



TOWN OF FAIRFAX

STAFF REPORT

January 19, 2022

TO: Mayor and Town Council

FROM: Jonathon Goldman, Interim Public Works Director

SUBJECT: Adopt Resolution Authorizing Amendment No. 2 to the Professional Services Agreement with Tom Origer & Associates for Pavilion Project Archeology

RECOMMENDED MOTION

Adopt a Resolution Authorizing Amendment No. 2 to the Professional Services Agreement for Pavilion Project Archeology.

BACKGROUND

A summary of the history of the project is provided on the Town's website here: <https://www.townoffairfax.org/pavilion-retrofit-project/>. Staff continues to pursue a short-term project delivery plan intended to deliver the foundation, structural improvements and certain accessibility improvements with a first phase of work (foundation and archeology support contract). On the advice of the Office of the Town Attorney and after consulting with local contractors and the archeologist retained by the Town for the project, separating the seismic strengthening and accessibility portions of the FEMA-funded work from the foundation and archeology represents the least risk of potential construction claims or delays should significant cultural resources be found during excavation and foundation work.

DISCUSSION

Staff respectfully requests adoption of a Resolution authorizing a standard form amendment No. 2 to the January 22, 2017 agreement with Tom Origer & Associates¹ for archeology services in conjunction with excavation for foundation replacement in further compliance with the Programmatic Agreement approved by Council at its December 6, 2017 meeting. The current adopted budget appropriated \$80,000 for outside services associated with the Project (51-909). The budget proposed by Origer for services at this phase is \$161,000 as provided for in the proposal dated January 7, 2022 attached. Staff proposes to authorize only \$60,000 in budget at this time owing to the need for additional outside services in order to finalize the bid documents for foundation replacement. Staff continues to work with the Office of the Town Attorney to reach that milestone.

FISCAL IMPACT

Funds for Pavilion seismic retrofit were appropriated in the Town's FY 20-21 budget.

ATTACHMENT

Resolution Authorizing Amendment No. 2 to the Professional Services Agreement for Pavilion Project Archeology

¹ <https://origer.com/>

RESOLUTION 22-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AUTHORIZING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH
TOM ORIGER & ASSOCIATES FOR ARCHEOLOGY
ASSOCIATED WITH THE PAVILION SEISMIC RETROFIT PROJECT**

WHEREAS, the Town of Fairfax requires professional archeology services in conjunction with excavation for foundation replacement in compliance with the Programmatic Agreement approved by Council at its December 6, 2017 meeting (the "PA"); and

WHEREAS, Tom Origer & Associates has provided services to the Town under an Agreement dated January 22, 2016 and Amendment No. 1 dated March 4, 2016 (copies attached and incorporated herein by reference) for the Pavilion Seismic Retrofit Project (the "Project") including the successful completion of the approved Archaeological Treatment Plan under the PA and will therefore provide best-value to the Town and the other parties to the PA when compared with other potential archeologists; and

WHEREAS, the Town's current adopted budget appropriated \$80,000 for outside services associated with the Project (51-909); and

WHEREAS, the estimated budget for Origer's services at this phase is \$161,000 but Staff seeks only \$60,000 at this time in order to reach a bid document completion milestone to allow the foundation replacement construction to occur; and

WHEREAS, the services to be provided by Origer are intended to allow the Town to avoid and mitigate for potentially adverse impacts to cultural resources associated with the Project. This work is required for compliance with both the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

NOW, THEREFORE, BE IT RESOLVED, that the Fairfax Town Council hereby approves a standard form of amendment No. 2 to the existing agreement with Tom Origer & Associates for the provision of the necessary archeology services with compensation on a time- and materials reimbursable basis with a not to exceed budget of \$60,000 unless subsequently amended by Town Council.

The foregoing Resolution was passed and adopted by the Town Council of the Town of Fairfax at a duly noticed public meeting held in said Town on the 19th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

Stephanie Hellman, Mayor

Attest: _____
Michele Gardner, Town Clerk