

City Council Action Report

Date: March 2, 2005  
 Subject: Final Payment to Barker Rinker Seacat for Services Rendered

**Recommended Action and Major Considerations:**

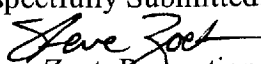
- It is recommended that Council authorize payment in the amount of \$30,680.14, per the attached itemized invoice, for services rendered to the City by the architectural firm of Barker, Rinker, Seacat (BRS) in association with the City's previously planned recreation center remodel and expansion project. All of these services were provided in advance of the November 11<sup>th</sup> City Council meeting wherein the special election was called and all billable work on the part of BRS, it's partners and anyone else having a financial interest in this project ceased.

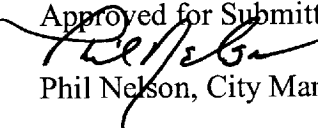
**Background and Other Information:**

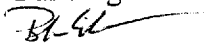
- Pursuant to Council's direction, after the failure of the City to successfully negotiate an acceptable agreement with Kroenke Sports Enterprises regarding the joint development of a recreational venue, staff continued its relationship with BRS for purposes of redesigning initially proposed facilities with the intent that the City would assess and possibly pursue the development of expanded recreational amenities on its own. As authorized in Councilor Bill 1413 Series 2002, the City Manager authorized a contract for \$49,500 on November 24, 2003 for the conceptual work to begin. The first payment was made on January 21, 2004 and the auditors required that the costs be charged to 2003 as the work for the first billing was completed in 2003. On May 13, 2004 staff took the conceptual design costs to Council because the amount would exceed the City Manager's limit. Council approved increasing the amount to \$74,500. This amount completed the purchase of service for the conceptual design contract and the last payment was made on August 19, 2004.
- Based on additional input from the community, direction from Council was to move forward with the preliminary design phase of the actual complex. Since BRS had completed the conceptual design it was cost effective to have BRS do the preliminary design contract also instead of paying another firm to come up to speed on the uniqueness of remodeling the current recreation facility plus the new addition. Based on this the City Manager approved conceptual design work up to \$49,500. The first payment was made on October 21, 2004.
- Thinking that the project was moving forward and based on requests for additional renditions and ideas BRS went forward on their own and incurred costs of \$36,094.28 above the authorized \$49,500. All of these charges were for work performed prior to November 11, 2004 when Council took action to put the issue up to a vote. When these bills were presented to staff and the explanation was given staff worked toward resolution of the amount incurred over the authorized amount. After several discussions and negotiations BRS agreed to reduce the cost by 15% or \$5,414.14 for a net billing of \$30,680.14.
- Staff feels BRS incurred the costs in good faith feeling that the project would be moving forward and authorization for the additional costs would be approved. Please refer to the attached memorandum for additional background information on the billings for preliminary design.
- Also attached is a spreadsheet with a summary of the billings and payments made to BRS. The amount in bold listed as unpaid invoice is the amount addressed in this memo.

**Budget Information:**

- Finance has verified that funds are available in the CIP development reserve for the payment of this invoice. As services were provided in 2004, this payment would be posted to the 2004 fiscal year.

Respectfully Submitted:  
  
 Steven Zoet, Recreation and Cultural Services Director

Approved for Submittal:  
  
 Phil Nelson, City Manager

Funding Available:  
  
 Bob Eichem, FISS Director

**COUNCIL ACTION TAKEN:**

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DATE: March 2, 2005

TO: Mayor and City Council

FROM: Steven Zoet, Director of Recreation and Cultural Services

SUBJECT: Additional Information Regarding the Request for Final Payment by BRS on Preliminary Design Work

As a supplement to the attached Staff Report, staff provides the following additional background information for Council's consideration. This information is for the preliminary design work completed by BRS.

As Council is aware, when the decision was made to explore the possibilities associated with the City pursuing an expanded recreation facility on it's own and independent of Kroenke Sports Enterprises, direction was given to BRS to provide various conceptual drawings and they were asked to price the concepts. The amount of the work would exceed the the \$50,000 limit of the city manager and Council passed Resolution # 04-58 on May 13, 2004 to complete the contract at a cost of \$74,500. This work was completed and the last payment was made on August 19, 2004.

After a public input and review process, Council selected the desired concept and directed BRS to make further refinements in cost estimating associated with the selected design. This request entailed preliminary design concepts. A verbal agreement was made between BRS and City Manager Nelson, on behalf of the City, in the amount of \$49,500 to proceed with the work necessary for preliminary design. This was undertaken to assess the City's ability and desire to invest in the expanded recreational amenities under general review and consideration at that time.

In that regard, BRS took it upon themselves to initiate contact with individuals associated with other architectural firms specializing in areas of expertise unfamiliar to them. These firms, summarized on the attached invoice, include professional services associated with the design of the ice center, the expanded aquatics center, civil engineering associated with site drainage and topography issues, specialized mechanical and electrical engineering, and other professional services. BRS has utilized these firms on past projects and intended to include them on their team in association with this project. The majority of professional services rendered by BRS and identified on their invoice is for design work and pricing modifications associated with changes in the design of the schematic drawings based on direction provided them from City Council and general

work progression. It was without the knowledge or approval of staff, at that time, that BRS had exceeded the authorization by City Manager Nelson of \$49,500.

Although BRS technically proceeded in the use of these firms and their own resources without a contract from the City to proceed with final design, they did so in good faith knowing that the agreement was forthcoming, as was intended for your review and action at your regularly scheduled meeting of November 11, 2004. As you are aware, that contract was never approved due to the calling of the special election. BRS had felt that verbal approval had been given them and they proceeded accordingly. Additionally, they did so with the belief, due to such uncontrollable factors that could adversely impact the financial costs associated with the project such as escalating steel and other material and supply costs, that it was financially prudent and in the best financial interests of the City to proceed with the design and development phase as aggressively as possible so as to assure the project would be brought to the market and bid in as timely a manner as possible.

Staff requests Council's consideration of this matter, all circumstances considered, and award a final payment of \$30,680.14 to BRS. Staff would like to make note of the fact that, in a good faith effort on the part of BRS, they have reduced the amount of the itemized and prevailing values associated with this invoice by a total of 15% which equates to a savings of over \$5,400 to the City that would otherwise not have been realized.

Thank you for your consideration. Please let me know if I can be of any assistance in addressing any questions you may have.

Attachment

<u>date</u>	<u>vendor name</u>	<u>amount</u>	<u>sub-totals</u>
12/31/03 **	BARKER RINKER SEACAT	21,838.20	
1/28/04	BARKER RINKER SEACAT	28,061.80	
6/2/04	BARKER RINKER SEACAT	3,751.50	
6/16/04	BARKER RINKER SEACAT	15,006.00	→ 74,500.00
7/22/04	BARKER RINKER SEACAT	3,382.50	Conceptual Study
8/19/04	BARKER RINKER SEACAT	2,460.00	Approved by Council - CR-58 on 5/13/04

\*\* Invoice for services performed in 2003, paid on January 21, 2004

10/21/04	BARKER RINKER SEACAT	30,278.31	
11/23/04	BARKER RINKER SEACAT	19,221.69	Preliminary Design Work
<i>pending CCA Unpaid Invoice</i>	<i>BARKER RINKER SEACAT</i>	<i>30,680.14</i>	→ 80,180.14 Total to be approved by Council

*Timeline:*

- 5/13/2004 Council approved CR-58 to amend original contract of \$49,900 dated 11/24/03 by \$24,600 for a total of \$74,500
- 11/11/2004 Council approved CR-107 for a special election on Jan. 18, 2005 in order to move forward with the proposed recreation center expansion project (CR-101 - contract with BRS tabled until after election)



**Invoice**

Mr. Steve Zoet  
City of Northglenn  
11701 Community Center Drive  
Northglenn CO 80233-8061

February 25, 2005  
Project No: 20406.01  
Invoice No: 5470

Project: 20406.01 Northglenn Recreation Center  
In accordance with Pending Contract Proposal  
Unpaid Professional Services prior to November 11, 2004

<b>Professional Personnel</b>			
	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Flynn, Bruce M.	18.00	145.00	2,610.00
Hammel, David S.	30.00	145.00	4,350.00
Hanks, Nathan W.	1.10	70.00	77.00
Schneider, Roslyn Y.	15.00	140.00	2,100.00
Wenger, Daniel L.	12.25	80.00	980.00
Yo, Joonho	72.25	90.00	6,502.50
<b>Totals</b>	<b>148.60</b>		<b>16,619.50</b>
<b>Total Labor</b>			<b>16,619.50</b>


<b>Consultants</b>			
Architectural Engineering Design Group			990.00
Ballard Group, Inc.			1,730.00
Bonestroo Rosene Anderlik & Associates			4,268.05
DHM Design Corporation			1,500.00
JVA, Inc.			2,452.00
Martin/Martin			1,537.40
Water Technology, Inc.			5,182.78
<b>Total Consultants</b>	<b>1.1 times</b>	<b>17,660.23</b>	<b>19,426.25</b>

<b>Reimbursable Expenses</b>			
Long Distance Telephone			0.97
Reimb. Postage/Ship.			43.15
<b>Total Reimbursables</b>	<b>1.1 times</b>	<b>44.12</b>	<b>48.53</b>

**Total this invoice \$36,094.28**

**Less Agreed Discount (15%) (5,414.14)**

**Total Revised Invoice \$30,680.14**

  
**David Hammel**