

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 04/20/09		Item Number: <u>PH-1</u>	
AGENDA ITEM: PUBLIC HEARING AND FOUR FIFTHS VOTE REQUIREMENT: (1) Approval of the Final Plans and Specifications for the Firing Range Rehabilitation Project, P-832; (2) Waiver of the Competitive Bidding in Accordance with the City's Charter; (3) Award of a Contract to SuperTrap, Inc. for the Project; and (4) Approval of a Related Budget Amendment			
Contact Person/Dept.: Elaine Jeng/PW, Charles Herbertson/PW		Phone Number: (310) 253-5621, (310) 253-5635	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Master E-Mail Notification List (04/15/09); SuperTrap, Inc., via email on 04/06/2009			
Department Approval: Charles D. Herbertson (04/09/09)		City Attorney Approval: Carol Schwab (by H. Baker) (04/16/09)	
Chief Financial Officer Review: Jeff Muir (by N. Kimball) (04/15/09)		City Manager Approval: Jerry B. Fulwood (04/16/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council 1) approve the final plans and specifications for the Firing Range Rehabilitation Project, P-832; 3) waive the competitive bidding requirements per the City's Charter; 3) award a contract with SuperTrap, Inc. for the construction of the Project; and 4) approve a budget amendment from Asset Seizure funds in the amount of \$300,000 to complete the project. <u>A 4/5th vote is required to approve the contract and the budget amendment.</u> <u>BACKGROUND:</u> In August 2008, the City Council terminated a design-build contract with Fast-Track Construction Inc., (Fast-Track) due to a proposed change order cost for soundproofing that significantly exceeded the available budget. The decision to terminate the contract with Fast-Track was made following a peer review of the proposed project changes by McClaren, Wilson & Lawire, Inc. (MWL), an independent architect. MWL's opinion was that the proposed soundproofing of the firing range was over-designed and more costly to construct than other soundproofing systems. It was the recommendation of MWL that a more cost effective soundproofing system be designed and constructed while still meeting the existing budget and fulfilling the operational needs of the Police Department.			

City of Culver City, California
City Council Agenda Item Report

Subsequent to the termination of the design-build contract with Fast-Track, MWL and Widom Wein Cohen O'Leary Terasawa (WWCOT), the architect under Fast-Track team, was retained for the re-design process. City Council approved a professional services agreement with MWL and WWCOT at the October 13, 2008 meeting. At this meeting, staff indicated that it expected the re-design would be completed in February/March 2009.

DISCUSSION:

The redesign of the firing range project was completed in March 2009. In the new design the specifications of the heating ventilation and air conditioning (HVAC), and electrical components (two major components of the range) are detailed and enhanced, whereas the previous design provided by Fast-Track did not include such detail, which made their submittal unclear. In addition, the initial submittal by Fast-Track raised concerns that the design for the air flow through the range would not provide for laminar flow of air and the resulting turbulence would result in inadequate smoke clearance during range operations. The new design provided by MWL and WWCOT addresses these concerns. Upon the completion of the re-designed plans, staff held meetings with MWL and WWCOT to conduct value engineering in order to reduce the overall project cost.

SuperTrap Inc. (SuperTrap), like WWCOT, was a part of the original team under Fast-Track. SuperTrap's expertise is providing and installing the bullet trapping system, including any ballistic components to provide a complete and operational range. Fast-Track was selected based on a competitive bid. The Police Department had specified a bullet trap system desirable for their training, and this was included in the Request for Proposal to which Fast-Track responded. Based on ballistic specifications from the Police Department, SuperTrap was the only company that satisfied the specifications of the desired bullet trap system.

Because SuperTrap's product satisfies the Police Department's specifications, and SuperTrap's participation in the project was once established through a competitive process as required by the City's Charter, staff is recommending that the competitive bidding requirements be waived in this situation as authorized by the City's Charter, and a construction contract be awarded to SuperTrap for complete installation of the range and construction of the ancillary space (Range Master's room, gun ready room, etc). With this recommendation, staff approached SuperTrap to provide a more comprehensive bid based on the recently completed re-designed plans. Staff conducted numerous meetings with SuperTrap and negotiated pricing options on overhead and profit to be earned by SuperTrap and its team. These negotiations resulted in staff being quite confident in the reasonableness of the project cost.

City of Culver City, California
City Council Agenda Item Report

Final negotiations with SuperTrap concluded costing a proposal in the amount of \$736,302 to construct a complete and operational range plus ancillary spaces.

Per Section 1604 of the City's Charter, the City Council may award a contract without complying with the competitive bidding procedures by a vote of at least four-fifths of its members after a public hearing.

A completed set of plans and specifications is available for review at the City Clerk's Office in City Hall.

FISCAL ANALYSIS:

The project is funded by Asset Seizure Fund (Fund 416). The current project budget for the construction of the range is \$930,000. To date approximately \$230,000 has been expended including the demolition phase of the project. Of the total expended amount, approximately \$65,000 was paid to Fast-Track. The contract amounts with MWL and WWCOT for redesign are a total of \$85,300. The City Council approved a final payment of \$58,855.85 to Fast-Track in March 2009, leaving a total of \$555,840 for project construction.

The remaining project budget is insufficient to fund the construction of the project. Staff recommends the project shortfall of \$254,092 be funded from the Asset Seizure Fund balance. This will require a budget amendment of \$300,000 (i.e. \$250,000 plus 20% contingency) to appropriate the additional cost, increasing the total remaining project budget to approximately \$850,000. There are sufficient Asset Seizure Funds to fund this proposed budget amendment.

ATTACHMENTS:

1. March 9, 2009 Council Report
2. October 13, 2008 Council Report
3. August 25, 2008 Council Report

MOTIONS:

- 1) Approve the final plans and specifications for the Police Firing Range Rehabilitation Project, P-832; and,

City of Culver City, California
City Council Agenda Item Report

- 2) Approve a budget amendment to appropriate \$300,000 from Asset Seizure account number to the budget line item 42000832, Police Firing Range Rehabilitation Project, P-832 (**four-fifths vote required**); and,
- 3) Per Section 1604 of the City's Charter, waive the competitive bidding requirements (**four-fifths vote required**); and,
- 4) Award a contract to SuperTrap for the Police Firing Range Project, P832 in an amount not-to-exceed \$736,302 (**four-fifths vote required**);and,
- 5) Authorize the Public Works Director/City Engineer to approve change orders in an amount not-to-exceed \$73,630, if necessary; and,
- 6) Authorize the City Attorney to review/prepare the necessary documents; and,
- 7) Authorize the City Manager to execute such document on behalf of the City.