



Midpeninsula Regional
Open Space District

R-22-143
Meeting 22-30
December 14, 2022

AGENDA ITEM 4

AGENDA ITEM

Contract Amendment for Construction Administration and Lease Space Design Services for the Administrative Office Project located at 5050 El Camino Road, Los Altos, CA 94022

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to read "dew".

1. Authorize the General Manager to execute an amendment to the professional services contract with Noll + Tam Architects to provide additional construction administration support as well as lease space design services for the Administrative Office Project in the amount of \$64,381, for an amended total contract amount of \$2,033,522.
2. Authorize a 10% contingency in the amount of \$6,438 to address unforeseen issues, bringing the total not-to-exceed contract amount to \$2,039,960.

SUMMARY

On August 22, 2018, the Midpeninsula Regional Open Space District (District) selected Noll + Tam Architects (Noll + Tam) to develop the initial schematic design and associated cost estimate for the Administrative Office (AO) reconfiguration project (Project). On May 22, 2019, the Board of Directors (Board) amended Noll + Tam's contract for schematic design, through design development and construction, to project close-out. On January 20, 2021, the Board awarded a construction contract to BHM Construction, Inc., to complete the construction for the Project. The District moved into the new building in May 2022 and the Project is aiming for completion of final punch-list items by the end of 2022.

After settling into the building and adjusting to the new hybrid work environment, the District began working with Noll + Tam to explore options to partition and lease out a large vacant space in the first floor east wing of the building. Noll + Tam subsequently provided initial design services for the vacant space. The General Manager recommends amending Noll + Tam's contract for a base amount of \$64,381, and authorizing a 10% contingency amount of \$6,438, bringing the total not-to-exceed amount to \$2,039,960. The scope of work under the amended contract includes construction administration support during the unanticipated extended construction period for the new building (due in part to supply chain issues) and new, limited design services to partition the first floor east wing for submittal of a minor permit application with the Town of Los Altos. The contract amendment and partition work are expected to remain within the Board-approved project budget for the reconfiguration of the new office building.

There are sufficient funds in the projected amended project budget to cover the expenditures through the end of the fiscal year.

BACKGROUND

At the August 22, 2018 public meeting, the Board approved a contract with the design consultant, Noll + Tam, to assess and design the new AO based on Board-approved project design goals, program elements, and space needs (R-18-97 and R-18-100). At the October 24, 2018 public meeting, District staff and the Board began the design process for the new AO by prioritizing project goals and space needs (R-18-123). From January through May 2019, the Board held a public open house and several public meetings to solicit public input and provide feedback on the evolving schematic design options, cost estimates, and alternatives to reduce total project costs. At the May 22, 2019 public meeting, the Board approved the final schematic design and associated cost estimate (R-19-64). On the same date, the Board approved a contract amendment with Noll + Tam to continue with the remaining phases of the Project, including design development, construction documents, permitting assistance, construction administration, and as-built drawings.

At the October 9, 2019 Board meeting, the Board reviewed the design development plans and revised cost estimate to confirm that the Project as designed meets the Board-approved project goals, program elements, design direction, and project budget (R-19-130). As part of this review, the Board approved the design development plans, allowing Noll + Tam to proceed into the next project phase - construction documents (detailed, constructible plans) and permitting. At the time, the Board-approved design designated only the first floor *west* wing as lease space.

At the January 20, 2021 Board meeting, the Board authorized the General Manager to enter into a contract with BHM Construction, Inc., of Napa, CA, for the construction of the Project. The District moved into the new building in May 2022 and the Project is aiming for completion of final punch-list items by the end of 2022. As the District began to settle into the new building starting in May 2022 with the advent of the new hybrid work environment, it became apparent that additional lease spaces could be made available while still providing flexibility for staff growth and meeting various current and future District operational needs.

DISCUSSION

The proposed contract amendment with Noll + Tam's includes the following scope of work:

- Construction administration and support during an extended period of construction for the AO reconfiguration project. The original contract had a time description of finishing construction at the beginning of March 2022. Several items, most significantly material procurement delays associated with the ongoing supply chain issues, extended the construction schedule. Services rendered during this extended period included review and documentation of differing site conditions, responding to Requests for Information, contractor submittal reviews, and administration of minor design adjustments.

- Preparing designs to partition the east wing of the first floor for submittal of a minor permit application, and assistance with any permit-related revisions and construction administration for the partition work.

The entire AO first floor east wing is currently designed for District operational use. After moving and adjusting into the new space and being able to accommodate current employees on the second floor with the new hybrid work model, it is now evident that a portion of the first floor east wing can be released for leasing to further recoup costs and generate additional revenue. The District has requested Noll + Tam to provide layout and permit drawing assistance and support in subdividing the east wing into two suites to create one ~2,000 square foot rental suite (for leasing) and one ~5,000 square foot suite for District operational and staff use.

In the spring, as delays to the construction schedule became evident, District staff directed Noll + Tam to provide the additional construction administration services needed to keep the AO project moving forward, recognizing that a minor contract amendment would need to subsequently be brought to the Board to reflect the additional services. The fees for the additional construction administration services and the East Suite reconfiguration comprise the recommended contract amendment that is before the Board for consideration of approval.

The table below summarizes the tasks and associated fees that comprise the contract amendment.

<i>Tasks</i>	<i>Fees</i>
Task 1 – Construction Administration Support	\$34,495
Task 2 – Design Services for East Suite Reconfiguration	\$29,886
Subtotal	\$64,381
10% contingency	\$6,438
TOTAL AMENDMENT	\$70,819

FISCAL IMPACT

The overall project remains within the May 2019 Board-approved project budget for planning, design, and construction of \$27.4 million ([R-19-64](#)). Funding sources for the Project include using *Committed for Infrastructure* reserve funds, any future additions to the reserve, rent income generated in the new AO, parity bond proceeds, and interest earned from the parity bonds. Sale of the former 330 Distel Circle administrative office is also providing partial reimbursement (R-20-117).

The FY23 adopted budget to close out the New Administrative Office (AO) Facility project #31202 is \$146,000. A FY22 carryover of approximately \$1,374,450 will be proposed as part of the Quarter 2 review to cover invoices processed after the June 30 fiscal year end date, which would bring the FY23 budget to \$1,520,450 (strict carryover, no increase in total project budget). There are sufficient funds in the projected project budget to cover the recommended expenditures.

New Administrative Office (AO) Facility #31202	Prior Year Actuals	FY23 Adopted	FY24 Projected	FY25 Projected	TOTAL
Acquisition:	\$31,742,406	\$0	\$0	\$0	\$31,742,406
Planning/Design/Construction:	\$24,562,816	\$116,000	\$0	\$0	\$24,678,816
Move-in and Closeout:	\$460,372	\$30,000	\$0	\$0	\$490,372
Total Budget:	\$56,765,594	\$146,000	\$0	\$0	\$56,911,594
Proposed FY22 Carryover in Q2*:	\$0	\$1,374,450	\$0	\$0	\$1,374,450
Total Projected Budget:	\$56,765,594	\$1,520,450	\$0	\$0	\$58,286,044
Acquisition and associated purchase costs Spent-to-Date (as of 11/22/22):	(\$31,742,406)	\$0	\$0	\$0	(\$31,742,406)
Spent-to-Date (as of 11/22/22):	(\$25,023,188)	(\$669,052)	\$0	\$0	(\$25,692,240)
Encumbrances:	\$0	(\$390,982)	\$0	\$0	(\$390,982)
Noll + Tam Contract Amendment:	\$0	(\$64,381)	\$0	\$0	(\$64,381)
10% Contingency:	\$0	(\$6,438)	\$0	\$0	(\$6,438)
Budget Remaining (Proposed):	\$0	\$389,597	\$0	\$0	\$389,597

*An approximate \$1,374,450 adjustment will be brought to the board in Q2

The recommended action is not funded by Measure AA.

PRIOR BOARD AND COMMITTEE REVIEW

The Administrative Office Reconfiguration Project has previously come to the Board at the following public meetings:

- **August 22, 2018:** The Board approved a contract with Noll + Tam to assess and design the AO based on Board approved project design goals, program elements, and space needs. [R-18-97](#) Board Report and [Minutes](#). [R-18-100](#) Board Report and [Minutes](#).
- **October 24, 2018:** The Board began the design process for the new AO by prioritizing goals and space needs. [R-18-123](#) Board Report and [Minutes](#).
- **May 22, 2019:** The Board approved final schematic design and associated cost estimate. [R-19-64](#) Board Report and [Minutes](#).
- **October 9, 2019:** The Board reviewed the design development plans and revised cost estimate to confirm that the Project as designed meets the Board approved project goals, program elements, design direction, and project budget. [R-19-130](#) Board Report and [Minutes](#).

- **January 20, 2021:** The Board authorized the General Manager to enter into a construction contract with BHM Construction, Inc., of Napa, CA for the construction of the Project. [R-21-09](#) Board Report and [Minutes](#).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act. In accordance with the State California Environmental Quality Act (CEQA) Guidelines, the District filed a Notice of Exemption for the AO reconfiguration Project claiming the exemption provided in Section 15301, Existing Facilities, which applies to the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures, facilities, mechanical equipment, involving negligible or no expansion of existing or former use. The need for any additional environmental review of the proposed site improvements will be evaluated as part of the permitting process.

NEXT STEPS

Upon Board authorization, the General Manager will direct staff to amend the contract with Noll + Tam Architects to complete the construction administration and lease space design services. The project in full is anticipated to complete by late 2023.

Attachment:

1. AO First Floor East Wing Layout

Responsible Department Head:

Jason Lin, P.E., Engineering and Construction Department Manager

Prepared by:

Paul Kvam, Senior Capital Project Manager

Exhibit 1 - Current Layout of
1st Floor Suites

**NOLL
& TAM**
ARCHITECTS

729 Heinz Avenue
Berkeley, CA 94710
tel 510.542.2200
fax 510.542.2201

SEAL

MIDPENINSULA
REGIONAL OPEN
SPACE DISTRICT
ADMINISTRATIVE
OFFICE
RENOVATION

5050 EL CAMINO REAL
LOS ALTOS, CA 94022

ISSUED FOR PERMIT

ISSUE DATE 11/23/2020

N&T JOB # 21821.00

REVISIONS
DATE DESCRIPTION

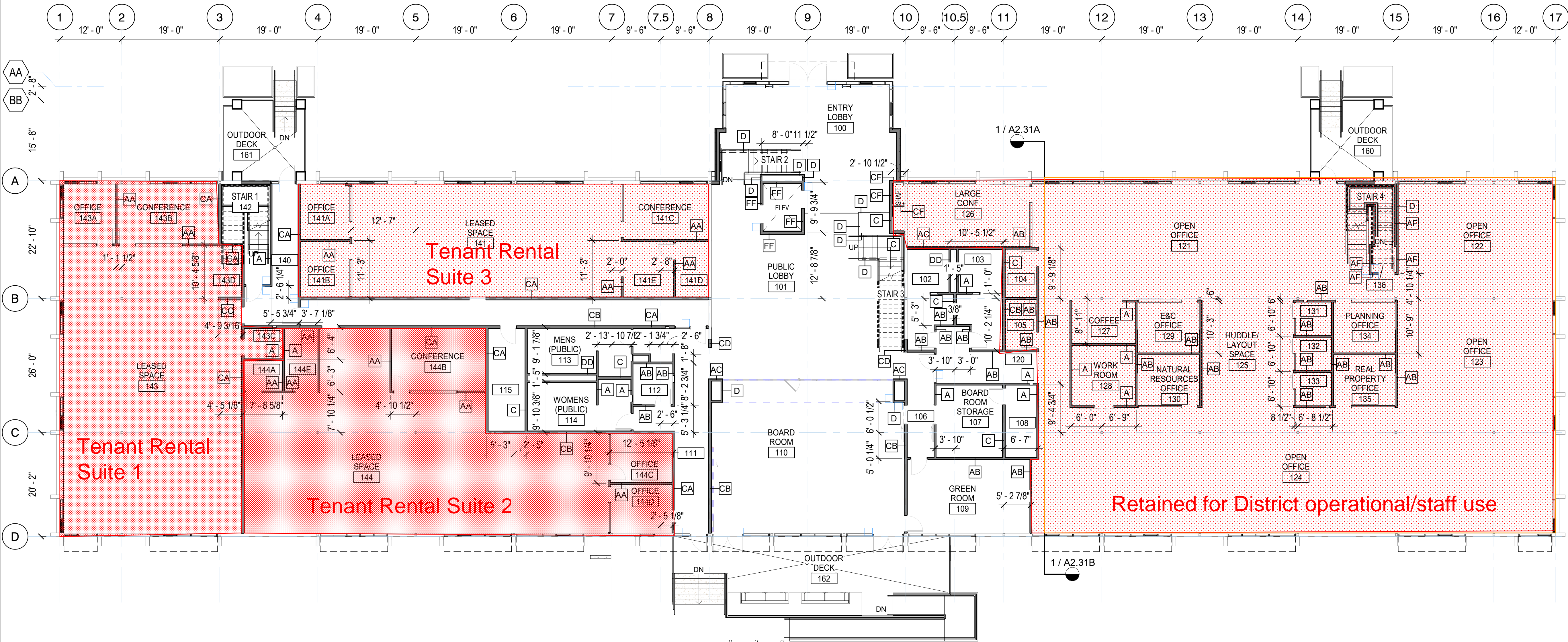
DRAWN BY Author CHECKED BY Checker

SHEET TITLE

LAYOUT PLAN- 1ST
FLOOR

SHEET NUMBER

A2.21



1 FIRST FLOOR PLAN
A2.21 3/32" = 1'-0"

GENERAL NOTES

1. EXTERIOR DIMENSIONS ARE FACE OF STUD TO FACE OF STUD OR CENTERLINE OF GRID LINES.
2. INTERIOR DIMENSIONS ARE CENTERLINE OF STUD TO CENTERLINE OF STUD OR CENTERLINE OF GRID LINES.
3. FOR PARTITION TYPE DETAILS, SEE A8.10-A8.12

LAYOUT DIMENSION CONTROL

1. EXTERIOR DIMENSIONS ARE FROM GRIDLINE TO FACE OF SLAB EDGE, SHEARWALL, CURB OR EXTERIOR SHEATHING SYSTEM
2. INTERIOR DIMENSIONS USE THE RULES SHOWN BELOW
3. INTERIOR DIMENSION DESIGNATED "FOF" ARE FROM GRID LINE OR CENTERLINE TO FACE OF FINISH.
4. DIMENSIONS DESIGNATED "CLR" ARE FROM FACE OF FINISH TO FACE OF FINISH.

