

COUNCIL WORKSHOP ITEM

ITEM: Owner's Representative Services for Parking Deck Construction
DATE: May 13, 2004
PREPARED BY: David H. Barber, P.E., Public Works Director
Michael D. Millette, P.E., Assistant Director Public Works, Eng.
Brian Parks, Senior Engineer, Public Works
PURPOSE: Request for Amendment to Agreement

DISCUSSION: The anticipated duration of the preconstruction phase of the Downers Grove Parking Facility was January through February 2003 per the agreement for owner's representative services executed in November 2002. As work began on this project in November 2002 with Turner's Notice To Proceed dated June 23, 2003, the actual preconstruction phase lasted seven months. Several factors contributed to this extension: resolution of design issues (i.e. roof level snow melting equipment, revision of the bidding documents in Part A of the Project Manual, and post-bid contract negotiations with Turner, among others).

To date, Alfred Benesch Company has kept within the projected budget for the Construction Phase. However, it appears that additional compensation will be required for the completion of this phase. The project is presently five weeks behind schedule with the substantial completion date projected for mid-September 2004. However, many factors could affect the completion date. The Village could decide that Benesch's presence on the jobsite is not required on a full-time basis in the later stages of the work.

It is possible that the project will be complete before mid-September, 2004 if not sooner. To allow for the uncertainty of project completion, Alfred Benesch Company proposes to switch to billing on a cost plus basis when 100% of the original lump sum amount has been billed, sometime after the May 2004 invoice.

Attached is Alfred Benesch's Preliminary Fee Proposal with labor costs included in the executed agreement, and a revised fee estimate that reflects actual hours for the preconstruction phase and revised projected hours for the construction and closeout phases. Administrative Assistant hours have been adjusted to zero with the Project Manager Hours re-calculated by summing actual hours to date and assuming a 50-hour work week for the balance of the construction phase. The hourly base labor rate for the amendment is based on the 2004 rates as shown.

ATTACHMENT:
Preliminary Fee Proposal
Revised Fee Estimate

RECOMMENDATION:
Staff recommends authorizing execution of an amendment to the existing agreement on the May 25, 2004 workshop agenda for a not-to-exceed amount of \$112,490.00.

benesch

alfred benesch & company

Engineers • Surveyors • Planners

205 North Michigan Avenue • Suite 2400 • Chicago, IL 60601-5927
312-565-0450 • Fax: 312-565-2497 • www.benesch.com

April 4, 2004

Mr. Michael D. Millette, P.E.
Assistant Director – Engineering, Public Works Department
Village of Downers Grove
5101 Walnut Avenue
Downers Grove, Illinois 60515-4074

Subject: Owner's Representative Services for Parking Deck Construction -
Request for Amendment to Agreement

Dear Mr. Millette:

The anticipated duration of the preconstruction phase of the Downers Grove Parking Facility was two months, January through February 2003, per the agreement for owner's representative services executed in November 2002. As we began work on this project in November 2002 and as the contractor's notice to proceed was dated June 23, 2003, the actual preconstruction phase lasted seven months. As you know, several factors contributed to this extension: resolution of design issues, especially related to snow melting on the roof level, substantial revision of the bidding documents in Part A of the Project Manual, and post-bid contract negotiations with Turner, among others.

To date, we have kept within the projected budget for the Construction Phase. However, it seems clear that additional compensation will be required for the completion of this phase. The project is now five weeks behind schedule, and recently discussed schedule projections indicated that substantial completion may be reached in mid-September. However, many factors could affect the completion date. The Village could also determine that Benesch presence on the job-site is not required full-time in latter stages of the work, for instance if there are several weeks when the elevator installer is the only subcontractor working. When we met in February, you suggested we wait until the issue of recovering lost time was resolved. It is now clear that the Contractor will not be working many Saturdays, opting instead to incur liquidated damages. However, there has been some Contractor overtime in recent weeks and that seems likely to continue on an irregular basis.

Mid-September 2004, is our best current projection of the latest probable date for substantial completion of the project, but it is possible that the project will be complete before then. To allow for the uncertainty, per our discussion with you on April 2, 2004, we propose to switch to billing on a cost plus basis when 100% of the original lump sum amount has been billed, probably after the invoice for May 2004.

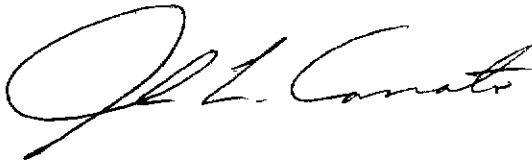
Mr. Mr. Michael D. Millette, P.E.
April 4, 2004
Page 2

alfred benesch & company

Enclosed please find the Preliminary Fee Proposal with labor costs included in the executed agreement, and a revised fee estimate that reflects actual hours for the preconstruction phase and revised projected hours for the construction and closeout phases. We have adjusted Administrative Assistant hours to zero and have re-calculated Project Manager hours by summing actual hours to date and assuming 50-hour weeks for the balance of the construction phase. The hourly base labor rate for the amendment will be based on our 2004 rates, as shown.

We request that you process an amendment to the agreement between the Village of Downers Grove and Alfred Benesch & Company, for an amount not to exceed \$112,490.00. Please call if you need additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Carrato". The signature is fluid and cursive, with a large initial "J" and "C".

John L. Carrato, P.E., S.E.
Senior Vice President

JLC/sld
Enclosures (2)

Cc: Mr. Kevin J. Fitzpatrick – Benesch
Ms. Sara L. Davis – Benesch
3742

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF AN ADDENDUM TO AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE VILLAGE OF DOWNERS GROVE AND ALFRED BENESCH & COMPANY

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Addendum to an Agreement for Professional Services (the "Agreement"), between the Village of Downers Grove (the "Village") and Alfred Benesch & Company (the "Consultant"), for certain consulting services in relation to the construction of the CBD Parking Deck, as set forth in the form of the addendum submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Mayor and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

**ADDENDUM TO AN AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE VILLAGE OF DOWNERS GROVE
AND ALFRED BENESCH & COMPANY**

THIS ADDENDUM dated this ____ day of _____, 2004, by and between the Village of Downers Grove, an Illinois municipal corporation (hereinafter referred to as "Owner"), and Alfred Benesch & Company, an Illinois corporation (hereinafter referred to as "Consultant"), in consideration of the following mutual covenants, terms and agreements, hereby agree to amend the Agreement for Consulting Services Between The Village of Downers Grove and Alfred Benesch & Company ("Agreement"), dated November 5, 2002, as follows:

1. The Agreement shall be amended as follows:

3(a) *The agreement shall be extended through November 5, 2004.*

4(a) *The Consultant shall be compensated for services at rates specified in Exhibit A "Revised Fee Estimate Based on Extended Preconstruction Phase and Revised Projected Construction Phase" dated 04/03/04 in an amount not to exceed \$112,490.00.*

2. All terms and conditions of the November 5, 2002 Agreement shall apply equally to this Addendum Agreement, including the term of the agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed as of the day and year first specified above.

VILLAGE OF DOWNERS GROVE

ALFRED BENESCH & COMPANY

BY: _____

BY: _____

ATTEST: _____

ATTEST: _____

DATE: _____

DATE: _____

**Revised Fee Estimate Based on Extended Preconstruction Phase and Revised Projected Construction Phase
Downers Grove Parking Facility**

Alfred Benesch & Company

Revision Date: 4/3/04

	Hrly. Bare Labor Rate**	Estimated Hours	Labor Only Totals	Totals*
Preconstruction Phase 11/17/03 - 6/22/03				
Quality Manager	\$54.70	80	\$4,376	\$12,253
Project Manager	\$32.70	700	\$22,890	\$64,092
Administrative Assistant	\$18.30	0	\$0	\$0
			\$27,266	\$76,345
Direct Costs/Reimbursables per month	\$1,200.00	5		\$6,000
Preconstruction Total				\$82,345
Construction Phase 6/23/03 - 5/22/04				
Quality Manager	\$54.70	96	\$5,251	\$14,703
Project Manager	\$32.70	2274.4	\$74,373	\$208,244
Administrative Assistant	\$18.30	0	\$0	\$0
			\$79,624	\$222,947
Direct Costs/Reimbursables per month	\$1,200.00	11		\$13,200
Construction Subtotal				\$236,147
Total Through 5/22/04 (Original Contract)				\$318,492
Construction Phase 5/23/04 - 9/18/04				
Quality Manager	\$57.00	34	\$1,938	\$5,426
Project Manager	\$34.60	850	\$29,410	\$82,348
			\$31,348	\$87,774
Direct Costs/Reimbursables per month	\$1,200.00	4		\$4,800
Construction Subtotal				\$92,574
Closeout Phase 9/19/04 - 10/16/04				
Quality Manager	\$57.00	8	\$456	\$1,277
Project Manager	\$34.60	180	\$6,228	\$17,438
			\$6,684	\$18,715
Direct Costs/Reimbursables per month	\$1,200.00	1		\$1,200
Post Construction Total				\$19,915
Total Amendment (Not to Exceed)				\$112,490

*Total includes direct labor, overhead and profit using DL*2.8 multiplier

** Hourly rates are composite adjusted rates for 2003 and 2004, based on hours spent according to the schedule of manhours

Total Labor \$144,922

Total Estimated Fee: \$430,982

Original Fee, billed as percent complete of lump sum: \$318,496

Estimated Amount this Amendment, to be billed using a 2.8 multiplier on bare labor rates, plus direct costs: \$112,486



**Preliminary Fee Proposal
Downers Grove Parking Facility**

Alfred Benesch & Company

Estimated Monthly Direct Costs

Item	Monthly Cost	Qty	Total/Month
Nextel Radio/Phone	\$100	2	\$200
Vehicle	\$900	1	\$900
Mailings	\$100	1	\$100
Photos	\$100	1	\$100
Project Website	\$600	1	\$600
			<hr/>
			\$1,900 per month

Website includes the initial development of the web home page and all site programming throughout the project duration.

These direct costs assume that the field office and all required equipment and supplies will be supplied by the owner or the contractor.

**Preliminary Fee Proposal
Downers Grove Parking Facility**

Alfred Benesch & Company

	Hrly. Bare Labor Rate**	Estimated Hours	Labor Only Totals	Totals*
<u>Preconstruction Phase 1/4/03 - 3/2/03</u>				
Quality Manager	\$54.70	40	\$2,188	\$6,126
Project Manager	\$32.70	240	\$7,848	\$21,974
Administrative Assistant	\$18.30	0	\$0	\$0
		280	\$10,036	\$28,101
Direct Costs/Reimbursables per month	\$1,200.00	2		\$2,400
Preconstruction Total				\$30,501
<u>Construction Phase 3/1/03 - 5/1/04</u>				
Quality Manager	\$54.70	112	\$6,126	\$17,154
Project Manager	\$32.70	2460	\$80,442	\$225,238
Administrative Assistant	\$18.30	224	\$4,099	\$11,478
		2796	\$90,668	\$253,869
Direct Costs/Reimbursables per month	\$1,200.00	12		\$14,400
Construction Total				\$268,269
<u>Closeout Phase 5/2/04 - 8/1/04</u>				
Quality Manager	\$54.70	8	\$438	\$1,225
Project Manager	\$32.70	180	\$5,886	\$16,481
Administrative Assistant	\$18.30	16	\$293	\$820
		204	\$6,616	\$18,526
Direct Costs/Reimbursables per month	\$1,200.00	1		\$1,200
Post Construction Total				\$19,726

*Total includes direct labor, overhead and profit using DL*2.8 multiplier

** Hourly rates are composite adjusted rates for 2003 and 2004, based on hours spent according to the schedule of manhours

Total Labor \$107,320

Total Estimated Fee: \$318,496

Project Website (Optional): \$8,000

Total: \$326,496

**Preliminary Fee Proposal
Downers Grove Parking Facility**

Alfred Benesch & Company

Estimated Monthly Direct Costs

Item	Monthly Cost	Qty	Total/Month
Nextel Radio/Phone	\$100	2	\$200
Vehicle	\$900	1	\$900
Mailings	\$100	1	\$100
Photos	\$100	1	\$100
Project Website	\$600	1	\$600
			<hr/>
			\$1,900 per month

Website includes the initial development of the web home page and all site programming throughout the project duration.

These direct costs assume that the field office and all required equipment and supplies will be supplied by the owner or the contractor.

