allendale Library Roof Replacement and Retrofit (71903) project.

BACKGROUND:

On March 21, 2022, City Council approved a contract award to AME Builders, Inc., dba AME Roofing for the Allendale Library Roof Replacement and Retrofit for an amount not-to-exceed \$298,840. During the discovery phase of the seismic retrofit portion of

the project, alterations were identified that needed to be made before the roof replacement portion of the project could commence. The additional work was unforeseen, as it was within the wall structure. The existing building conditions were inconsistent with the original design drawings and, therefore, required the structural retrofit details to be re-designed by the Engineer of Record, and the newly proposed bracing to be reconfigured and modified.

The proposed contract increase will be set as follows:

Original Total Contract Not-to-Exceed Amount	\$298,840
Contract Amendment	<u>\$147,647</u>
Revised Total Contract Not-to-Exceed Amount	\$446,487

Staff is asking the City Council to approve the contract amendment without further competitive bidding on the grounds that it is impractical to bid and that the public interest would not be served by bidding. The impracticality doctrine is recognized and created by the case Graydon v. Pasadena Redevelopment Agency. It is impractical to bid and the public interest would not be served by bidding for the following reasons: As in Graydon v. Pasadena Redevelopment Agency, 104 Cal. App. 34631, 164 Cal. RTTR. 56 1980, there is already a contractor mobilized who was selected for related work through a competitive bidding process. Likewise, the additional work can be considered an integral part of the initial work because AME Builders, Inc. was the lowest responsive and responsible bidder.

It is anticipated that construction will be completed in early December 2022 pending weather conditions. Allendale Library will remain closed in order to accommodate construction activities and will re-open upon project completion. Library staff have been relocated to other branch libraries and will return upon project completion.

COUNCIL POLICY CONSIDERATION:

The contract amendment is consistent with City Council's goal to improve, maintain, and enhance public facilities and infrastructure, and support and promote the quality of life and ensure public safety.

ENVIRONMENTAL ANALYSIS:

This contract amendment has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Section 21065 and Section 15378(b)(4) and (5). Section 15378 excludes from the definition of "project" the creation of government funding mechanisms and fiscal activities which do not yet commit the lead agency to any specific project, and also excludes organizational or administrative governmental activities that do not result in physical changes to the environment. The action proposed for the amendment to an existing contract herein is budgetary and part of the City's normal administrative process.


FISCAL IMPACT:

The cost in amending Contract No. 32,245 with AME Builders, Inc., dba AME Roofing is \$147,647, and the total cost in amending the FY 2023 Capital Improvement Program Budget is \$200,000 in Charter Capital Fund to the *Allendale Library Roof Replacement and Retrofit* (71903) project and increasing the total estimated project cost by a like amount. There is sufficient fund balance in Charter Capital Fund to support the proposed increase.

The following table represents the project appropriation summary.

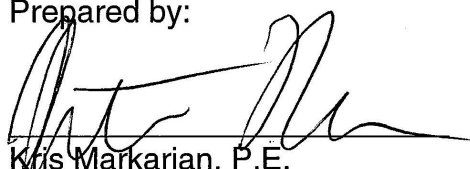
Contract Amendment	\$ 147,647
Additional Construction Administration and Inspection	\$ 52,353
Total Fiscal Impact	\$ 200,000

Respectfully submitted,



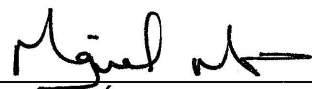
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Deputy Director of Public Works/City Engineer

Approved by:



MIGUEL MÁRQUEZ
City Manager