



# City of Carson Report to Successor Agency

April 16, 2013  
New Business Consent

**SUBJECT: CONSIDERATION OF APPROVAL OF THE FIRST AMENDMENT TO THE CONSTRUCTION CONTRACT WITH CWS SYSTEMS, INC., FOR PROJECT NO. 1223: CARSON PARK MASTER PLAN**

*Farrokh A Abolfathi*

Submitted by Farrokh Abolfathi  
Acting Director of Public Works

*David C Biggs*

Approved by David C. Biggs  
Executive Director

## **I. SUMMARY**

Due to the recent changes in the additional scope of work necessary to complete the remaining improvements for Project No. 1223: Carson Park Master Plan, staff requests that the Carson Successor Agency authorize the First Amendment to the existing contract with CWS Systems, Inc., for the additional work, contracts and funding requirements for an additional fee not-to-exceed \$822,000.00.

## **II. RECOMMENDATION**

TAKE the following actions:

1. APPROVE the First Amendment to the Construction Contract between the Carson Successor Agency and CWS Systems, Inc., for the additional scope of work to include the improvements requested by the Recreation and Human Services Division which are necessary to complete Project No. 1223: Carson Park Master Plan, for a negotiated fee not-to-exceed \$822,000.00.
2. AUTHORIZE the Agency Chairman to execute the First Amendment to the Construction Contract between the Carson Successor Agency and CWS Systems, Inc., after approval as to form by the Agency Counsel.

## **III. ALTERNATIVES**

1. DO NOT APPROVE the First Amendment to the Construction Contract with CWS Systems, Inc.
2. TAKE another action the Carson Successor Agency deems appropriate consistent with the requirements of law.

## **IV. BACKGROUND**

The City's Capital Improvement Program (CIP) calls for the construction of Project No. 1223: Carson Park Master Plan, located at 21411 S. Orrick Avenue (Exhibit No. 1). Carson Park occupies 10.9 acres and is previously developed with ball fields, 2 basketball courts, a children's play area, a horse shoe area, meeting/craft rooms, picnic areas, a snack bar, volleyball courts, and a swimming pool.

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The existing community center and remote restroom buildings were demolished and were reconstructed as part of these improvements. A newly constructed 21,210 square foot building for a gymnasium, activity room, dance room, computer room, workout area, childcare facility, and a concession area is nearing completion and will be ready for occupancy very soon.

On September 6, 2011, the Successor Agency awarded the construction contract that was made subject to Project Labor Agreement to the firm staff recommended to be the lowest monetary and responsive bidder, CWS Systems, Inc. (CWS), in the bid amount of \$9,351,000.00 (Exhibit No. 2). The original scope of work defined in the existing construction contract with CWS does not include any improvement to the existing Carson Park Aquatic Facility. The existing Carson Park Aquatic facility was determined to be not in compliance with the current American with Disability Act (ADA) requirements and the Health Department requirements; staff was operating a facility that does not meet the current Uniform Building Code and Health Code. As a result, Recreation and Human Services Division requested to include the limited renovation of the existing Carson Park Aquatic Facility to the on-going Carson Park Master Plan project.

To comply with the ADA requirements, renovation and improvements upgrade to the building interior is necessary. The renovation required is a change to the facility that affects the usability of the facility or part thereof. It includes reconstruction, changes of the structural parts, and changes in the plan configuration of walls and full-height partitions. The ability of building spaces and elements, such as counters, lavatories, and grab bars will be added or altered so as to accommodate the needs of individuals with different types or degrees of disability. A continuous unobstructed path connecting all accessible elements and spaces of the facility will be provided. Doorways will be reconstructed to allow for disabled access by providing doors wide enough and landing areas large enough to accommodate a wheelchair. Renovation to the aquatic facility will be done in a manner so as to ensure that it complies with the ADA requirements to the maximum extent feasible.

Carson Park Aquatic Facility is one of the oldest building in the City with an outdated design and with the building façade already deteriorating. To make the existing Carson Park Aquatic Facility compatible with the newly constructed gymnasium building, it was suggested that exterior improvements be completed by upgrading the façade of the building, enhancing the structure, style, materials, and detailing. The building façade is an elegant component that helps define the architectural aesthetic of the building. The façade improvements will include:

- a. Installation of Coronado stone veneer.
- b. Construction of entry structural steel trellis.
- c. Exterior painting, re-siding, and professional cleaning.
- d. Restoration of exterior finishes and materials.

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- e. Concrete masonry repairs.
- f. Removal of architecturally inappropriate or incompatible exterior finishes and materials.
- g. Restoration of architectural details or removal of materials that cover architectural detail.
- h. Installation of non-electronic exterior signage.
- i. Installation of electronic marquee sign.

The proposed exterior improvements are designed to eliminate construction incompatibility with the newly constructed gymnasium building. It will provide aesthetically pleasing identification of the aquatic facility and will eliminate outdated and unharmonious finishing.

To accommodate the required interior and exterior improvements, staff directed the Architect to prepare additional plans and specifications that includes the above additional work. Plans and Specifications have been completed, reviewed and approved by Building and Safety Division. The plans and specifications were forwarded to CWS for submittal of bid proposal. For these additional work, CWS submitted their proposals, and staff negotiated the construction contract revision for an additional fee not-to-exceed \$490,000.00 for pool renovation and building interior improvements to comply with ADA. For the required exterior improvements, CWS submitted their bid and staff negotiated the construction contract revision for an additional fee not-to-exceed \$332,000.00. Therefore, the total combined amount for the required interior and exterior improvements submitted by CWS is \$822,000.00.

Due to the alarming number of crimes, theft, and vandalism within the City, Public Safety Division requested that installation of security cameras be included in the additional scope of work for the Carson Park Master Plan project. It was determined that a total of 42 security cameras are needed to be installed at strategic locations that would cover the inside and outside of the gymnasium building as well as the parking lot, baseball field, and the aquatic facility area. Staff is soliciting bid proposals from different qualified vendors and will determine the cost of the security camera installation. It is expected that bid proposals will be received from the qualified vendors in the next week or two and it is anticipated that the contract will be awarded to the most qualified and lowest monetary bidder on May 7, 2013 Carson Successor Agency meeting.

The construction of the Carson Park Master Plan project is approximately 95% complete, with a reasonable number of change orders experienced to date. It is expected that the gymnasium building as well as the outside improvements including all the hardscape and landscape improvements, and all the park features will be completed by the end of April 2013. A Temporary Certificate of Occupancy was issued by the Building and Safety Division on March 26, 2013

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and the building is ready for occupancy. However, the additional building interior and exterior improvements requested by City staff for Carson Park Aquatic Facility would need additional time to complete. It is anticipated that an additional 75-calendar days may be necessary to accommodate the additional scope of work and complete these improvements, which will take the completion date of the Carson Park Aquatic Facility to June 14, 2013.

Based on the above, staff is requesting that the CSA approve the First Amendment to the existing construction with CWS Systems, Inc., for the required additional work needed to complete the Carson Park Project for the not-to-exceed amount of \$822,000.00 (Exhibit No. 3).

**V. FISCAL IMPACT**

The total construction bid amount for this improvement project is \$9,351,000.00, and the total cost of the professional services and contingency is now \$4,194,140.00, for a total project cost of \$13,545,140.00. Funds for this project, in the amount of \$10,000,000.00, were included in the FY 2011/12 Carson Consolidated Project Area budget account no. 30-70-710-996-8004/ 012230.

On September 6, 2011, the CSA appropriated an additional \$2,327,799.00 from the Carson Consolidated Project Area fund balance to account no. 30-70-710-996-8004/0122301.

On May 1, 2012, the CSA appropriated an additional \$73,832.00 from the general fund balance to account no. 01-99-999-004-8004/0122301.

On December 18, 2012, the CSA appropriated an additional \$166,882.00 from the unreserved, undesignated CSA fund balance to account no. 82-70-793-985-8004/0122301.

On January 15, 2013, the CSA appropriated an additional \$25,764.00 from Agency bond funds to account no. 82-70-793-985-8004/0122301.

On February 19, 2013, the CSA appropriated an additional \$19,500.00 from Agency bond funds to account no. 82-70-793-985-8004/0122301.

On March 19, 2013, the CSA appropriated an additional \$109,363.00 from Agency bond funds to account no. 82-70-793-985-8004/0122301.

All of the above appropriations approved under the jurisdiction of the dissolved Redevelopment Agency were folded into the FY 2012/13 budget of the Carson Successor Agency for a total of \$14,400,000.00 using bond funds. This total allocation was also included in the 5-Year CIP approved on October 16, 2012. Anticipated use of funds shown on Exhibit No. 4 shows a total of \$13,545,140.00. Compared with the total budget of \$14,400,000.00, there are available funds for the cost of the contract amendment with CWS Systems, Inc.

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## VI. EXHIBITS

1. Location Map. (pg. 6)
2. Minutes, Sept. 6, 2011, Item No. 3. (pg. 7)
3. First Amendment to the Construction Contract with CWS Systems, Inc. (pgs. 8-12)
4. Anticipated Uses of Funds. (pg. 13)

GAENGINEERING DIVISION\PROJECTS\1223 Carson Park Master Plan\Agendas\04-16-13 CSA PROJ. 1223\_CWS SYSTEMS\_1ST AMENDMENT FINAL.doc

Prepared by: Gilbert M. Marquez, P.E. – Senior Civil Engineer

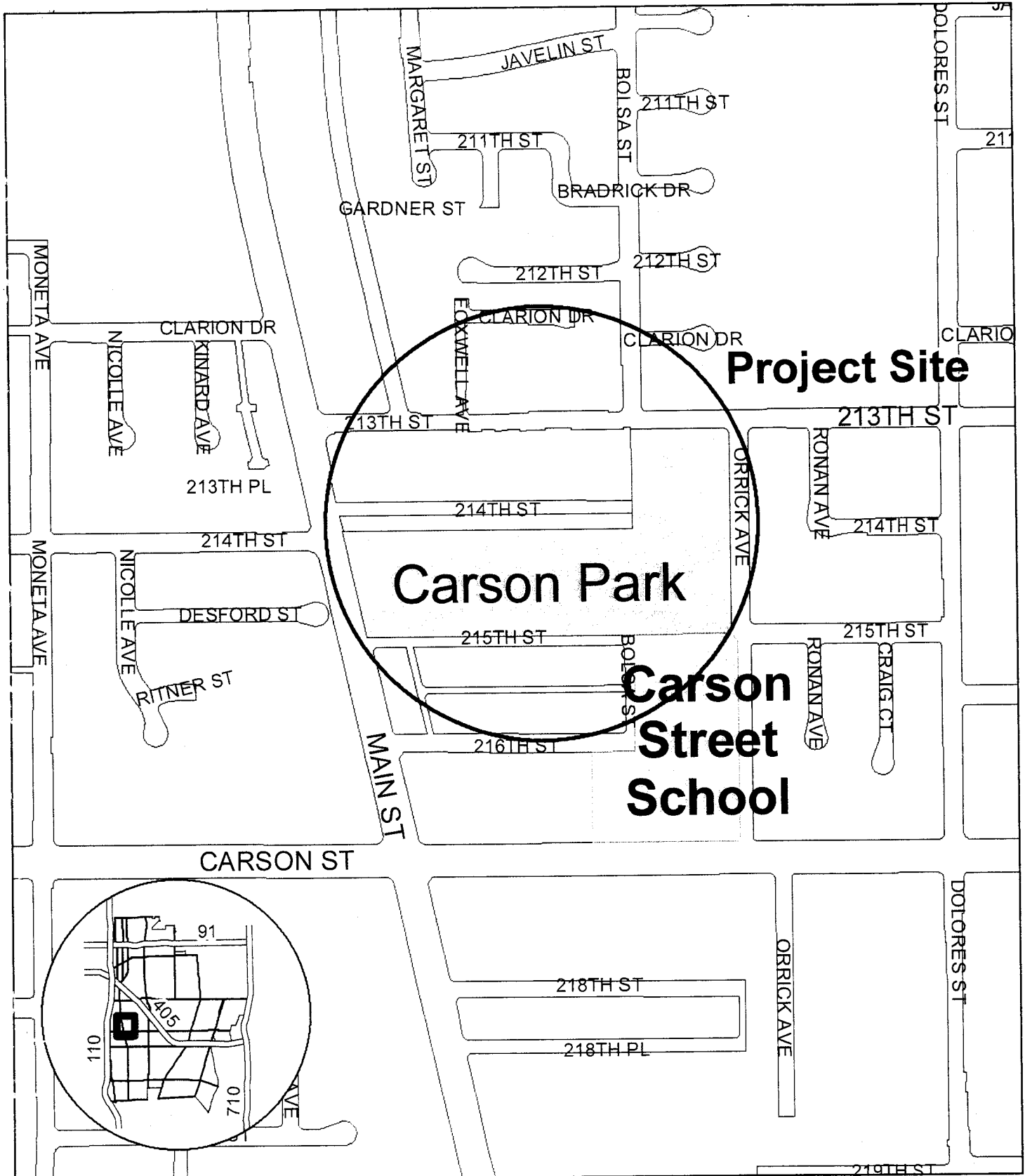
TO: Rev09-04-2012

Reviewed by:

City Clerk	City Treasurer
Administrative Services <i>Trina H. Callaghan</i>	Public Works
Community Development	Community Services

## Action taken by Successor Agency

Date \_\_\_\_\_ Action \_\_\_\_\_



Location Map  
Project No. 1223  
Carson Park Master Plan



EXHIBIT NO. 1

Agency Item No. 3: **CONSIDER AN AWARD OF A CONSTRUCTION CONTRACT FOR PROJECT NO. 1223: CARSON PARK MASTER PLAN (DEVELOPMENT SERVICES)**

Agency Item No. 4: **CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH VANIR CONSTRUCTION MANAGEMENT, INC. TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR PROJECT NO. 1223: CARSON PARK MASTER PLAN (DEVELOPMENT SERVICES)**

Council Item No. 8: **MEETING DISPOSITION: CITY COUNCIL POLICY SUB-COMMITTEE (ADMINISTRATIVE SERVICES)**

Council Item No. 12: **CONSIDER APPROVAL OF CARSON CIRCUIT FIXED ROUTE CHANGES TO ROUTE E (DEL AMO) AND ROUTE G (METRO BLUE LINE 2) (DEVELOPMENT SERVICES)**

Council Item No. 14: **CONSIDERATION TO ACCEPT THE 2011 CALTRANS COMMUNITY-BASED TRANSPORTATION PLANNING GRANT TO CREATE A COMPREHENSIVE MASTER PLAN OF BIKEWAYS (ECONOMIC DEVELOPMENT)**

The motion to approve Council New Business Consent Calendar Item Nos. 2, 3, 5, 6, 7, 9, 10, 11, 13, 15, 16, 17, 19, 20, 21, and 22 and Agency New Business Consent Calendar Item Nos. 1, 2, and 5 was unanimously carried by the following vote:

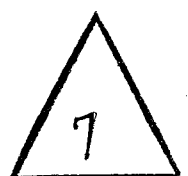
Ayes: Mayor/Chairman Dear, Mayor Pro Tem/Vice Chairman Ruiz-Raber, Council/Agency Member Davis Holmes, Council/Agency Member Gipson, and Council/Agency Member Santarina

Noes: None

Abstain: None

Absent: None

**RECESS:** After the New Business Consent Calendar, the City Council was Recessed at 10:25 P.M. by Mayor/Chairman Dear to the Redevelopment Agency to discuss Agency Item No. 6.



**FIRST AMENDMENT TO CONSTRUCTION CONTRACT/AGREEMENT FOR THE  
CONSTRUCTION OF PROJ. NO. 1223 – CARSON PARK MASTER PLAN  
(Carson Successor Agency/CWS Systems, Inc.)**

This "First Amendment to Construction Contract for construction of Proj. No. 1223 – Carson Park Master Plan ("First Amendment"), is effective as of April 16, 2013, and is by and between CARSON SUCCESSOR AGENCY, a public body corporate and politic and a political subdivision of the State of California ("Agency") and CWS SYSTEMS, INC. a California corporation (herein "Contractor") and is an amendment to that certain "Construction Contract/Agreement" for construction of Proj. No. 1223 – Carson Park Master Plan, executed by and between the parties effective as of December 1, 2011.

**RECITALS**

A. City and Contractor have entered into a contract effective December 1, 2011, by which Contractor would provide labor and materials for the construction of Proj. No. 1223 – Carson park Master Plan project to the City of Carson.

B. The additional work is required as follows:

Renovation of existing Carson Park Aquatic Facility that includes interior and exterior improvements of the existing building, and improvements to the existing pool to comply with the requirements of the American with Disability Act (ADA) and the County Health Department. The required improvements also includes the reconstruction of the façade of the existing building to make the existing Carson Park Aquatic Facility compatible with the newly constructed gymnasium building. All required improvements to the existing Carson Park Aquatic Facility should be completed per approved plans and specifications and to the satisfaction of the City Engineer. This additional work is subject to Project labor Agreement.

C. Accordingly, the parties desire to amend the Agreement to expand the description of work and increase the compensation by \$822,000.00 to perform work beyond that provided in the original scope of work and to facilitate the changes and provide for the timely completion of the project construction.

**CONTRACT**

**NOW, THEREFORE**, in consideration of performance, by the parties hereto, of the promises, covenants, and conditions herein contained, the parties hereto agree to the terms of this First Amendment and hereby amend the following provisions of the Contract:

1. Section 1.1. "Scope of Services", is hereby amended, to add the following to the "Scope of Services," at the end thereof:

**EXHIBIT NO. 03**



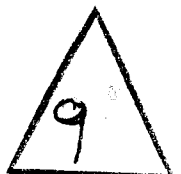


Renovation of existing Carson Park Aquatic Facility that includes interior and exterior improvements of the existing building, and improvements to the existing pool to comply with the requirements of the American with Disability Act (ADA) and the County Health Department. The required improvements also includes the reconstruction of the façade of the existing building to make the existing Carson Park Aquatic Facility compatible with the newly constructed gymnasium building. All required improvements to the existing Carson Park Aquatic Facility should be completed per approved plans and specifications and to the satisfaction of the City Engineer. This additional work is subject to Project labor Agreement.

2. Section 2.0. Compensation: is hereby amended, to increase the total compensation by an amount not-to-exceed eight hundred twenty two thousand dollars (\$822,000.00).

Except as amended by this First Amendment, all other provisions of the Contract shall remain unmodified and in full force and effect.

**[End – Signature Page Follows]**



**IN WITNESS WHEREOF**, the parties have caused their duly authorized representatives to execute this First Amendment to the Construction Contract/Agreement as of the date first written above.

ATTEST:

"CITY"  
CITY OF CARSON

By: \_\_\_\_\_

Donesia L. Gause  
Agency Secretary

By: \_\_\_\_\_  
Chairman Jim Dear

APPROVED AS TO FORM:  
ALESHIRE & WYNDER, LLP

By: \_\_\_\_\_  
City Attorney

Attest:

"CONSULTANT"  
CWS Systems, Inc.

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

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

Dated: \_\_\_\_\_

SEAL



## **EXHIBIT A SCOPE OF WORK**

Following items are added to the original scope of services for the above referenced project.

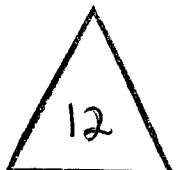
Renovation of existing Carson Park Aquatic Facility that includes interior and exterior improvements of the existing building, and improvements to the existing pool to comply with the requirements of the American with Disability Act (ADA) and the County Health Department. The required improvements also includes the reconstruction of the façade of the existing building to make the existing Carson Park Aquatic Facility compatible with the newly constructed gymnasium building. All required improvements to the existing Carson Park Aquatic Facility should be completed per approved plans and specifications and to the satisfaction of the City Engineer. This additional work is subject to Project labor Agreement.



**EXHIBIT B  
COMPENSATION**

An additional compensation not to exceed \$822,000.00 to cover the costs for additional scope of work exhibit "A" above.

The Original Total Contract Sum.....	\$9,351,000.00.00
Additional Compensation (not to exceed).....	<u>\$ 822,000.00</u>
<b>Revised Total Contract Sum.....</b>	<b>\$ 10,173,000.00</b>



# **ANTICIPATED USES OF FUNDS**

DESCRIPTION OF SERVICES	REVISED BUDGET #1	PROJECT AMEND. #2 (2/1/12)	PROJECT AMEND. #3 (4/3/12)	PROJECT AMEND. #4 (5/1/12)	PROJECT AMEND. #5 (10/2/12)	PROJECT AMEND. #6 (12/18/12)	PROJECT AMEND. #7 (01/15/13)	PROJECT AMEND. #8 (02/19/13)	PROJECT AMEND. #9 (03/19/13)	PROJECT AMEND. #10 (04/16/13)	REVISED BUDGET
Construction Cost	\$9,351,000.00									\$822,000.00	\$10,173,000.00
Construction Contingency	1,402,650.00	-\$24,560.00	-\$23,260.00		-\$142,435.00						1,212,395.00
Design Architect	707,609.00				39,050.00						746,659.00
Staff Augmentation	160,000.00										160,000.00
Construction Management/Ins pection	706,540.00		23,260.00	73,832.00	89,385.00	\$166,882.00	\$25,764.00		\$109,363.00		1,195,026.00
Soils Inspection		24,560.00			14,000.00			\$19,500.00			58,060.00
<b>TOTAL</b>	<b>\$12,327,799.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$73,832.00</b>	<b>\$0.00</b>	<b>\$166,882.00</b>	<b>\$25,764.00</b>	<b>\$19,500.00</b>	<b>\$109,363.00</b>	<b>\$822,000.00</b>	<b>\$13,545,140.00</b>