



TOWN OF FAIRFAX

STAFF REPORT

December 2, 2020

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Approve Amendment #3 to Agreement with Fredric C. Divine Architects (FCDA) in an amount not to exceed \$40,000 for additional design and structural engineering services required for the Pavilion Seismic Retrofit project

RECOMMENDATION

Authorize the Town Manager to execute Amendment #3 to the agreement with Fredric C. Divine Architects (FCDA) to increase the contract amount by \$40,000 for a total not-to-exceed amount of \$132,160 for additional design and engineering services required for the Pavilion Seismic Retrofit project.

BACKGROUND

In 2008, the Town applied for a FEMA Hazard Mitigation grant for the seismic retrofit (i.e., building protection from earthquakes) and ADA improvements (i.e., bathrooms, doors, ramp) for the Fairfax Pavilion building. Around 2010, the Town was awarded a \$450,000 grant with a \$150,000 (25%) local match.

In December 2017, staff provided the Council with a historical timeline detailing the delays, actions, and meetings with the following “Agencies” since 2012:

- Federal Emergency Management Agency (FEMA)
- California State Historic Preservation Officer (SHPO)
- California Office of Emergency Services (Cal-OES)
- Federated Indians of Graton Rancheria (FIGR)

Note: The project has experienced significant delays due to the multitude of Agencies involved and turnover in FEMA staff, but the Agencies have since committed to work to move this project along.

At the Council’s December 2017 meeting, the Council authorized staff to sign the Programmatic Agreement (PA) for the project. All the above parties signed the PA by the end of February 2018. The fully executed PA allows the Town to conduct the necessary soil borings to determine the foundation design for the project. The site is a documented Native American shell mound site (i.e., midden) and the subject of prior studies. The primary concern of the above Agencies is limiting and mitigating the project’s ground disturbance to the midden.

In May 2018, the Town approved an agreement with FCDA for geotechnical, structural engineering, archaeological, and architectural services for the preliminary foundation design for the Pavilion Seismic Retrofit project. The scope of work was for the geological testing, update to conceptual structural plans based on the soil testing results, allowance for Tribe monitoring costs, allowance for architectural services needed for the PA, and services required per the Archaeological Treatment Plan (ATP) for the soil borings. Per the Archaeological Treatment Plan, which is an exhibit to the PA, the Town is required to retain a qualified archaeologist to examine and analyze the soil borings on-site.

The soil borings were performed in June 2018 and the draft ATP, which included the monitoring and analysis of the soil samples, was submitted to FEMA in August 2018. FEMA then distributed the ATP to all the Agencies for review and comment. FEMA approved the ATP approved in December 2018. At that time, FEMA authorized us to proceed with the preliminary foundation and ADA improvement designs.

In April 2019, the Council approved the preliminary plans for the project and authorized a contract for design services. The project was basically as originally envisioned: expanded ADA restrooms, ADA ramp and door improvements, and seismic retrofit improvements. However, the \$600,000 budget did not allow for any other improvements. Specifically, the ADA improvements are estimated to cost approximately \$320,000 and the seismic improvements, which consist of adding sheer walls at selected locations on the foundation, was estimated to cost \$200,000. The remaining \$80,000 would be for design, engineering, and construction management services. The budget did not provide for a project contingency which would be needed due to the age of the structure, construction history, and other potential unknown issues regarding the plumbing, electrical, and mechanical elements of the building. Staff also reported the budget did not provide for any additional improvements such as replacing the roof or remodeling the kitchen.

Prior to the April 2019 meeting, staff was working with FEMA on the project's challenges and the need for additional funding. Initially, we understood any additional funding request would require us to conduct a cost-benefit analysis to justify the request. However, in July 2019, FEMA informed us that they would allow for the approval of the Full Seismic Upgrade which includes added design/management costs, a new roof, all new foundation, and all new sheer walls for the Pavilion.

In August 2019, the Council approved the full seismic upgrade to the Pavilion which included added design/management costs, a new roof, all new foundation, and all new sheer walls for the Pavilion. The approval was based on FEMA preliminarily agreeing to provide additional funding to the project as long as the Town agreed to provide the required 25% matching funds for the project. The estimated total project cost for full seismic retrofit is \$2,507,907: \$2,361,031 construction/design (Town estimate) and \$146,876 contingency (max. allowed by FEMA). The 75% Federal Share will be \$1,880,930 compared to the initial \$450,000 grant.

DISCUSSION

The initial design/engineering contract with FCDA was approved in April 2019 for \$37,000, based on the minimal seismic retrofit project as described above. Amendment #1 for \$15,600 was approved in June 2019 for needed archeological services. However, with FEMA's preliminary approval of the full Seismic Retrofit project, the Council approved amendment #2, in April 2020, for \$39,500 for the added costs to design/engineer the full seismic upgrade project as well as the additional cost for a historical preservation consultant which was requested by FEMA. At that time, the project was at 65% design, but we were awaiting comments from all the involved agencies regarding design and ATP issues.

Attached is a proposal from FCDA for the additional engineering and design services required to respond to FEMA and CalOES comments and requests for additional information. Amendment #3 increases the current agreement by \$40,000 for a total contract amount of \$132,600. We believe this amendment will allow us to respond to all comments and complete the design phase to the satisfaction of the involved Agencies. The Town is in the FEMA defined Phase I portion of the project. Upon completion of Phase I, we will have a better understanding of the next steps in the process to get to Phase II.

FISCAL IMPACT

There are sufficient funds in the FY20-21 Capital Improvement Program budget (Pavilion Fund 51-909) to cover this added cost. As stated above, the grant will cover approximately 75% of the design and engineering costs.

ATTACHMENT

Amendment #3 with scope