

File No. 101387

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: December 1, 2010

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ethics Form 126                              |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement *                         |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
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#### OTHER

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Completed by: Victor Young

Date: November 23, 2010

Completed by: Victor Young

Date: \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Design Agreement - Public Safety Building, Earthquake Safety, and Emergency Response  
2 Bond Program - Not to Exceed \$17,205,152]

3 **Resolution authorizing the Director of Public Works to execute an amendment to the**  
4 **professional services agreement for the design of a new public safety building under**  
5 **the Earthquake Safety and Emergency Response Bond Program to increase the not to**  
6 **exceed amount from \$3,997,600 to \$17,205,152.**

7  
8 WHEREAS, San Francisco Charter Section 9.118, requires that the Board of  
9 Supervisors approve all contracts, other than construction contracts, with an anticipated  
10 expenditure of more than ten million dollars (\$10,000,000); and

11 WHEREAS, The City and County of San Francisco intends to construct a new 300,000  
12 square foot Public Safety Building at Third Street and Mission Rock Boulevard, funded by the  
13 Earthquake Safety and Emergency Response (ESER) bond program, to house a police  
14 headquarters, a police district station, a fire station, and an underground parking garage and  
15 to provide enhanced technology and anti-terrorist features for the City's first-responder  
16 emergency personnel; and,

17 WHEREAS, Through a competitive process, the Department of Public Works has  
18 selected Hellmuth, Obata & Kassabaum, Inc. (HOK), as a professional design firm possessing  
19 the special expertise, qualifications, and experience to provide design professional services  
20 for the new Public Safety Building project; and,

21 WHEREAS, On July 22, 2009, the Director of Public Works awarded a design services  
22 agreement to HOK (the Agreement) in conformance with San Francisco Administrative Code  
23 Section 6.40, *et seq.*, and authorized HOK to provide design services through the Conceptual  
24 Design Phase, for an Agreement amount not to exceed \$3,997,600; and,

1           WHEREAS, The Department of Public Works wishes HOK to proceed with the  
2 completion of the design and with construction administration services for a total Agreement  
3 amount of \$17,205,152; now, therefore, be it

4           RESOLVED, That the Board of Supervisors does hereby approve award and  
5 modification of the professional design services agreement between the City and County of  
6 San Francisco, by its Department of Public Works, and HOK, for the new Public Safety  
7 Building, for an Agreement amount not to exceed \$17,205,152.

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**Item 1**  
**File 10-1387**

**Department:**  
Department of Public Works (DPW)

## EXECUTIVE SUMMARY

### Legislative Objectives

- The proposed resolution would authorize the Director of the Department of Public Works (DPW) to execute an amendment to the professional services agreement with Hellmuth, Obata & Kassabaum (HOK) for the design of a new Public Safety Building under the Earthquake Safety and Emergency Response Bond program to increase the not-to-exceed amount of the existing agreement by \$13,257,552 from \$3,947,600 to \$17,205,152.

### Key Points

- The Budget and Legislative Analyst notes that the amount of the existing agreement is incorrectly shown as \$3,997,600 in the proposed resolution. The correct amount of \$3,947,600 reflects the costs of design services under the existing agreement and therefore should be amended to reflect the correct not-to-exceed amount in the proposed resolution.
- The proposed amendment to increase the existing agreement by \$13,257,552 from \$3,947,600 to a not-to-exceed amount of \$17,205,152 would convert the current initial agreement to a comprehensive master agreement that includes all anticipated design services associated with development of the new Public Safety Building to be performed by HOK through February 1, 2011. The initial agreement between the DPW and HOK was for preliminary planning and conceptual design services, with the understanding that future design services, as needed, would be awarded through amendments to the existing agreement.
- The proposed amendment does not include an extension of the agreement, which is currently scheduled to expire on February 1, 2011. According to the proposed amendment, HOK will provide design services through completion of the Public Safety Building's construction, estimated to be December 2014. Therefore, the Budget and Legislative Analyst recommends changing the amendment to include an agreement termination date of December 31, 2014.

### Fiscal Impact

- The proposed amendment increases the existing agreement's not-to-exceed amount from \$3,947,600 to \$17,205,152, an increase of \$13,257,552 or 336 percent, and will be funded through proceeds from the first Earthquake Safety and Emergency Response (ESER) General Obligation (GO) Bonds sale.
- The proposed amendment reflects an increase of \$3,527,152, or 26 percent, over the total original negotiated amount, from \$13,678,000 to \$17,205,152. According to Mr. Higuera, Program Manager for the ESER Bond Program at DPW, after the existing agreement was awarded on July 22, 2009, the San Francisco Chief of Police requested enhancements to the Public Safety Building's security, which resulted in additional design and engineering services. In addition, the proposed amendment includes a ten percent contingency in the amount of \$1,205,232 that was not included in the original negotiated amount.

### Recommendations

1. Amend the proposed resolution to change the not-to-exceed amount of the existing agreement from \$3,997,600 to \$3,947,600.
2. Amend the proposed resolution to extend the termination date until December 31, 2014.
3. Approve the proposed resolution, as amended.

## MANDATE STATEMENT AND BACKGROUND

### Mandate Statement

In accordance with Charter Section 9.118(b), City agreements with anticipated expenditures of \$10,000,000 or more, or amendments to such City agreements with anticipated expenditures of more than \$500,000 must be approved by the Board of Supervisors.

### Background

On June 8, 2010, voters of San Francisco approved Proposition B, which authorized the issuance of \$412,300,000 of Earthquake Safety and Emergency Response (ESER) General Obligation Bonds. ESER General Obligation Bonds will finance construction, acquisition, improvement, and retrofitting of 19 Fire Stations, the City's Auxiliary Water Supply System (AWSS), a new public safety building and other firefighting infrastructure and facilities related to earthquake safety. As shown in Table 1 below, the total ESER Bond Program Budget is \$412,300,000.

Description	Total Budget
19 Fire Stations	\$65,100,000
Public Safety Building	243,000,000
<b>DPW Subtotal</b>	<b>\$308,100,000</b>
Auxiliary Water Supply System (AWSS)	\$35,000,000
Firefighting Cisterns	36,600,000
Firefighting Pipes and Tunnels	32,600,000
<b>PUC Subtotal</b>	<b>104,200,000</b>
<b>Total ESER Budget</b>	<b>\$412,300,000</b>
<b>Source:</b> San Francisco Department of Public Works	

The single largest project under the subject ESER General Obligation Bonds is the construction of a new \$243,000,000 Public Safety Building on Block 8 in the Mission Bay South Redevelopment Project Area, which is Redevelopment Agency-owned land in Mission Bay. This new Public Safety Building will provide (a) a new Police Headquarters, including a new Southern District Police Station, which are both currently located in the Hall of Justice, and (b) a new Mission Bay Fire Station. The new Public Safety Building project will be managed by the Department of Public Works (DPW).

### Award of Existing Agreement to Hellmuth, Obata & Kassabaum

In order to submit more detailed project, design and cost information on the ESER General Obligation Bond measure to San Francisco's voters on the June 8, 2010 ballot, the City's Capital Planning Commission entered into an initial design services agreement, funded through a capital planning request from the General Fund. On December 30, 2008, the DPW issued a Request for

Qualifications (RFQ) for initial planning and design of the Public Safety Building project. According to Mr. Charles Higuera, Program Manager for the ESER Bond Program at DPW, nine firms submitted proposals and met the DPW's minimum qualifications. The five firms ranked highest were selected for interviews. Interview panelists determined that Hellmuth, Obata & Kassabaum (HOK) was the highest ranking team, and the DPW entered into negotiations with HOK.

On July 22, 2009, the DPW entered into an initial agreement with an end date of February 1, 2011 with HOK to conduct preliminary planning and design options work for \$1,140,100, with the understanding that funding for future design tasks, as needed, would be awarded through amendments to this initial original negotiated total amount of \$13,678,000 to cover all design services associated with the Public Safety Building. The existing agreement is under \$10,000,000 and, in accordance with Charter Section 9.118(b), was not subject to Board of Supervisors approval and was previously executed by DPW.

### Modifications to the Existing Agreement with Hellmuth, Obata & Kassabaum

Since DPW's award of the initial agreement, HOK's agreement has been modified four times, as detailed in Table 2 below.

Services	Original Agreement	Modification One	Modification Two	Modification Three	Modification Four	Total
Preliminary Planning and Design Options	\$1,140,100	\$0	\$0	\$0	\$0	\$1,140,100
Concept Design Phase	\$0	\$1,858,300	\$121,100	\$75,000	\$753,100	\$2,807,500
Authorized Amount	\$1,140,100	\$1,858,300	\$121,100	\$75,000	\$753,100	\$3,947,600

Source: Department of Public Works

As discussed above, the initial agreement amount of \$1,140,100 was for the preliminary planning and design option phase, to establish the basis of design for the Public Safety Building. According to Mr. Higuera, Modification One for an additional \$1,858,300 provided for the initial Concept Design phase, in which the design plan was developed into a realistic project, including (a) setting the size and shape of the building, and (b) delineation of engineered building systems. Modifications Two and Three in the combined amount of \$196,100 provided funding to complete plans for a green roof, conduct a threat analysis<sup>1</sup> and create blast

<sup>1</sup> According to Mr. Higuera, threat analysis is an assessment of possible and probable threats against the Public Safety Building and the identification of strategies to address and diminish the impact of such threats.

renderings<sup>2</sup> and presentation boards<sup>3</sup>. Modification Four for \$753,100 provides design services for (a) basement parking, (b) increased threat mitigation associated with widening sidewalks around the building, revised ballistic and blast mitigation<sup>4</sup>, and enhanced visual screening at the South Courtyard<sup>5</sup>, (c) reconfiguration of building floor plans, and (d) fast tracked construction with early permit and bid packages<sup>6</sup>.

According to a memorandum issued by Mr. Higuera to the Budget and Legislative Analyst on October 29, 2010, the DPW has spent \$2,716,005 of the \$3,947,600 (see Table 2 above) available under the existing agreement, as shown in Table 3 below.

Services	Authorized Amount (A)	Amount Spent (B)	Difference (A-B)	Percent of Unspent to Available Funds
<b>Preliminary Planning and Design</b>	\$1,140,100	\$1,140,100	\$0	0%
<b>Concept Design</b>	\$2,807,500	\$1,575,905	\$1,231,595	43.87%
<b>Total Remaining Funding</b>	<b>\$3,947,600</b>	<b>\$2,716,005</b>	<b>\$1,231,595</b>	<b>31.20%</b>

Source: Department of Public Works

DPW expects to expend the remaining \$1,231,595 balance during the Concept Design phase, which is anticipated to be completed no later than January 2011. Mr. Higuera advised that the initial \$3,947,600 for the existing agreement was funded with General Fund monies. However, because the San Francisco voters approved the Earthquake Safety and Emergency Response (ESER) General Obligation (GO) Bonds, the \$3,947,600 will be reimbursed with ESER Bond proceeds.

## DETAILS OF PROPOSED LEGISLATION

The proposed resolution would authorize the Director of the Department of Public Works (DPW) to execute an amendment to the professional services agreement with Hellmuth, Obata & Kassabaum (HOK) for the design of a new Public Safety Building under the Earthquake

<sup>2</sup> To create blast renderings involves investigating energy and forces created by blast detonations and the implications of such blasts on the Public Safety Building's integrity.

<sup>3</sup> HOK will create presentation boards for use in describing the blast rendering findings to key City department heads and policy-makers.

<sup>4</sup> Ballistic and blast mitigation involves the determination of effective strategies for protecting the Public Safety Building's exterior facade, structural and building systems from the effects of a major blast in order to avoid the potential effects of a major blast on occupant life safety and building operations.

<sup>5</sup> Enhanced visual screening at the South Courtyard refers to the design of appropriate protection from ballistic assault for building occupants and visitors during normal work day use and/or special San Francisco Police Department events.

<sup>6</sup> Fast tracked construction delivery with early permit and bid packages entails development of accelerated bidding packages to initiate construction at the earliest opportunity to enable substantial completion of construction by 2013 in order to avert a possible upswing in labor and material costs in the course of an economic recovery.



Safety and Emergency Response Bond program to increase the not-to-exceed amount by \$13,257,552 from \$3,947,600 to a not-to-exceed \$17,205,152.

The Budget and Legislative Analyst notes that the amount of the existing agreement listed as \$3,997,600 in the proposed resolution is incorrect. The Budget and Legislative Analyst therefore recommends amending the proposed resolution to reflect the correct not-to-exceed amount of \$3,947,600, instead of \$3,997,600.

The proposed amendment will increase the professional services agreement with HOK by \$13,257,552, or 336 percent, from \$3,947,600 to \$17,205,152 and convert the current initial agreement into a comprehensive master agreement that covers all anticipated design services to be performed by HOK through the expiration date of February 1, 2011. As discussed above, the initial agreement was intended only to cover planning and conceptual design associated with the new Public Safety Building, such that funding for future design tasks, as needed, would be awarded by amending the initial agreement to cover the full cost of design services for the new Public Safety Building.

The proposed amendment does not include an extension date for the agreement, which is currently scheduled to expire on February 1, 2011. However, according to the proposed amendment, HOK will be responsible for providing design services through completion of the Public Safety Building's construction, which is currently estimated to be December 2014. Therefore, the Budget and Legislative Analyst recommends amending the proposed agreement to extend the agreement's term through December 31, 2014.

Table 4 shows the costs associated with each phase of design under the proposed amendment.

<b>Table 4: Design Services and Costs Under the Existing and Proposed Agreements</b>	
<b>Basic Services</b>	<b>Costs</b>
<b>Existing Agreement</b>	
Planning and Design	\$1,140,100
Concept Design	2,807,500
Sub-Total	\$3,947,600
<b>Proposed Amendment</b>	
Design <sup>7</sup>	3,495,500
Construction Documentation <sup>8</sup>	3,650,860
Bidding Process Support <sup>9</sup>	426,940
Construction Administration <sup>10</sup>	4,176,720
Warranty Coverage <sup>11</sup>	107,300
Allowance <sup>12</sup>	145,000
Reimbursables <sup>13</sup>	50,000
10% Contingency	\$1,205,232
Sub-Total	\$13,257,552
<b>Total</b>	<b>\$17,205,152</b>
<b>Source: Department of Public Works</b>	

## FISCAL IMPACTS

The proposed amendment increases the existing agreement from \$3,947,600 to a not-to-exceed \$17,205,152, an increase of \$13,257,552 or 336 percent. Costs associated with the amendment would be funded through proceeds from the first Earthquake Safety and Emergency Response (ESER) General Obligation (GO) Bonds sale, which is expected to take place in December 2010. Appropriation of the future bond sale funds in the amount of \$85,000,000 is currently pending approval by the Board of Supervisors (File No. 10-1248).

<sup>7</sup> During the Design Phase, the project is developed to offer more specific design detail.

<sup>8</sup> Design and engineering of the project conclude in the Construction Documentation phase, and HOK will produce plans and specifications to serve as building instructions to construction firms.

<sup>9</sup> HOK will provide assistance during the construction services procurement phase in order to enable effective communication regarding the design details with prospective bidders.

<sup>10</sup> HOK will be required to respond to all requests for information from the construction firm selected during the upcoming RFQ process and supplement documentation to provide assistance throughout the construction period.

<sup>11</sup> Following Final Completion of the Public Safety Building, a 12 month warranty period occurs during which any defects or problematic building conditions discovered and brought to the attention of the construction firm must be corrected by the construction firm. The duty to identify these conditions is shared by HOK and DPW.

<sup>12</sup> This Allowance provides potential reimbursement for HOK for expenses that are possible, but for which no precise scope and accompanying cost estimate is yet available.

<sup>13</sup> Reimbursements refer to the funds used to reimburse HOK for expenses created by future requests from the City that are not included in HOK's existing contract.

According to Mr. Higuera, the proposed agreement amount of \$17,205,152 reflects an increase of \$3,527,152, or 26 percent, over the original total negotiated amount of \$13,678,000, which was agreed upon in June 2009.

As discussed above, on July 22, 2009, the DPW entered into an initial interim agreement to conduct preliminary planning and design options work for \$1,140,100, with the understanding that funding for future design tasks, as needed, would be awarded through amendments to this initial original negotiated total amount of \$13,678,000 to cover all design services associated with the Public Safety Building. Since the agreement was awarded on July 22, 2009, however, previously unidentified operational and security needs have arisen. Specifically, the Chief of Police has requested enhancements of the Public Safety Building's security that include (a) strengthening the building structure to protect against structural collapse from a bomb detonation, (b) enhancing the building façade to prevent bullets or other projectiles from entering the building, and (c) shielding the mechanical air system from harmful airborne agents.

Mr. Higuera explained that no formal criteria exist to respond to requests related to security threats upon municipal buildings. Therefore, in response to the Police Chief's concerns, DPW retained a consultant with expertise in security threats to conduct a threat analyses and a structural engineering firm to offer recommendations on the avoidance of structural collapse. The Police Department reviewed both consultants' findings and the proposed amendment reflects the Police Department's recommendation. Mr. Higuera advised that no additional enhancements to the Public Safety Building for the sake of threat protection are expected. In addition, the proposed increased amount of \$13,257,552, from \$3,947,600 to the revised amended total amount of \$17,205,152, includes a ten percent contingency in the amount of \$1,205,232 that was not included in the original negotiated amount.

According to Mr. Higuera, the increased design costs from the original total negotiated amount of \$13,678,000 to the proposed amended amount of \$17,205,152 will be funded from the overall Public Safety Building project's contingency. According to Mr. Higuera, the overall Public Safety Building project cost is \$243,000,000, including a \$31,448,000 contingency. Mr. Higuera also notes that this design cost increase will not affect other project budgets under the ESER Bond Program, including the Neighborhood Fire Station budget and the AWSS budget.

Table 5 below compares the original negotiated amount of \$13,678,000 versus the current estimated costs of \$17,205,152 and identifies the type of services and the amounts of such increases.

<b>Table 5: Negotiated versus Current Design Service Costs</b>				
<b>Basic Services</b>	<b>Original Negotiated Costs (A)</b>	<b>Current Costs (B)</b>	<b>Difference (B-A)</b>	<b>Percent Difference</b>
<b>Existing Agreement</b>				
Planning and Design Options	\$1,140,100	\$1,140,100	\$0	0%
Concept Design	\$1,858,300	\$2,807,500	\$949,200	51%
<b>Sub-Total</b>	<b>\$2,998,400</b>	<b>\$3,947,600</b>	<b>\$949,200</b>	<b>32%</b>
<b>Proposed Amendment</b>				
Detailed Design	\$2,988,800	\$3,495,500	\$506,700	17%
Construction Documents	\$3,325,560	\$3,650,860	\$325,300	10%
Bid	\$338,440	\$426,940	\$88,500	26%
Construction Administration	\$3,926,500	\$4,176,720	\$250,220	6%
Warranty	\$100,300	\$107,300	\$7,000	7%
Allowance		\$145,000	\$145,000	100%
Reimbursements		\$50,000	\$50,000	100%
10% Contingency				
<b>Sub-Total</b>	<b>\$10,679,560</b>	<b>\$12,052,320</b>	<b>\$1,372,760</b>	<b>13%</b>
10% Contingency		\$1,205,232	\$1,205,232	100%
<b>Total</b>	<b>\$13,678,000</b>	<b>\$17,205,152</b>	<b>\$3,527,152</b>	<b>26%</b>
Source: Department of Public Works				

## RECOMMENDATIONS

1. Amend the proposed resolution to change the not-to-exceed existing agreement from \$3,997,600 to \$3,947,600.
2. Amend the proposed resolution to extend the proposed agreement termination date through December 31, 2014.
3. Approve the proposed resolution, as amended.

**FORM SFEC-126:**  
**NOTIFICATION OF CONTRACT APPROVAL**  
(S.F. Campaign and Governmental Conduct Code § 1.126)

<b>City Elective Officer Information</b> <i>(Please print clearly.)</i>	
Name of City elective officer(s): Members, San Francisco Board of Supervisors	City elective office(s) held: Members, San Francisco Board of Supervisors
<b>Contractor Information</b> <i>(Please print clearly.)</i>	
Name of contractor: Hellmuth Obata + Kassabaum, Inc.	
<i>Please list the names of (1) members of the contractor's board of directors; (2) the contractor's chief executive officer, chief financial officer and chief operating officer; (3) any person who has an ownership of 20 percent or more in the contractor; (4) any subcontractor listed in the bid or contract; and (5) any political committee sponsored or controlled by the contractor. Use additional pages as necessary.</i>	
Please see attachment for items 1-5	
Contractor address: One Bush, Suite 200 San Francisco, CA 94104	
Date that contract was approved:	Amount of contract:
Describe the nature of the contract that was approved:	
Comments:	

This contract was approved by (check applicable):

the City elective officer(s) identified on this form

a board on which the City elective officer(s) serves San Francisco Board of Supervisors  
Print Name of Board

the board of a state agency (Health Authority, Housing Authority Commission, Industrial Development Authority Board, Parking Authority, Redevelopment Agency Commission, Relocation Appeals Board, Treasure Island Development Authority) on which an appointee of the City elective officer(s) identified on this form sits

Print Name of Board

<b>Filer Information</b> <i>(Please print clearly.)</i>	
Name of filer: Clerk of the San Francisco Board of Supervisors	Contact telephone number: (415) 554-5184
Address: City Hall, Room 244, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102	E-mail: <a href="mailto:bos.legislation@sfgov.org">bos.legislation@sfgov.org</a>

\_\_\_\_\_  
Signature of City Elective Officer (if submitted by City elective officer)

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Board Secretary or Clerk (if submitted by Board Secretary or Clerk)

\_\_\_\_\_  
Date Signed

- (1) Hellmuth, Obata & Kassabaum, Inc. is a wholly owned subsidiary of HOK, Inc., which is in turned owned by HOK Group, Inc. The directors of HOK Group, Inc. are Patrick MacLeamy, William Valentine, William Hellmuth, Thomas Robson, Riccardo Mascia, Robert Pratzel and Clark Davis.
- (2) The Chief Executive Officer for HOK Group, Inc. is Patrick MacLeamy; Chief Financial Officer is Robert Pratzel. There is no Chief Operating Officer.
- (3) HOK Group, Inc. is 100% employee-owned. No single individual owns 20% or more of the Company's stock.
- (4) Mark Cavagnero Associates, McClaren Wilson Lawrie, Tom Elliot Fische, PB Strategies, Telamon Engineering Consultants, Inc., Cliff Lowe Associates, SOHA Engineers, Arup, SJ Engineers, Ajmani & Pamidi, Inc., Smith, Fause & McDonald, Inc., JS Nolan + Associates Lighting Design, LLC, Simon & Associates, Inc., Syska Hennessy Group, Simpson Gumpertz & Heger, Madeleine Corson Design, Davis Langdon, M Lee Corporation
- (5) No

City and County of San Francisco



Gavin Newsom, Mayor  
Edward D. Reiskin, Director



Phone: (415) 554-6920  
Fax: (415) 554-6944  
TDD: (415) 554-6900  
www.sfdpw.org

Department of Public Works  
Office of the Director  
City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4645

November 1, 2010

Ms. Angela Calvillo  
Clerk of the Board  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 NOV - 1 AM 11:42  
BY: [Signature]

Subject: San Francisco Public Safety Building Design Contract

Dear Ms. Calvillo:

The Department of Public Works is requesting approval to execute an amendment to the Design Agreement with Hellmuth, Obata & Kassabaum, Inc. (HOK) increasing the interim contract amount by \$13,257,552 - from \$3,947,600 to \$17, 205,152 to pay for ongoing architectural and engineering services as described in the master contract.

Background

DPW entered into an interim agreement with HOK on July 22, 2009 subsequent to a competitive RFQ and screening process to design a new Public Safety Building. The basic services will include the following phases (1) Program Verification/Options; (2) Concept; (3) Design; (4) Construction Documents/Bid; (5) Construction Administration; and (6) Warranty. The fee for these services were negotiated and agreed at \$13,678,000.

Separately, DPW selected Charles Pankow Builders, Ltd. (Pankow), as the project's Construction Manager/General Contractor (CM/GC) following a qualifications- based and bid proposal selection process. Together, HOK and Pankow will deliver the new Public Safety Building employing the City's Integrated Project Delivery (IPD) method.

Since July 22, 2009, HOK's agreement has been modified four times and the detail describing these modifications is contained in the copy of the Memorandum to the Budget Analyst's Office attached to this letter.

We respectfully request a Board of Supervisors' approval to amend the Hellmuth, Obata & Kassabaum, Inc. Agreement in the form of the attached draft Resolution in order to continue to the development of the Public Safety Building (Project #6615A) and enable it to proceed to construction.

Ms. Angela Calvillo  
SF Public Safety Building Design Contract  
November 1, 2010  
Page 2



If you have questions, feel free to contact me at (415) 554-6920 or Charles Higuera of my staff at (415) 557-4646.

Sincerely,

**Edward D. Reiskin**  
Director

ATTACHMENTS



City and County of San Francisco



Gavin Newsom, Mayor  
Edward D. Reiskin, Director

Charles A. Higuera FAIA  
Program Manager  
Earthquake Safety and Emergency Response  
(ESER) Bond Program  
30 Van Ness, 4<sup>th</sup> Floor  
San Francisco, CA 94102

PH 415-557-4646  
FAX 415-522-7745  
CELL 415-307-7891  
www.sfdpw.org

Department of Public Works  
Fuad Sweiss, PE, PLS  
City Engineer & Deputy Director for  
Engineering

Architecture Bureau  
Gary Hoy, A.I.A.

Construction Management  
Donald J. Eng, P.E.

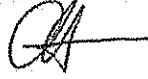
Engineering Bureau  
Patrick Rivera, P.E.

Project Management Bureau  
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Street Use and Mapping Bureau  
Jerry Sanguinetti

October 29, 2010

TO: Debra Newman  
Budget Analyst's Office

FROM: Charles A. Higuera, FAIA   
Earthquake Safety and Emergency Response (ESER) Bond Program

SUBJECT: Amendment to Design Agreement  
Hellmuth, Obata & Kassabaum, Inc. (HOK)  
Modification No. 5

The Department of Public Works (DPW) respectfully requests your recommendation for approval of the Amendment to the Design Agreement with Hellmuth, Obata & Kassabaum, Inc. (HOK) increasing the contract amount by \$13,257,552 from \$3,947,600 to \$17,205,152.

**Background**

DPW entered into an interim agreement with HOK on July 22, 2009 subsequent to a competitive RFQ and screening process to design a new Public Safety Building. The basic services will include the following phases (1) Program Verification/Options; (2) Concept; (3) Design; (4) Construction Documents/Bid; (5) Construction Administration; and (6) Warranty. The fee for these services were negotiated and agreed at \$13,678,000.

Separately, DPW selected Charles Pankow Builders, Ltd. (Pankow), as the project's Construction Manager/General Contractor (CM/GC) following a qualifications-based and bid proposal selection process. Together, HOK and Pankow will deliver the new Public Safety Building employing the City's Integrated Project Delivery (IPD) method.

Since July 22, 2009, HOK's agreement has been modified four times:

**Original**

Authorized HOK to proceed with the Program Verification/Options Phase for an original contract amount of \$1,140,100.

**Modification No. 1**

Authorized HOK to proceed with the Concept Phase and increased the contract amount by \$1,858,300 from \$1,140,100 to \$2,998,400.

**Modification No. 2 and No. 3**

HOK provided additional services related to the Concept Phase to include a Green Roof, Threat Analysis, Blast, Renderings and Presentations boards. Both modifications totaled \$196,100 and increased the contract amount from \$2,998,400 to \$3,194,500.

**Modification No. 4**

Increased the scope of work in the Concept Phase to include the additional services pertaining to: (1) Added Basement level parking; (2) Increased Threat Mitigation by widened the sidewalks; added anti ram at the curb edges; revised ballistic and blast mitigation; and enhanced visual screening at the south courtyard; (3) Reconfiguration of building floor plans to reflect police department reorganization under the new chief (4) Fast Tracked construction delivery with increased number of early permit and bid packages. The agreement increased by \$753,100 from \$2,998,400 to \$3,947,600.

A detail account of the modifications to interim Agreement is included in Attachment A along with copies of the original agreement and subsequent modification.

**Modification No. 5**

Modification No. 5, the subject of this memorandum, will increase the agreement by \$12,052,320 from \$3,947,600 to \$15,999,920 and will convert the interim agreement to a comprehensive master agreement. Due to the augmented services in the concept phase detailed in Modification No. 4, the original fee of \$13,678,000 increased to \$15,999,920 since the additional scope of work will affect the remaining phases Design, Construction Documents/Bid, Construction Administration, and Warranty.

Refer to Attachment B for a modification matrix

**A/E Additional Service Contingency**

The requested amount of \$17,205,152 includes a 10% contingency on the sum noted above of \$12,052,320 for an amount of \$1,205,232 and which will not be incorporated in the Modification No. 5. This will allow DPW the flexibility to consider and process any future additional service expediently and promptly, avoiding as possible, project delays..

**Summary**

The original increased fee by \$2,321,920 from \$13,678,000 to \$15,999,920. Modifications 1 thru 4 increased the concept phase by \$949,200 from \$1,858,300 to \$2,807,500. As a result of the augmented services included in Modification No. 4, the design thru the warranty phases were affected and thereby the fee increased accordingly. The following is summary of the modification to the original fee.

**Basic Services Fee**

Basic Services	Original Fee	Mod No. 5	
		Mod Amount	Modified Amt.
1. Program Verification and Options Phase	\$1,140,100.00		\$1,140,100.00
2. Concept Phase	\$1,858,300.00	\$949,200.00	\$2,807,500.00
3. Design Phase	\$2,988,800.00	\$506,700.00	\$3,495,500.00
4. Construction Documents	\$3,325,560.00	\$325,300.00	\$3,650,860.00
5. Bid	\$338,440.00	\$88,500.00	\$426,940.00
6. Construction Administration	\$3,926,500.00	\$250,220.00	\$4,176,720.00
7. Warranty	\$100,300.00	\$7,000.00	\$107,300.00
8. Allowance		\$145,000.00	\$145,000.00
9. Reimbursables		\$50,000.00	\$50,000.00
<b>HOK's Basic Services</b>	<b>\$13,678,000.00</b>	<b>\$2,321,920.00</b>	<b>\$15,999,920.00</b>

**DPW's Contingency for possible A/E  
 Additional Service** **\$1,205,232.00**

**Requested Approval** **\$17,205,152.00**

Again, DPW respectfully requests your recommendation for approval of the Amendment to the Design Agreement (HOK) increasing the contract amount by \$12,052,320 from \$3,947,600 to \$15,999,920. Further, DPW requests authorization of a contingency of \$1,205,232 to modify HOK's agreement for an amount not to exceed \$17,205,152 in the event that unforeseen circumstances should arise that require additional service.

If you have any questions, please contact me at (415) 557-4646 or Jim Buker at (415) 557-4758.

c Mark Otsea, Laura Blake, Steven Slosek, HOK  
 Ed Reiskin, Edgar Lopez, Jim Buker, Marisa Fernandez, DPW

Enclosure: As Noted.

