



Agenda Item No: 4.j

Meeting Date: April 7, 2025

## SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works & Library and Recreation

Prepared by: Andrew Powell, Junior Engineer  
April Miller, Public Works Director

City Manager Approval: \_\_\_\_\_

**TOPIC: DOWNTOWN LIBRARY RENOVATION PROJECT**

**SUBJECT: RESOLUTIONS AUTHORIZING THE CITY MANAGER TO EXECUTE:**

1) A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH NOLL & TAM ARCHITECTS FOR ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH THE DOWNTOWN LIBRARY MODERNIZATION PROJECT, IN THE ADDITIONAL AMOUNT NOT TO EXCEED \$47,640, INCREASING THE TOTAL NOT-TO-EXCEED AMOUNT UNDER THE AGREEMENT TO \$439,371, AND EXTEND THE CONTRACT BY THREE MONTHS; AND

2) A SECOND AMENDMENT TO THE CONSTRUCTION CONTRACT WITH UNGER CONSTRUCTION, CO. IN AN ADDITIONAL AMOUNT OF \$100,000, FOR A TOTAL OF \$2,200,000 FOR THE PROJECT, APPROPRIATING \$100,000 FROM AVAILABLE LIBRARY SPECIAL ASSESSMENT FUND BALANCE (FUND 215) AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO TAKE RELATED ACTION.

**RECOMMENDATION:**

Staff recommend that the City Council adopt resolutions:

- 1) Authorizing the City Manager to execute the second amendment to the Professional Services Agreement with Noll & Tam Architects for construction administration services in an additional amount of \$47,640, increasing the total not-to-exceed amount of the agreement to \$439,371, and extending the term of the contract by an additional three months; and
- 2) Authorizing the City Manager to execute the second amendment to the construction contract amount with Unger Construction Co. in an additional amount of \$100,000, for a total of \$2,200,000 for the project, and authorizing a supplemental budget appropriation of \$100,000 from available Library Special Assessment Fund (formerly Measure C - Fund 215) fund balance to support this contract amendment.

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FOR CITY CLERK ONLY

Council Meeting:

Disposition:

**BACKGROUND:**

The Downtown Library Modernization Project seeks to address a selection of critical infrastructure, accessibility, and life-safety upgrades identified in the [2019 Existing Facilities Report](#), as well as some design improvements to create a more open, flexible environment that better meets the library's operational needs. This project does not increase the square footage of the building and does not address the long-term need for additional library space, as identified in the [2019 Library Facility Planning Study](#).

The City has secured \$3,000,000 in funding for this project, which includes \$2,000,000 in [California State Library grants](#) and \$1,000,000 in memorial funds donated to the City to improve library facilities.

On [January 17, 2023](#), the City entered into a Professional Services Agreement with Noll & Tam Architects for the Preliminary Design portion of the project, for an amount not to exceed \$67,905. On [September 18, 2023](#), City Council awarded a first amendment to the professional services agreement to Noll & Tam Architects for architectural, engineering, and interior design services in the amount not to exceed \$391,731.

On [September 16, 2024](#), the City entered into a Construction Agreement with Unger Construction Co. for the construction of the Downtown Library Renovation project, for an amount of \$1,825,000, and authorized the City Manager to amend the contract amount using contingency funds of \$275,000, for a total of \$2,100,000 for the project.

**ANALYSIS:**

**Professional Services Agreement (Second Amendment) for Construction Administration Services**

As the Downtown Library Modernization Project progresses through construction, staff recommend the City Council approve the proposed second amendment with Noll & Tam Architects for construction administration services. The first amendment with Noll & Tam Architects included construction administration services. This second amendment, totaling \$47,640, extends the construction administration services term by an additional three months to reach the end of the construction schedule. An additional three months were added to the construction schedule due to extensive hazardous material testing and existing site condition analysis during the preconstruction phase of the project. Noll & Tam Architects construction administration services were retained through the duration of the preconstruction activities. This second amendment (Attachment 3) would increase the Noll & Tam Architects not-to-exceed contract to a total of \$439,371.

**Construction Contract Amendment**

As the Downtown Library Modernization Project progresses through construction, staff recommend the City Council authorize the City Manager to amend the construction contract amount using contingency funds, in an additional amount of \$100,000. This increase in contingency funds would increase the total project contingency to \$375,000 for a project total of \$2,200,000. In coordination with the project construction management consultant, City staff have determined the need for additional contingency funds to address critical items uncovered during the construction process. Items include numerous unforeseen existing conditions such as degraded structural framing elements, non-compliant electrical infrastructure, and obstructive plumbing and mechanical components all of which require modification or replacement. Utilizing additional contingency funds would position City staff to capably address anticipated impactful items including modifications to the main stairway structural components and updating select existing hardware to accommodate new accessible hardware.

**FISCAL IMPACT:**

The recommendation in this staff report would result in committing costs totaling \$147,640. This includes \$47,640 for construction administration services and \$100,000 for construction. Sufficient funding for the

second amendment to the Noll & Tam agreement for construction administration services is included in the adopted fiscal year 2024-25 Capital Improvement Program budget through existing appropriations within the Library Fund (214) – Downtown Library Modernization Project.

Staff proposes funding the construction contract amendment by appropriating a total of \$100,000 in Library Special Assessment Fund (formerly Measure C) Capital Set Aside funds (Fund 215). This would be an additional appropriation from available (formerly Measure C) Capital Set Aside fund balance to augment the Downtown Library Modernization Project budget. The former Measure C-Capital Set Aside fund was established to fund necessary facility improvements to the San Rafael Public Libraries, such as the proposed Downtown Library Modernization Project. Appropriating \$100,000 for this purpose would utilize the remaining balance in the fund.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Authorize the City Manager to enter into a second amendment to the Professional Services Agreement with Noll & Tam Architects and amend the construction contract amount with Unger Construction, Co. as presented.
2. Do not accept the proposal from Noll & Tam Architects and construction contract amendment and provide further direction to staff.

**RECOMMENDED ACTION:**

Staff recommend that the City Council adopt resolutions:

- 1) Authorizing the City Manager to execute the second amendment to the Professional Services Agreement with Noll & Tam Architects for construction administration services in an additional amount of \$47,640, increasing the total not-to-exceed amount of the agreement to \$439,371, and extending the term of the contract by an additional three months; and
- 3) Authorizing the City Manager to execute the second amendment to the construction contract amount with Unger Construction Co. in an additional amount of \$100,000, for a total of \$2,200,000 for the project, and authorizing a supplemental budget appropriation of \$100,000 from available Library Special Assessment Fund (formerly Measure C - Fund 215) fund balance to support this contract amendment.

**ATTACHMENTS:**

1. Resolution – Construction Contract Amendment
2. Resolution – Second Amendment to Professional Services Agreement with Noll & Tam Architects.
3. Second Amendment to Professional Services Agreement with Noll & Tam Architects.

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE CONSTRUCTION CONTRACT WITH UNGER CONSTRUCTION, CO. IN AN ADDITIONAL AMOUNT OF \$100,000, FOR A TOTAL OF \$2,200,000 FOR THE PROJECT, APPROPRIATING \$100,000 FROM AVAILABLE LIBRARY SPECIAL ASSESSMENT FUND BALANCE (FUND 215) AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO TAKE RELATED ACTION**

**WHEREAS**, the City of San Rafael entered into a Construction Contract Agreement dated September 26, 2024, with Unger Construction, Co. (“Unger”), for construction of the Downtown Library Modernization Project, (the “Project”) in an amount not-to-exceed \$1,825,000; and

**WHEREAS**, under the City Council’s delegated authority from the award of the contract, the City Manager entered into a first amendment to the Construction Contract Agreement using contingency funds in an amount of \$275,000, for a total of \$2,100,000 for the project; and

**WHEREAS**, the City of San Rafael requires additional construction funds in an amount of \$100,000 to deliver the construction phase of the Project.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** as follows:

1. The City Manager is hereby authorized to amend the Construction Contract Agreement with Unger Construction, Co. in the amount of \$100,000 for a total contract amount of \$2,200,000, in a form approved by the City Attorney.
2. A supplemental budget appropriation of \$100,000 from available Library Special Assessment Fund (formerly Measure C - Fund 215) fund balance is authorized to support this contract amendment.
3. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on Monday the 7<sup>th</sup> day of April 2025, by the following vote, to wit:

<b>AYES:</b>	<b>Councilmembers:</b>
<b>NOES:</b>	<b>Councilmembers:</b>
<b>ABSENT:</b>	<b>Councilmembers:</b>

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**Lindsay Lara, City Clerk**

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH NOLL & TAM ARCHITECTS. FOR ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH THE DOWNTOWN LIBRARY MODERNIZATION PROJECT, IN THE ADDITIONAL AMOUNT NOT TO EXCEED \$47,640, INCREASING THE TOTAL NOT-TO-EXCEED AMOUNT UNDER THE AGREEMENT TO \$439,371, AND EXTEND THE CONTRACT BY THREE MONTHS**

**WHEREAS**, the City of San Rafael entered into a Professional Services Agreement dated January 17, 2023, with Noll & Tam Architects (“Noll & Tam”), for preliminary architectural, engineering and interior design services associated with the Downtown Library Modernization Project, (the “Project”) in an amount not-to-exceed \$67,905; and

**WHEREAS**, the City executed a first amendment dated November 1, 2023, for architectural, engineering and interior design services required to prepare construction plans/specifications as well as provide construction administration and close-out services for the Project in an amount not-to-exceed \$323,826; and

**WHEREAS**, the City of San Rafael requires additional construction administration services from Noll & Tam to deliver the construction phase of the Project; and

**WHEREAS**, staff received a proposal from Noll & Tam for said services in a total amount not to exceed \$47,640; and

**WHEREAS**, staff has reviewed the proposal and found it to be complete and within industry standards.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** as follows:

1. The City Manager is hereby authorized to execute a Second Amendment to the Professional Services Agreement with Noll & Tam for additional construction administration services in the amount of \$47,640 for a total contract amount of \$439,371, in a form approved by the City Attorney.
2. Funds totaling \$47,640 shall be authorized for the contract with Noll & Tam Architects for project (Project No. 11439) from the Library Fund (214).
3. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City on Monday the 7<sup>th</sup> day of April 2025, by the following vote, to wit:

**AYES:**           **Councilmembers:**

**NOES: Councilmembers:**  
**ABSENT: Councilmembers:**

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**Lindsay Lara, City Clerk**

**AMENDMENT TO CONTRACT  
BY AND BETWEEN  
THE CITY OF SAN RAFAEL AND NOLL & TAM ARCHITECTS  
FOR ARCHITECTURAL, ENGINEERING AND INTERIOR DESIGN SERVICES**

Original Contract Execution Date: January 17, 2023  
Amendment No. 2

**THE ABOVE-NAMED CONTRACT** is hereby amended by the parties as set forth herein and is effective on \_\_\_\_\_.

**SCOPE OF SERVICES**: Contractor shall perform the additional or amended services as described in Exhibit A-2.

**COMPENSATION**: City shall pay Contractor on a basis in accordance with Exhibit A-2, in a not-to-exceed additional amount of \$47,640, and to change the total not-to-exceed amount under the Contract to \$439,371.

**TERM OF CONTRACT**: For Contractor to perform the additional or amended services described herein, the term of this Contract shall be extended to March 1, 2026.

Except as specifically amended herein, all other provisions, terms and obligations of the Contract between the parties shall remain valid and shall be in full force.

**IN WITNESS WHEREOF**, the parties have executed this Amendment on the day, month, and year first specified below.

**CITY OF SAN RAFAEL:**

**CONTRACTOR:**

\_\_\_\_\_  
\_\_\_\_\_,  
\_\_\_\_\_  
Executed on: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**APPROVED AS TO FORM:  
Office of the City Attorney**

[If Contractor is a corporation, second corporate officer signature required]

\_\_\_\_\_  
\_\_\_\_\_,  
\_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ATTEST:  
City Clerk**

\_\_\_\_\_  
\_\_\_\_\_,  
\_\_\_\_\_



## EXHIBIT A -2

### SERVICES TO BE PROVIDED, PAYMENTS, SCHEDULE, AND DELIVERABLES

#### SERVICES TO BE PROVIDED

This is an Exhibit attached to, and made a part of the Amendment by and between **Contractor** and the **City** providing for the referenced services.

#### 1. **Description of the Work:**

1.1 **Description:** Architect to have mechanical consultant, Capital Engineers, review existing mechanical systems and make recommendations in line with project goals and budget. Mechanical consultant to review existing mechanical drawings, evaluate existing mechanical conditions, and provide list and cost estimate of required improvements.

Architect to provide additional construction administration services including: Have Noll&Tam representative, Ella McQuillen, attend 20 additional weekly OAC meetings. Three (3) months of construction administration at 12 hours/month for PM and 48 hours/month for designer.

#### 2. **Basic Services:**

The City has developed a general scope of work as described below.

2.1 **Task 1 –** Capital Engineers to perform site investigation and review existing HVAC systems in order to provide existing conditions memorandum, final conditions memorandum, and provide a list of required improvements for the buildings including anticipated timeline required to make improvements. Capital Engineers to provide associated cost estimates to complete proposed improvements and prepare Final Facility Evaluation Report to the City

2.2 **Task 2 –** Noll & Tam Architects to provide additional construction administration services including: One Noll&Tam representative to attend each weekly OAC meetings for a total of 20 additional meetings. Three (3) months of construction administration at 12 hours/month for PM and 48 hours/month for designer.

When applicable, Contractor's proposal may be attached and incorporated in Exhibit A as additional detail for list of services and payments included under this Contract.

## **PAYMENTS**

1. The payment to Contractor under this Amendment shall not exceed the below amount, unless amended in writing by both parties:  
\$47,640
2. When applicable insert hourly rates for Contractor's work here:  
N/A

## **SCHEDULE**

Existing mechanical conditions assessment completed prior to construction start date of November 4th, 2024.

Additional construction administration services to be required for duration of project construction with an anticipated completion date of June 20th, 2025.

## **DELIVERABLES**

Contractor's deliverables under the Contract are enunciated throughout the Contract and include but are not limited to the following:

1. **PROJECT DELIVERABLES**
  1. Existing mechanical conditions assessment.
  2. Mechanical systems improvements cost estimate.
  3. Final Facility Evaluation Report.



San Rafael Downtown Library Revitalization  
**ADDITIONAL SERVICE REQUEST NO. 1**  
March 14, 2023

**Attn: Fabiola Guillen**

Fabiola Guillen  
Project Manager  
Department of Public Works  
City of San Rafael

**Re: Downtown Public Library Modernization Project**  
**1100 E Street, San Rafael, CA 94901**

Dear Ms. Guillen,

Noll & Tam Architects has amended our proposal for architectural consulting services, dated January 17, 2023, to include a scope of work have Capital Engineers review existing mechanical systems and make recommendations in line with project goals and budget. The proposal is based upon our call dated 3/9/23. Our understanding of the scope of work and proposed fees is summarized below.

**Scope of Work:**

- One site investigation visit
- Mechanical Narrative and ROM cost estimate (See attached mechanical scope document)
- Coordination with consultant team

**Exclusions:**


Services or work products not noted above can be provided upon request as an additional service.

**Fees:**

Noll & Tam Architects	\$1,540
<u>Capital Engineering</u>	<u>\$5,280</u>
Total	\$6,820

Our basic fee for this scope shall be lump sum fixed fee as listed above, billed monthly on a percent complete basis. Services rendered beyond the agreed scope of work will be billed at our hourly rates.

Sincerely,



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**Chris Noll**

*Principal*

Approved:

**Faby  
Guillen**

Digitally signed by Faby Guillen  
DN: cn=Faby Guillen, o=COSE,  
ou=DPW,  
email=fabiog@cityofsanrafael.org,  
c=US  
Date: 2023.03.16 08:13:44 -0700

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**Fabiola Guillen**

*Project Manager, Public Works*

**date**

March 13, 2023

Ms. Amy B. Watson, AIA  
Senior Associate  
Noll & Tam Architects  
729 Heinz Ave. Suite #7  
Berkeley, CA 94710

PROJECT: SAN RAFAEL MAIN LIBRARY FACILITY – HVAC ASSESSMENT



SUBJECT: PROPOSAL FOR MECHANICAL ASSESSMENT SERVICES

Dear Amy,

We are pleased to offer this fee proposal for mechanical engineering assessment services for the subject project.

**Project Description:** The project is located at 1100 E Street, San Rafael, CA. As we understand the San Rafael Public Library was originally constructed in 1909. The library has undergone two expansions since this time, in the 1960's when an addition was added and the most recent in 2008 with a major HVAC system renovation project. The intent of this study is to determine what improvements are necessary to sustain the facility in its present operating routine.

**A. Scope of Basic Services:**

Review of the various systems and elements within the library and determine “life expectancy” of each system.

1. Perform site investigation; Review existing mechanical HVAC systems.
2. Review existing mechanical drawings including original plans and applicable remodels and other recent space improvement projects.
3. Interview maintenance personnel, if available, during the site visit regarding mechanical systems condition and system types and preferences, review past studies and building maintenance reports if available.
4. Review 2008 HVAC improvements plans to the original mechanical systems to meet heating and cooling loads, and to improve mechanical systems performance and occupant comfort. Review and gather information on the noted "erratic HVAC conditions". Review any HVAC/Controls commissioning reports.
5. Draft existing conditions memorandum with description of major mechanical and plumbing elements and their expected life.
6. Draft Final Conditions Memorandum addressing any City concerns present as part of the review of the draft memorandum.
7. Based up on the field assessments, provide a list of require improvements for the buildings including an anticipated timeline required to make these improvements. List of improvements shall be prioritized in a table format.
8. Provide associated cost estimates to complete the proposed improvements.
9. Consider planned Future Building expansion and other projects based on the City's input for additions and renovations, in the final recommendations.
10. Prepare Draft Facility Evaluation Report to the City.
11. Prepare Final Facility Evaluation Report incorporating all comments from previous City reviews.

**B. Proposed Engineering Teams:**

1. Michael Minge, Principal + Joel Valencia PE, Plumbing Engineer.

**C. Materials and Services Furnished by Architect or City of San Rafael:**

1. Record Drawings of existing plans including work of all trades.
2. Reproduction and distribution of report documents.



3. Provide access to site and buildings and all Mechanical Spaces.

**D. Exclusions:**

1. Design services for HVAC / Plumbing improvements.
2. Design services for bidding or construction administration.

**E. Extra Services:** The following services are not included in the basic proposal. Capital shall be additionally compensated for work hereunder should City of San Rafael requests such services in writing.

1. Employment of special sub-consultants at the request of City of San Rafael except as identified in Paragraphs A and B above.
2. Preparation of owning or operating cost studies.
3. Life cycle cost analyses, energy effectiveness studies and preparation of maintenance or operating manuals.
4. Design services related to construction documents.



**Capital Engineering Consultants, Inc.  
2023 Billing Rates**

Sr. Principal	\$240.00 / hour
Principal	\$220.00 / hour
Director	\$210.00 / hour
Sr. Project Manager	\$203.00 / hour
Project Manager	\$195.00 / hour
Field Services	\$190.00 / hour
Senior Engineer	\$172.00 / hour
Engineer	\$158.00 / hour
Senior Designer	\$148.00 / hour
Designer	\$135.00 / hour
Technician / CADD	\$125.00 / hour
Intern	\$117.00 / hour
Project Administrator	\$105.00 / hour

Capital Engineering Consultants, Inc.

- Tax ID No. 94-1492674
- CA Business License # C0398323
- DIR # 100020121
- Small Business Certification ID 35757





San Rafael Downtown Library Revitalization  
**ADDITIONAL SERVICE REQUEST NO. 3**  
February 25, 2025

**Attn: Andrew Powell, EIT**

Andrew Powell, EIT  
Junior Engineer  
Department of Public Works  
City of San Rafael

**Re: Downtown Public Library Modernization Project, ASR 03 Revision 2 (R2)**  
**1100 E Street, San Rafael, CA 94901**

Dear Mr. Powell,

Noll & Tam Architects has amended our first amendment for architectural consulting services, signed November 1, 2023, to include additional meetings and schedule extension over those specified. Our understanding of the scope of work and proposed fees is summarized below and based on the construction schedule provided by Unger Construction entitled 2024.10.18 BASELINE 24.0015 San Rafael Library Schedule. R1 and R2 based on conversations with Andrew in consideration for slow down of RFIs and nearing completion of submittals along with having Ella as solo NT representative at weekly OACs as of March 11, 2025.

Ref: First Amendment to the Contract, III Construction Administration, Item C Other Meetings

- Included bi-weekly meetings (18). As of 1/14/25 we have used 16 of 18 included.
- Accounted for 6 months of construction. Actual Schedule: 9/24/24 - 6/20/25, 9 months
- If the construction schedule extends beyond this time frame, and additional construction progress meetings are needed, or if additional meetings are required within the estimated time frame, they will be provided as an additional service.

**Scope of Work:**

- 20 Additional OAC Meetings: February 4<sup>th</sup> – June 24<sup>th</sup>, 2025  
(6 hours PM x \$230 + 20 hours x \$190 = \$5,180)
- 3 months of Construction at 12 hours/month for PM (36 hours x \$230/hour = \$8,280), 48 hours/month for designer (144 hours x \$190/hour = \$27,360)

**Exclusions:**

Services or work products not noted above can be provided upon request as an additional service.

**Fees:**

Noll & Tam – OAC Meetings	\$5,180
<u>Noll &amp; Tam – Schedule Extension (3 months)</u>	<u>\$35,640</u>
Total	\$40,820

Our basic fee for this scope shall be lump sum fixed fee of **\$40,820, Forty Thousand Eight Hundred Twenty dollars**, billed monthly on a percent complete basis. Services rendered beyond the agreed scope of work will be billed at our hourly rates.

Sincerely,

Approved:

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**Chris Noll**

*Principal*

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**Andrew Powell, EIT**

*Junior Engineer, Public Works*

**date**