AGENDA ITEM
MEETING DATE December 18, 2019

SOLANO COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD AGENDA ITEM

TO: Members of the Governing Board

SUBJECT: AMENDMENT #4 TO KITCHELL CAPITAL EXPENDITURE MANAGERS, INC. FOR PROGRAM MANAGEMENT SERVICES – PHASE 2

REQUESTED ACTION:

☐ Information OR ☒ Approval
☐ Consent OR ☐ Non-Consent

SUMMARY:
Board approval is requested for Amendment #4 to Kitchell Capital Expenditure Managers, Inc. (KCEM) for Phase 2 Program Management Services for Measure Q. On November 5, 2014 the Board approved a contract to KCEM in the amount of $6,376,735. On August 19, 2015 the Board approved Amendment #1 to manage the following for the Fairfield Science Building Project: development of Criteria Documents, solicitation and selection of the design-builder, and procurement of construction management services. On March 21, 2018 the Board approved

CONTINUED ON THE NEXT PAGE

STUDENT SUCCESS IMPACT:
☒ Help our students achieve their educational, professional and personal goals
☐ Basic skills education
☐ Workforce development and training
☐ Transfer-level education
☐ Other: Renovate and provide new instructional space and equipment.

Ed. Code: Board Policy: Estimated Fiscal Impact: $2,395,056 Measure Q Funds

SUPERINTENDENT’S RECOMMENDATION:
☒ APPROVAL ☐ NOT REQUIRED ☐ DISAPPROVAL

Lucky Lofton
Executive Bonds Manager

PRESENTER’S NAME

4000 Suisun Valley Road
Fairfield, CA 94534

ADDRESS

(707) 863-7855

TELEPHONE NUMBER

Robert V. Diamond
V.P. Finance and Administration

VICE PRESIDENT APPROVAL

December 5, 2019

DATE APPROVED BY
SUPERINTENDENT-PRESIDENT

December 5, 2019

DATE SUBMITTED TO
SUPERINTENDENT-PRESIDENT
TO: Members of the Governing Board

SUBJECT: AMENDMENT #4 TO KITCHELL CAPITAL EXPENDITURE MANAGERS, INC. FOR PROGRAM MANAGEMENT SERVICES – PHASE 2

SUMMARY:

Amendment #2 to extend the program management services for two years to May 30, 2020. On January 16, 2019 the Board approved Amendment #3 for additional estimating hours related to the Library/Learning Resource Center project.

The current agreement for program management services is scheduled to complete on May 31, 2020. Approval of Amendment #4 is requested for additional program management services to extend beyond the current agreement, from June 1, 2020 through May 31, 2022. If approved, Amendment #4 shall be the final amendment to KCEM’s existing agreement, and upon completion of the amended agreement, the District will solicit qualifications and proposals for firms to compete for award of a new agreement to provide program management services.

Contract Summary:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$6,376,735</td>
<td>Original Contract Amount</td>
</tr>
<tr>
<td>$2,832,578</td>
<td>Previously Approved Amendments (3)</td>
</tr>
<tr>
<td>$2,395,056</td>
<td>Proposed Amendment #4</td>
</tr>
<tr>
<td>$11,604,369</td>
<td>New Contract Amount, including Amendment #4</td>
</tr>
</tbody>
</table>

The Board is asked to approve this amendment to Kitchell Capital Expenditure Managers, Inc. in the amount of $2,395,056, resulting in a new contract amount of $11,604,369.

The contract can be reviewed at: http://www.solano.edu/measureq/planning.php
AMENDMENT # 4 TO AGREEMENT

PARTIES

This Third Amendment to Agreement ("Amendment") is entered into between Solano Community College District ("District") and Kitchell Capital Expenditure Managers, Inc. ("Consultant"), collectively the "Parties").

RECITALS

WHEREAS, District and Consultant entered into a Consulting Services Agreement ("Agreement"), dated November 5, 2014 for Program Management Services ("Project"); and

WHEREAS, District and Consultant previously amended the Agreement on August 19, 2015, March 21, 2018, and January 16, 2019, and

WHEREAS, District and Consultant agree to amend the Agreement to extend the services being performed for Measure Q Program Management beyond May 31, 2020,

NOW THEREFORE, in consideration of the mutual promises and covenants set forth above and contained herein, District and Consultant agree as follows:

AGREEMENT

1. Article 6.1 of the Agreement is amended to read in its entirety:
   Fee and Method of Payment: The District shall pay Program Manager an amount equal to Eleven Million, Six Hundred Four Thousand, Three Hundred Sixty Nine Dollars and No Cents ($11,604,369). This fee is a total of November 5, 2014 Agreement in the amount of $6,376,735, the August 19, 2015 Amendment #1 in the amount of $138,180, the March 21, 2018 Amendment #2 in the amount of $2,668,000, the January 16, 2019 Amendment #3 in the amount of $26,398, and the December 18, 2019 Amendment #4 in the amount of $2,395,056.

2. The first sentence in Article 4 shall be revised to read:
   The duration of Program Manager’s Services under this Agreement shall be from June 1, 2014, through May 31, 2022.

3. Exhibit “D”, Hourly Rates, item 1 is amended to read in its entirety:
   The following hourly rates, which include overhead, administrative cost and profit, shall be utilized in arriving at the fee for Extra Services and shall not be changed during the term of Amendment #4 (June 1, 2020 – May 31, 2022). Program Manager shall bill in quarter-hour increments for all Extra Services.

<table>
<thead>
<tr>
<th>POSITION</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Executive</td>
<td>$228</td>
</tr>
<tr>
<td>Program Manager</td>
<td>$207</td>
</tr>
<tr>
<td>Sr. Project Manager</td>
<td>$197</td>
</tr>
<tr>
<td>Fiscal Controls Manager</td>
<td>$185</td>
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<tr>
<td>Clerical</td>
<td>$79</td>
</tr>
<tr>
<td>Estimating/EAS</td>
<td>$160</td>
</tr>
</tbody>
</table>

4. Except as set forth in this Amendment, all provisions of the Agreement and any previous extension(s) and/or amendment(s) thereto shall remain unchanged, in full force and effect, and are reaffirmed. This Amendment shall control over any inconsistencies between it and the Agreement and/or any previous extension(s)
5. Consultant acknowledges and agrees that this Amendment shall not be binding on the Parties until and unless the Solano Community College District’s Governing Board approves this Amendment.

IN WITNESS WHEREOF, the parties hereto have accepted and agreed to this Amendment on the dates indicated below.

Dated: ____________, 2019

SOLANO COMMUNITY COLLEGE DISTRICT

By: ____________________________

Print Name: Lucky Lofton
Print Title: Executive Bonds Manager

KITCHELL CAPITAL EXPENDITURE MANAGERS, INC.

By: ____________________________

Print Name: ____________________________
Print Title: ____________________________