

COUNCIL WORKSHOP ITEM

ITEM: Owner's Representative Services for Parking Deck Construction
DATE: September 1, 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 first amendment to the Alfred Benesch Company agreement (approved June 15, 2004) was based on a projected substantial completion date of September 18, 2004 and a 50-hour work week for Benesch's Project Manager. The amendment provides for billing on a cost plus basis when 100% of the original lump sum amount has been expended.

Contrary to projections made in April, Turner Construction began working 58-hour weeks in mid-July and has most recently projected September 30, 2004 as the likely date of substantial completion. It is thus apparent that the first amendment will not cover Benesch's costs to provide the level of services and presence on the job site which is required throughout the rest of the project. To date, Alfred Benesch Company has kept within the revised budget for the Construction Phase. However, it appears that additional compensation will be required for the completion of this phase.

Attached is Alfred Benesch's revised fee estimate that reflects revised projected hours for the construction and closeout phases. Benesch has calculated Project Manager hours by assuming 58-hour weeks for the balance of the construction phase. Benesch proposes to continue billing on a cost-plus basis as agreed in the first amendment.

This extra work is being deducted from monies owed Turner.

ATTACHMENT:
Revised Fee Estimate

RECOMMENDATION:
Staff recommends authorizing execution of an amendment to the existing agreement on the September 24, 2004 workshop agenda for a not-to-exceed amount of \$24,993.00.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A SECOND 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 Second 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

**SECOND 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, along with the Addendum to an Agreement for Professional services, dated June 15, 2004, as follows:

1. The Agreement shall be amended as follows:

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 09/26/04-10/30/04 in an amount not to exceed \$24,993.

2. All terms and conditions of the November 5, 2002 Agreement and the June 15, 2004 Addendum shall apply equally to this Second 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: 8/24/04

	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	\$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 - 9/25/04				
Quality Manager	\$57.00	42	\$2,394	\$6,703
Project Manager	\$34.60	1030	\$35,638	\$99,786
			\$38,032	\$106,490
Direct Costs/Reimbursables per month	\$1,200.00	5		\$6,000
Total Amendment 1, Approved 6/15/04 (Not to Exceed)				\$112,490
Construction Phase 9/26/04 - 10/2/04				
Quality Manager	\$57.00	0	\$0	\$0
Project Manager	\$34.60	59	\$2,041	\$5,716
			\$2,041	\$5,716
Closeout Phase 10/3/04 - 10/30/04				
Quality Manager	\$57.00	4	\$228	\$638
Project Manager	\$34.60	180	\$6,228	\$17,438
			\$6,456	\$18,077
Direct Costs/Reimbursables per month	\$1,200.00	1		\$1,200
Total Amendment 2 (Not to Exceed)				\$24,993

*Totals include 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: \$153,419

Total Estimated Fee: \$455,975

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

Estimated Amount Amendments 1 and 2, to be billed using a 2.8 multiplier on bare labor rates, plus direct costs: \$143,198

**Revised Fee Proposal
Downers Grove Parking Facility**

Alfred Benesch & Company

Estimated Monthly Direct Costs

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

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