



**Date:** February 5, 2013

**To:** Thomas J. Bonfield, City Manager

**Through:** W. Bowman Ferguson, Deputy City Manager

**From:** Joel V. Reitzer, Jr., Director, General Services Department

**Subject:** Amendment to Agreement to Provide Design Services for Structural Repairs at Church Street Parking Deck between the City of Durham and Kimley-Horn and Associates, Inc.

### **Executive Summary**

On January 17, 2012, City Council approved a contract with Kimley-Horn and Associates, Inc. (KHA) for professional services for design and construction administration for Priority 1 structural repairs to the Church Street Parking Deck, as identified in the facility assessment report conducted in 2011. This amendment adds further design services, addressing American with Disabilities (ADA) deficiencies, identified in the 2005 Department of Justice Settlement Agreement. The structural and ADA scopes of work will proceed together and be bid as one construction project.

### **Recommendation**

The General Services Department recommends that the City Council:

1. Authorize the City Manager to execute the Amendment to Agreement to Provide Design Services for Structural Repairs at Church Street Parking Deck between the City of Durham and Kimley-Horn and Associates, Inc. in the amount of \$20,900.00 for design services to address ADA parking deficiencies;
2. Establish a contingency in the amount of \$3,000.00, and authorize the City Manager to negotiate and execute amendments to the Kimley-Horn and Associates, Inc., Professional Services Contract, so long as the total contract amount does not exceed \$97,050.00.

### **Background**

In 2005, the City reached an agreement with the US Department of Justice (DOJ) to address existing physical and programmatic barriers in City facilities that did not comply with the Americans with Disabilities Act (ADA). Accessible parking deficiencies at the Church Street Parking Deck were identified in the agreement. This amendment will address the required accessibility upgrades. The design for the ADA improvements will be combined with the structural repair design, which is nearly complete, and will be bid together as one project. Design services related to the ADA scope of work were inadvertently omitted from the original KHA contract.

## Issues/Analysis

Structural integrity and repairs need to be addressed before the deck loses operational functionality, and the ADA improvements are a requirement of the DOJ Settlement Agreement. These scopes of work can be efficiently bid together as one construction contract. Further, the ADA improvements, consisting primarily of concrete work and striping, couple well with the concrete repair already in the structural scope of work of the project. Proceeding with the scopes of work simultaneously under one construction contract will also limit the downtime of the deck, as the work will be phased and conducted together.

## Alternatives

The City Council could elect not to proceed with the ADA improvements at the Church Street Parking Deck. Staff recommends against this alternative. These improvements are required as part of the DOJ Settlement Agreement, and they will allow the deck to better serve the citizens of Durham. In addition, there is now sufficient funding in place for ADA improvements.

## Financial Impacts

### Project Funding Sources:

Certificates of Participation (3307C901-CH201)	\$18,114.74
Certificates of Participation (3307C980-CH201)	\$777.75
2012 TWO-THIRDS BOND (3307C990-CH200)	\$131,107.51
2009 LOBS (3304C950-CC015)	\$508,000.00
2012 TWO-THIRDS BOND (3304C950-CC015)	\$566,233.00
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Total appropriated funds	\$1,224,233.00

### Funding Uses Summary:

#### Design Services

Structural Assessment – overall garage (KHA)	\$28,300.00
Structural Assessment – stairs and expansion joints (Stantec)	\$15,554.00
Structural Repairs (KHA)	\$73,150.00
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Subtotal Design Services	\$117,004.00

#### Design Services – Additional Proposed

ADA Improvements	\$20,900.00
Design Contingency	\$3,000.00
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Subtotal Additional Design Services	\$23,900.00

Construction Budget	\$949,700.00
Other Costs	\$38,629.00
Construction Contingency (10%)	\$95,000.00
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<b>Total Project Budget</b>	<b>\$1,224,233.00</b>

### Current Financial Impact:

Certificates of Participation (3307C901-731003-CH201)	\$18,114.74
Certificates of Participation (3307C980-731003-CH201)	\$777.75
2012 TWO-THIRDS BOND (3307C990-731003-CH200)	\$2,007.51
2012 TWO-THIRDS BOND (3307C990-731900-CH200)	\$3,000.00
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<b>Total Current Amendment</b>	<b>\$23,900.00</b>

**SDBE Summary**

This is a contract amendment and is not reviewed for compliance with the Ordinance to Promote Equal Opportunities in City Contracting.