

# City of Sacramento

## Legislation Details (With Text)

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**File created:** 10/12/2018              **In control:** City Council - 5PM  
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**Title:** Contract: Purchase of Portable Audience Chairs for the Sacramento Memorial Auditorium  
**Sponsors:**  
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Date	Ver.	Action By	Action	Result
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**Title:**  
**Contract: Purchase of Portable Audience Chairs for the Sacramento Memorial Auditorium**

File ID: 2018-01469

**Location:** District 4

**Recommendation:**

Pass a Motion: 1) approving the use of The Cooperative Purchasing Network (TCPN) contract number R-140804 cooperative purchase agreement with Wenger Corporation for the purchase of up to 1,129 portable audience chairs for the Memorial Auditorium in an amount not-to-exceed \$485,886 through the term of the agreement, or until the cooperative purchase agreement is no longer available for use; and 2) authorizing the City Manager or the City Manager’s designee to execute the purchase specified above.

**Contact:** Dustin Hollingsworth, Facilities & Real Property Superintendent, (916) 808-5538; Steven Sakakihara, Administrative Officer, (916) 808-7146, Convention & Cultural Services Department

**Presenter:** None.

**Attachments:**

- 1-Description/Analysis
- 2-Wenger Quote
- 3-TCPN Contract No. R-140804

## Description/Analysis

**Issue Detail:** On October 18, 2016, the City Council directed staff to proceed with the design of the Community Center Theater (CCT) and Memorial Auditorium renovation projects. While the CCT is under renovation, events normally held at CCT will be moved to the Memorial Auditorium.

In order to accommodate CCT events at the Memorial Auditorium during the renovation of the CCT, portable audience chairs must be purchased for the Memorial Auditorium. Through the design of the Memorial Auditorium renovation, and with input from the stakeholders' group (which included the performing arts groups), it was determined that the Wenger Portable Audience Chairs are a suitable fit for the Memorial Auditorium based on their size, structure, and the fact that they would match the fixed refurbished seats in the Memorial Auditorium.

Staff recommends the purchase of up to 1,129 portable audience chairs from Wenger Corporation through the cooperative purchase contract, The Cooperative Purchasing Network (TCPN) contract number R-140804, for a total not-to-exceed amount of \$485,886. This cooperative purchase contract was competitively solicited and awarded by Region 4 Education Service Center, a government agency located in the state of Texas. This contract is made available to other agencies through TCPN.

**Policy Considerations:** The recommendations in this report are in accordance with City Code Chapter 3.56, Section 3.56.240, which authorizes the City Manager, where advantageous to the City, to utilize cooperative purchasing agreements approved by City Council to purchase supplies and non-professional services through legal contracts of other governmental jurisdictions or public agencies without separate competitive bidding by the City.

**Economic Impacts:** None.

**Environmental Considerations:** Under the California Environmental Quality Act (CEQA), continuing administrative activities, such as what is recommended in this report, does not constitute a "project". [CEQA Guidelines section 15378(b)(2).]

**Sustainability:** None.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** The City has used both regional and national cooperative purchasing agreements to complement its own contracting initiatives. Cooperative purchasing enables city departments to evaluate a broader range of contracting opportunities and to share resources with other jurisdictions. Cooperative purchasing also leverages internal and external resources to maximize cost savings opportunities for the City.

Going through the process to purchase these chairs now will help ensure that the chairs are delivered and in place prior to the reopening of the Memorial Auditorium.

**Financial Considerations:** There are sufficient funds available in the Convention Center Complex Renovation Project (M17100100) to cover this purchase (Fund 6010, Community Center Fund). Upon the issuance of Transient Occupancy Tax (TOT) revenue bonds expected in November 2018, these costs would be reimbursed from bond proceeds.

**Local Business Enterprise (LBE):** Wenger Corporation is not a LBE vendor.

### **Background:**

The following is the current history including Council actions and financing transactions associated with the Sacramento Convention Center (SCC), Community Center Theater (CCT) and Memorial Auditorium projects:

- On March 9, 2010, the City Council in Resolution No. 2010-0125 suspended competitive bidding, approved a design-assist delivery method, approved a \$3 facility fee charged on each ticket sold, and directed staff to proceed with the renovation of the CCT.
- On March 15, 2010, the City issued an RFQ for design-assist support services for the CCT project and Kitchell CEM, Inc. was selected as the most qualified firm.
- On August 10, 2010, the City Council in Resolution No. 2010-471 approved the selection of Kitchell CEM, Inc. for the CCT renovation.
- On March 26, 2013, the City Council in Resolution No. 2013-0144 approved \$8.5 million toward the CCT Renovation Project.
- However, on November 19, 2013, the City Treasurer recommended that City Council defer financing of the CCT renovation given the use of some of the TOT revenue for the Entertainment and Sports Center project (now Golden 1 Center) and the outstanding debt on the facilities. As a result, in Motion No. 2013-0295 City Council directed 1) staff to return immediately with a plan to address deferred maintenance; 2) the City Attorney's Office to return with a memo on the City's legal obligations and concerns; and 3) staff to return with three renovation options to include financing: a) minimum requirements for basic ADA compliance plan; b) an alternative 10-year facility plan to include public engagement; c) a 30-year plan to consider either a new facility or the complete improvement plan to include public engagement.
- A Performing Arts Task Force was established and provided updates to the City Council in

November 2014 and again in April 2015 on potential development options for the CCT. However, sufficient funding was not identified to provide for the construction of a new CCT.

- On May 3, 2016, the City Council in Resolution No. 2016-0134 approved 1) appropriating \$600,000 from the Community Center Fund's fund balance; 2) modifying the scope and name of M17100100 to include the SCC Complex; 3) approving professional services agreements with DLR/Westlake Reed Leskosky in the amount of \$98,825 (for initial design of the CCT during the project definition phase), Populous in the amount of \$627,000 (for initial design of the SCC during the project definition phase), and Pfocus/Rider Levett Bucknall (for owner's representation and advisory services during the project definition phase) in the amount of \$615,000; and 4) directing staff to proceed with the project definition phase of an integrated project to renovate the CCT and expand the SCC.
- On October 18, 2016, City Council directed staff to proceed with the design of the CCT Renovation Project and Memorial Auditorium Project, suspended competitive bidding for the SCC project to allow for a design-assist method of delivery, but recommended staff explore other options for the design and financing of the SCC and to return at a later date. City Council also directed staff to select a consultant to design the Memorial Auditorium upgrades and a consultant to perform pre-construction services for the Memorial Auditorium upgrades, and to bring proposed contracts to City Council for consideration as this would allow CCT events to shift to the Memorial Auditorium for one year to allow for a much quicker renovation of CCT.
- On January 24, 2017, City Council approved Resolution No. 2017-0036, which declared the City Council's "official intent" to reimburse the City from bond proceeds for design and other predevelopment costs associated with the CCT, Memorial Auditorium, and SCC projects.
- On January 24, 2017, City Council approved Resolution No. 2017-0035, which suspended competitive bidding for the Memorial Auditorium project and authorized: (1) the release of \$5.5 million of the \$8.5 million commitment of fund balance for the Convention Center Complex projects in the General Fund (Fund 1001) to the Convention Center Complex Renovation Project (M17100100); (2) a \$1,505,738 contract with Architectural Nexus for the design of the improvements; and (3) a \$187,000 contract with Rider Levett Bucknall for owner representation and advisory services.
- On February 14, 2017, City Council approved Resolution No. 2017-0057 which authorized a \$5 million loan from available fund balance in the Community Center Fund (Fund 6010). This is to be repaid when bonds are issued.
- On May 16, 2017, City Council approved Resolution No. 2017-0171 that authorized the purchase of the VAMPS acoustic shell for Memorial Auditorium that was needed for performances with the use of \$350,000 from the Community Center Fund (Fund 6010).

- On May 30, 2017, Populous presented the conceptual design for the SCC identifying how the project would be built in two phases. The first phase would include new exhibit space, a multi-purpose room, a new kitchen, east and west lobbies and new meeting rooms. The second later phase would include a new ballroom. The City Council adopted Resolution No. 2017-0216 which authorized a \$3.8 million interfund loan from the General Fund (Fund 1001) to the Convention Center Complex Project (the Project), a \$3.8 million interfund loan from the Innovation and Growth Fund (Fund 2031) to the Project, and a \$3.4 million internal loan from Fund 6010 to the Project. These loans are to be repaid when bonds are issued. City Council also authorized the preparation of an EIR for the SCC project and executed a contract with ESA for preparation of the EIR.
- On June 6, 2017, City Council approved Motion No. 2017-0150 which authorized a \$177,804 Pre-construction Services Agreement with an option for Guaranteed Maximum Price for Construction with Kitchell CEM, Inc. for the Memorial Auditorium project.
- On December 5, 2017, City Council agreed to move forward with the full program for the SCC which would allow the new 40,000 square foot ballroom to be built at the same time as the rest of the project contingent upon funding provided by the hotel community to cover the cost of the ballroom.
- On March 20, 2018, City Council approved Motion No. 2018-0071 for a supplemental agreement with Kitchell for additional services related to local hiring in the construction of the Memorial Auditorium project for an amount not-to-exceed \$49,570, bringing the total agreement to a new not-to-exceed amount of \$227,374.
- On March 27, 2018, City Council approved Motion No. 2018-0083 for a supplemental agreement with Rider Levett Bucknall, Ltd. to extend the term of their contract for owner's representation services through April 30<sup>th</sup> and pay \$24,666 for their services for a new total contract amount of \$226,666. That agreement was later extended by the City Manager again until May 31<sup>st</sup> at an additional cost of \$12,333 for a total contract amount of \$238,999. Due to the size of the last increase, that supplemental agreement was done under City Manager authority and did not require staff to return to Council.
- On April 3, 2018, City Council approved Motion No. 2018-0090 for the removal of four trees along I Street and 15<sup>th</sup> Street for the Memorial Auditorium project to allow for the construction of improvements there.
- May 22, 2018, City Council approved a resolution that authorized (1) the City Manager or his designee to execute Supplemental Agreement No. 2 to City Agreement No. 2017-0677 with Kitchell CEM, Inc., in the amount of \$10,739,169 for the construction of improvements to Memorial Auditorium (M17100100), for a new not-to-exceed total contract amount of \$10,966,543; (2) an interfund loan between the Water Fund (Fund 6005) and the Community

Center Fund (Fund 6010); and (3) the transfer of \$11,075,170 from Fund 6005 to Fund 6010.

- On May 29, 2018, City Council approved Motion Nos. 2018-0168 and 2018-0169 which approved contracts for Architectural Nexus for construction administration services and for construction management services, respectively for the Memorial Auditorium project.
- On June 19, 2018, City Council approved Resolution No. 2018-0252 certifying the Environmental Impact Report for the Sacramento Convention Center (SCC) Renovation and Expansion Project. In addition, Council also approved Resolution No. 2018-0253 and Resolution No. 2018-0254 that approved the design for the SCC and CCT projects, respectively, and directed the City Manager to proceed with the projects. Council also rescinded Resolution No. 2017-0458, which authorized the City to apply for a \$15 million loan from the California Infrastructure and Economic Development Bank (IBank) for Memorial Auditorium project. City Council then approved Resolution No. 2018-0256 and Resolution No. 2018-0257 authorizing staff to submit two applications to the California Infrastructure and Economic Development Bank (IBank) in an amount not to exceed \$55 million. Finally, City Council passed Resolution No. 2018-0255 as amended directing the City Manager to return to City Council to present local hiring and local business involvement programs prior to the start of the projects.
- On July 3, 2018, City Council passed Resolution No. 2018-0273 which increased Populous' contract by \$356,944, for a new total not to exceed amount of \$10,901,619 for additional design services for the Convention Center Complex Renovation Project. It also approved an agreement with Enovity for an amount not to exceed \$276,709 to provide enhanced commissioning and other services necessary for LEED Silver Certification for the Convention Center Complex Renovation Project; and transferred \$278,653 from the Community Center Improvements Project (M17100000) in Community Center Fund (Fund 6010) to the Convention Center Complex Renovation Project to fund these agreements.
- On July 16, 2018, the City Manager approved a modification to the City's agreement with AECOM-Hunt (Contract No. 2017-0912-1) that moved funds from travel expenses to be used for design-assist services from trade contractors during the pre-construction phase in order to inform the final construction documents. There was no change to the overall contract amount.
- Also, on July 16, 2018, the City Manager approved a modification to the City's contract with DLR/Westlake Reed Leskosky (Contract No. 2017-0218-2) to update the invoicing schedule for the Theater project. There was no change in the contract amount.
- On August 2, 2018 the City Manager approved another modification to the City's agreement with AECOM-Hunt (Contract No. 2017-0912-2), which included the scope of work for design-assist services from three trade contractors dealing with piles, precast and vertical transportation services (elevators and escalators). There was no change to the overall

contract amount.

- On August 9, 2018, City Council passed Resolution No. 2018-0324 which executed Supplemental No. 3 with Hunt Construction increasing the contract amount by \$395,529 for a new total not-to-exceed amount of \$1,836,895 for the additional pre-construction services for the new ballroom and pre-function area for the Convention Center Renovation and Expansion project, and increase the expenditure budget in the Convention Center Complex Renovation project (M17100100) with a transfer of \$395,529 from the Audio-Visual Improvement project (M17100300).
- On September 25, 2018, City Council passed Resolution No. 2018-0386 authorizing the issuance and sale of Transient Occupancy Tax (TOT) Revenue Bonds with a principal amount not exceeding \$350 million to finance capital improvement projects and approving related documents and official actions.