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Title: Approve Fourth Amendment to Agreement with Integrated Designs by SOMAM, Inc., in the amount of \$6,600 increasing the contract amount to \$138,315 for the ADA Upgrades at the City of Fresno Convention Center (Council District 3)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 20-001008 Fourth Amendment to Agreement

Date	Ver.	Action By	Action	Result
8/20/2020	1	City Council	approved	

REPORT TO THE CITY COUNCIL

August 20, 2020

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

THROUGH: WILLIAM C. HERR, Assistant Director
Public Works Department, Facilities and Construction Management Divisions

BY: DEBBIE BERNARD, Project Manager
Public Works Department, Facilities Management Division

SUBJECT

Approve Fourth Amendment to Agreement with Integrated Designs by SOMAM, Inc., in the amount of \$6,600 increasing the contract amount to \$138,315 for the ADA Upgrades at the City of Fresno Convention Center (Council District 3)

RECOMMENDATIONS

Staff recommends that Council approve the Fourth Amendment to Agreement with Integrated Designs by SOMAM, Inc., in the amount of \$6,600 for the ADA Upgrades at the City of Fresno Convention Center and authorize the Public Works Director or designee to sign and execute the standardized fourth amendment to agreement on behalf of the City of Fresno.

EXECUTIVE SUMMARY

The City of Fresno entered into a Consultant Agreement with Integrated Designs by SOMAM, Inc., for the design of general construction documents for ADA improvements needed at the City of Fresno Convention Center. The first phase of the project was completed in July 2019 within the project budget, while the Saroyan Theatre seating modifications were planned as a later phase. This amendment to the agreement with Integrated Designs by SOMAM, Inc., will allow for the proper modifications to the plans as required to update the last phase of the project design plans to the current 2020 California Building Code standards.

BACKGROUND

On September 22, 2016, the Council adopted the Americans with Disabilities Act (ADA) 2016 Facilities Transition Plan. The ADA is a civil rights law for persons with disabilities and states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." The 2016 ADA Facilities Transition Plan was prepared in partial fulfillment of the requirements set forth in Title II of the ADA. The ADA states that a public entity must provide programs, activities and services in such a way as to avoid discrimination against people with disabilities. This report has assisted the City of Fresno in identifying physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals.

The 2016 cost estimate for ADA barrier removal in these 18 facilities was over \$13,000,000 and the proposed plan spreads these costs over 16 years.

On June 8, 2017 the City of Fresno entered into a Consent Decree and Order of Settlement of relief claims only pertaining to the City of Fresno Convention Center. The Decree and Order requires the City of Fresno perform remedial work to the Convention Center in accordance with the standards set forth in the 2010 ADA Standards for Accessible Design (ADAS) for specific items at each venue within a specified timeframe.

On October 19, 2017 the City of Fresno entered into a Consultant Agreement with Integrated Designs by SOMAM, Inc., of Fresno, CA in the amount of \$103,115 with a not-to-exceed contingency of \$10,000 for the development of construction plans and specifications for the required ADA Upgrades at the City of Fresno Convention Center. The plans and specifications have been completed and the contingency has been expended on the First Amendment to Agreement.

On January 30, 2020 Council approved the Second and Third Amendments to Agreement for a total of \$24,285. The Second Amendment to Agreement updated the plans to reflect the changes that were made in both the First and Second Amendments; it also allowed for the Consultant to obtain Building Department approval of said changes. The Third Amendment to Agreement further amended the plans that were submitted to the Building Department for approval.

The Fourth Amendment amends the Saroyan Theater Seating plans to bring them up to the current California Building Code standards which went into effect January 2020. Due to budgetary constraints, this final element of the project was planned for delivery in FY2021 which necessitates modifications to the plans to meet the 2020 California Building Code.

The total Consultant Agreement with Integrated Designs by SOMAM, Inc., after approval of the Fourth Amendment to Agreement will be as follows:

Consultant Agreement	= \$103,115
First Amendment	= \$4,315
Second Amendment	= \$11,525
Third Amendment	= \$12,760
Fourth Amendment	= <u>\$6,600</u>
TOTAL	\$138,315

Staff is requesting the approval of the Fourth Amendment to Agreement with Integrated Designs by SOMAM, Inc., of Fresno, CA in the amount of \$6,600 for the ADA Upgrades at the City of Fresno Convention Center project and authorize the Public Works Director or designee to sign and execute the amendment on behalf of the City of Fresno.

The amendments have been approved as to form by the City Attorney's Office.

ENVIRONMENTAL FINDINGS

By definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378 this item does not qualify as a "project", as defined by CEQA.

LOCAL PREFERENCE

Local preference was not implemented; however the consultant is a local business.

FISCAL IMPACT

The ADA Upgrades at the City of Fresno Convention Center project will be funded by the General Fund and is included in the adopted Public Works Department Budget.

Attachment:
Fourth Amendment to Agreement