



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: DECEMBER 6, 2011

ITEM NUMBER: **CC-6**

**SUBJECT: BUDGET ADJUSTMENT FOR CONTRACT BUILDING PLAN REVIEW AND INSPECTION SERVICES AND AUTHORIZATION TO AMEND PROFESSIONAL SERVICE AGREEMENTS**

**DATE: NOVEMBER 22, 2011**

**FROM: DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: KHANH NGUYEN, INTERIM DEVELOPMENT SERVICES DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: KEITH CLARKE (714) 754-5277  
KEITH.CLARKE@COSTAMESACA.GOV**

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## **RECOMMENDATIONS:**

1. Approve budget adjustment in the amount of \$196,000 from salary savings and \$125,000 from general fund to the Engineering and Architectural account.
2. Authorize the Mayor to amend Professional Services Agreements (PSAs) approved in June 2011, for contract plan check and inspection services with the companies of Bureau Veritas, CSG Consultants, Inc., and Scott Fazekas & Associates, Inc., for the total amount not to exceed \$634,000 in the aggregate.

## **BACKGROUND/ANALYSIS:**

The Development Services Department operations require the continued use of contract plan check and inspection services in order to provide building safety services in a timely and efficient manner. The on-going tenant improvement projects at South Coast Plaza, along with several major projects of highly complex structural design that we see annually such as The Nexus Assisted Living, Fresh & Easy Shopping Center, and Mesa Verde Senior Center, will continue the need for specialized services into the foreseeable future.

Copies of the PSAs with each of the above firms are attached. Most service costs are recoverable and are designed as a percentage of the City's collected plan check fees, leaving adequate coverage for the City's administrative cost of providing services.

**FISCAL:**

Funds would come from the building permit fee of the 185-unit senior living facility, and salary savings from the vacant Chief of Inspection and Combination Building Inspector positions.

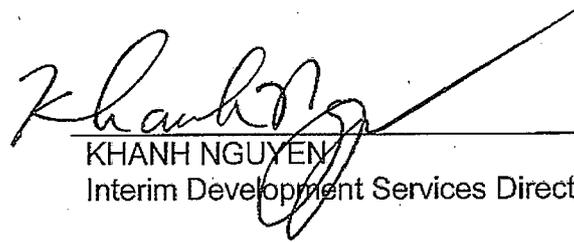
**LEGAL AND RISK MANAGEMENT REVIEW:**

The attached professional services agreements are those provided by the City Attorney and are "approved as to form". Additionally, the City's Risk Management has approved all insurance provisions for compliance with City requirements.

**CONCLUSION:**

Use of contract plan check, inspection, and staffing services continues to be a cost effective means of providing required Building Safety services. The use of core City staff supplemented by contracts for required services is a common cost effective practice for cities throughout the State.

  
\_\_\_\_\_  
KEITH CLARKE, CBO  
Building Official

  
\_\_\_\_\_  
KHANH NGUYEN  
Interim Development Services Director

DISTRIBUTION: Chief Executive Officer  
Interim Assistant Chief Executive Officer  
Finance Director  
City Attorney  
City Clerk (2)  
Staff (4)  
File (2)

Attachments: Budget Adjustment Memorandum  
Professional Services Agreement for Scott Fazekas & Associates  
Professional Services Agreement for CSG Consultants  
Professional Services Agreement for Bureau Veritas

File: 112211CC120611PSA11-11	Date: 112211	Time: 1:30 p.m.
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# City of Costa Mesa

## Inter Office Memorandum

**TO:** BOBBY YOUNG, FINANCE DIRECTOR  
**FROM:** KHANH NGUYEN, INTERIM DEVELOPMENT SERVICES DIRECTOR  
**DATE:** NOVEMBER 22, 2011  
**SUBJECT:** BUDGET ADJUSTMENT REQUEST



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Please generate the following budget adjustment to fund contract staff:

**From:**  
\$196,000 – Building Safety (18300) Account Number 501200 (Regular Salaries)  
General Fund 101 - 20410

\$125,000 – General Fund 101

**To:**  
\$196,000 – 530400 101 18300 20410 Engineering & Architectural  
\$125,000 – 530400 101 18300 20410 Engineering & Architectural

Since July 2011, four PT contract building inspectors have been filling in to cover the work load for two FT building inspectors that have resigned/retired. The contract inspectors were paid through the existing Engineering & Architectural account. This account was not budgeted to include the four PT contract inspectors and needs to be amended to cover the cost for those services through the end of the FY.

The funds will come from salary savings from the vacant Chief of Inspection and Combination Inspector positions, and from building permit fee of the 185-unit senior living facility.

Thank you for your assistance.

Attachment: Permit BC11-00222

cc: Chief Executive Officer  
Interim Assistant Chief Executive Officer  
Building Official

**NGUYEN, KHANH**

**From:** CLARKE, KEITH  
**Sent:** Thursday, November 10, 2011 8:26 AM  
**To:** NGUYEN, KHANH  
**Subject:** REVISED SALARY SAVINGS

Hey Khanh:

Please disregard the previous e-mail I sent you regarding the salary savings for this year.

As you requested here is the salary savings that the Building Division will realize as a result of the following two vacant positions:

<b>Chief of Inspection</b>	\$ 91,318 (pro-rated for 9 months of vacancy)
<b>Combination Building Inspector</b>	<u>\$104,994</u>
<b>Total</b>	\$196,312

These salary figures reflect the full cost of each position which includes all benefits.

**Keith Clarke - CBO  
Building Official  
City of Costa Mesa**

**phone: 714-754-5277**

**PERMIT NUMBER: BC11-00222**

**PERMIT TYPE: B\_COMBO**  
**Sub Type: COM\_NEW**

**STATUS: PC**  
**DATE ISSUED:**  
**ISSUED BY:**

**JOB ADDRESS: 1640 MONROVIA AV CM**

**Suite/Unit:**

APN: 42411101

Zoning: , ,

Vicinity:

Primary Occ:

Const Type: I-B

SQ. FT: 194457

Valuation: ~~24,000,000.00~~

**SCOPE OF WORK:** CONSTRUCTION OF A 194,457 SF 185 UNITS WHICH INCLUDES 40 ASSISTED LIVING UNITS RESIDENTIAL SENIOR LIVING FACILITY "VIVANTE ON THE COAST". MECHANICAL TO INCLUDE: 27 FAU < 100K BTU, 207 REFRIG SYSTEMS < 100K BTU, 2 FACTORY FIREPLACES, 5 HOOD/W DUCT/MECH EXHAUST, 81 VENT FANS, 180 KITCHEN HOODS, 103 SMOKE DAMPERS, 103 FIRE DAMPERS, 201 AIR HANDLERS 0-10K CFM. PLUMBING TO INCLUDE: 9 BACKFLOW PREV, 2 BATHTUBS, 7 CONNECT COFFEE/ICE, 150 DISHWASHERS, 14 FLOOR DRAINS, 4 DRINKING FOUNTAINS, 3 EXP TANKS, 55 GAS OUTLETS, 1 GAS SERVICE, 3 LAUNDRY TUB/WASHER, 2 PRESSURE REGULATORS, 150 RECEPTORS, 1 SEWER PRIVATE LINE, 225 SHOWERS, 14 COMMERCIAL SINKS, 7 FLOOR SINKS, 149 KITCHEN SINKS, 5 SERVICE/MOP SINKS, 7 TRAP PRIMERS, 1 URINAL, 10 VAC BREAKERS, 243 TOILETS, 9 WATER HEATERS, 1 WATER SOFTENER NO PARKING STRUCTURES. POOL AND POOL ENCLOSURE TO BE UNDER SEPERATE SUBMITTAL. REG#: G11-00004

REF: PA-09-15

**OWNER:** HALLERBERG, LEE R TR UNI  
CA

Address: CREDIT

Unit: SANTA CLARA,

Phone:

City/State/Zip: P O BOX 801510

**APPLICANT:** PARIS, JOHN

Address:

Unit: :

Phone: 949-675-6442 X307

City/State/Zip:

**CONTRACTOR:**

Phone:

Address: Unit:

License No.

Cell:

City/State:

ZipCode

**ARCHITECT:**

License No.

PHONE:

**ENGINEER:**

License No.

PHONE:

**COMBINATION PERMIT FEE SUMMARY**

Building Plan Check:	\$14,553.30
Building Fees:	\$89,558.75
Electrical Fees:	\$14,298.63
Mechanical Fees:	\$9,705.05
Plumbing Fees:	\$12,088.90
SMIP Residential:	\$0.00
SMIP Commercial:	\$5,040.00
Bldg Std Admin Fund	\$960.00
<b>TOTAL FEES:</b>	<b>146,204.63</b>

} 125,651.33 => \$125K

\*\*Refer to fee receipts for all fees paid for project

**HOURS FOR CONSTRUCTION ACTIVITY: EFFECTIVE 3/18/2010 - PER CMMC Sec. 13-279**

**NGUYEN, KHANH**

**From:** Robert Eres [rwe@nexusd.com]  
**Sent:** Monday, November 14, 2011 8:49 AM  
**To:** CLARKE, KEITH  
**Cc:** NGUYEN, KHANH; DIAZ, REGINA  
**Subject:** RE: PERMITS FOR THE NEXUS PROJECT

Hello Keith,

I received your message this morning and per your request I wanted to respond promptly. Our project status for pulling a permit is really week to week right now as we are trying to finalize everything with our lender. At this point, I would say that we will most likely pull a permit around December 15<sup>th</sup>. While I don't see us needing an inspector prior to then, I will be sure to keep you up to date if anything changes on our end as we are obviously trying to push for a sooner date.

Please let me know if you should have any further questions.

Thanks,  
-Rob Eres  
Vice President of Entitlements  
Nexus Development Corporation  
1 MacArthur Place, Suite 300  
Santa Ana, CA 92707  
Ph: (714) 546-5600 x220  
Fx: (714) 546-5660  
Email: rwe@nexusd.com

**From:** CLARKE, KEITH [mailto:KEITH.CLARKE@costamesaca.gov]  
**Sent:** Monday, November 14, 2011 7:23 AM  
**To:** Robert Eres  
**Cc:** NGUYEN, KHANH; DIAZ, REGINA  
**Subject:** PERMITS FOR THE NEXUS PROJECT

Hey Robert:

As you know staff is making preparations to issue the permits for your project. Also, I am in the process of adding staff in order to perform all the required inspections for your project. I need your help. Please respond to this e-mail message and let me know when you plan on obtaining all permits.

Call me if you have any questions.

**Keith Clarke - CBO**  
**Building Official**  
**City of Costa Mesa**

phone: 714-754-5277

**AMENDMENT NUMBER EIGHT  
TO PROFESSIONAL SERVICES AGREEMENT  
FOR BUILDING PLAN CHECK AND INSPECTION**

This Amendment is made and entered into this 6<sup>th</sup> day of December, 2011 ("Effective Date") by and between the City of Costa Mesa, a municipal corporation ("City") and SCOTT FAZEKAS & ASSOCIATES, INC., a California corporation ("Consultant").

WHEREAS, Consultant and City entered into an agreement on July 6, 2006, for Consultant to provide plan checking and inspection services on an as-needed basis to support new large development projects and special programs in the City as described herein below; and

WHEREAS, the term of Consultant and City's original Agreement expired on June 30, 2007; and

WHEREAS, the original proposal contained a provision for five (5) additional one (1) year extensions at City's option; and

WHEREAS, the first extension was exercised and expired on June 30, 2008; and

WHEREAS, the second extension was exercised and expired on June 30, 2009; and

WHEREAS, the third extension was exercised and expires on June 30, 2010; and

WHEREAS, the fourth extension was exercised and expired on June 30, 2011; and

WHEREAS, the amount budgeted for the fourth extension is inadequate and was revised on October 5, 2010; and

WHEREAS, the revised amount budgeted for the fourth extension is still inadequate and was revised March 15, 2011; and

WHEREAS, the fifth extension was exercised and expires on June 30, 2011; and

WHEREAS, the amount budgeted for the fifth extension is inadequate; and

WHEREAS, the amount of compensation which originally contained an allocation of Five Hundred Thousand Dollars (\$500,000) needs to be changed to reflect the actual amount budgeted.

7 NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Paragraph 2.1. Compensation, shall be amended to read, "Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "C," attached hereto and made a part of this Agreement (the "Fee Schedule"). Because the services to be performed under this Agreement are on an "as needed" basis in conjunction with agreements with other consultants (Bureau Veritas and CSG Consultants, Inc.), the total amount not to be exceeded is Six Hundred Thirty Four Thousand Dollars (\$634,000) in the aggregate. The City's Finance Department will be responsible for tracking the associated payments to insure that the amount budgeted for these services is not exceeded.
2. All terms not herein defined shall have the same meaning and use as set forth in the Agreement.
3. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment and previous Amendments, shall remain in full force and effect.

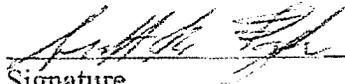
IN WITNESS WHEREOF, the Parties hereto have set their hand by their duly authorized representatives as of the day and year first above written.

CITY OF COSTA MESA,  
A municipal corporation

\_\_\_\_\_  
Mayor of the City of Costa Mesa

Date: \_\_\_\_\_

SCOTT FAZEKAS & ASSOCIATES

  
\_\_\_\_\_  
Signature

Date: 11/23/11

Scott R. Fazekas, President/CEO  
\_\_\_\_\_  
Name and Title

ATTEST:

\_\_\_\_\_  
City Clerk and ex-officio Clerk  
of the City of Costa Mesa

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Project Manager

Date: 11/23/11

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Date: 11/23/11

APPROVED AS TO INSURANCE:

  
\_\_\_\_\_  
Risk Management

Date: 11/22/11

# EXHIBIT C

## Section 6 - Proposed Fees

### PLAN REVIEW

The traditional approach in proposing building plan check fees is to apply a percentage to the revenue collected by the agency for plan review fees. Using the City's chart to establish the plan check fee, SFA proposes to charge eighty-five percent (85%) of the established plan check fees for the scope of work requested.

If SFA is reviewing duplicate or identical plans on a project, the proposed fee is fifteen percent (15%) of the plan review fee collected after the initial model is checked at the prescribed rate.

SFA will not charge for rechecks unless the plans are incomplete or revised for which the City would collect additional fees from the applicant as well. The City would then have the funds to reimburse SFA. Additional services outside the main scope of review would be charged at a rate of \$95.00 per hour or as mutually agreed upon based on the salary rate of the employee.

### HOURLY CONTRACT EMPLOYEE FEES

The following rates are based on the presumption that a professional services agreement requiring E & O insurance will be used. If a different format is used, the fees may be subject to consideration. These rates are for staff positions in the event such arrangements are decided to be established in addition to plan check consulting services.

For the positions listed in the RFP, the hourly rates are listed as follows to allow for comparison of Proposals. The rates, which indicate a range of billing rates, are based on payroll rates of the employees and the term of employment anticipated.

Building Counter Technician	\$35.00 - \$45.00
Combination Building Inspector	\$45.00 - \$60.00
Housing Code Inspector	\$40.00 - \$55.00
Municipal Code Enforcement Officer	\$40.00 - \$55.00
Office Support Specialist	\$30.00 - \$45.00
Grading Inspector	\$45.00 - \$60.00
Infrastructure Inspector	\$45.00 - \$60.00
Plan Checker	\$50.00 - \$65.00
Plan Check Engineer	\$75.00 - \$100.00

Additional positions are subject to mutually agreed upon rates when so requested by the City.

Scott Panzetta & Associates, Inc.

Fire Prevention Fees

Fire Plan Review	\$100.00/hour
Fire Inspection	\$100.00/hour

Footnotes:

- 1) The same individual who performs the plan reviews will perform the inspections, however, if more consistent ongoing hours are needed an inspector who meets the City's approval may be selected at a lesser rate depending on their qualifications.
- 2) A two-hour minimum applies to plan check and inspections.

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IN WITNESS WHEREOF, the Parties hereto have set their hand by their duly authorized representatives as of the day and year first above written.

CITY OF COSTA MESA,  
A municipal corporation

\_\_\_\_\_  
Mayor of the City of Costa Mesa

Date: \_\_\_\_\_

CSG CONSULTANTS, INC.

  
\_\_\_\_\_  
Signature

Date: 11/23/2011

KHOA DUONG, V.P.  
\_\_\_\_\_  
Name and Title

ATTEST:

\_\_\_\_\_  
City Clerk and ex-officio Clerk  
of the City of Costa Mesa

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Project Manager

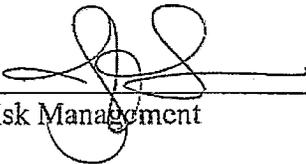
Date: 11/23/11

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Date: 11/23/11

APPROVED AS TO INSURANCE:

  
\_\_\_\_\_  
Risk Management

Date: 11/22/11

# EXHIBIT C

## CSG PROPOSED FEE SCHEDULE

Service	Fee
Building Plan Review	85% of the plan review fee as calculated per CBC Table 1-A
Grading Plan Review	85% of the City plan review fee
Expedited Plan Review	To be negotiated
Combination Inspector	\$55.00 per hour (City provides vehicle) \$60.00 per hour (CSG provides vehicle)
Grading Inspector	\$60.00 per hour (City provides vehicle) \$65.00 per hour (CSG provides vehicle)

CSG

CURRENT FIRE SERVICE FEE SCHEDULE  
- MARCH 2011

<u>Service</u>	<u>Fee</u>
Fire Plan Review	\$90.00 per hour
Fire Inspector/Fire Marshal	\$70.00 per hour (City provides vehicle)

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FOR BUILDING PLAN CHECK AND INSPECTION**

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CITY OF COSTA MESA,  
A municipal corporation

\_\_\_\_\_  
Mayor of the City of Costa Mesa

Date: \_\_\_\_\_

BUREAU VERITAS

  
Signature

Date: 11/22/11

MANAGER BUILDING & SERVICE SERVICES  
Name and Title

ATTEST:

\_\_\_\_\_  
City Clerk and ex-officio Clerk  
of the City of Costa Mesa

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Project Manager

Date: 11/23/11

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Date: 11/23/11

APPROVED AS TO INSURANCE:

  
\_\_\_\_\_  
Risk Management

Date: 11/22/11

# EXHIBIT C



## City of Costa Mesa Building Plan Check and Inspection Services

### Section 4 - Proposed Fees for Building Plan Check and Inspection Services

Plan Review Fees	Rates
Building Plan Review Services	25% Jurisdiction Collected Plan Check Fee*
Accelerated Building Plan Review Services	TBD Prior to the Review

\*Predicated on City maintaining an acceptable fee schedule

#### Schedule of Rates for Additional Professional Services

##### Community Development

Billing Title	Hourly Billing Rates
Building Official II	\$155
Deputy Building Official	\$140
Senior Inspector	\$90
Inspector	\$85
Inspector/Plans Exam IV	\$130
Inspector/Plans Exam III	\$120
Inspector/Plans Exam II	\$110
Inspector/Plans Exam I	\$105
Permit Technician III	\$90
Permit Technician II	\$75
Permit Technician I	\$70

##### Construction Management / Observation

Billing Title	Hourly Billing Rates
Resident Engineer II	\$160
Resident Engineer I	\$145
Construction Manager Dir	\$160
Construction Manager J	\$140
Construction Observer V	\$120
Construction Observer IV	\$115
Construction Observer III	\$90
Construction Observer II	\$80
Construction Observer I	\$75
Construction Technician	\$75

##### Program Management / Engineering

Billing Title	Hourly Billing Rates
Sr. Engineer II	\$145
Sr. Engineer I	\$140
Engineer V	\$120
Engineer IV	\$125
Engineer III	\$115
Engineer II	\$105
Engineer I	\$90
Engineering Asst II	\$85
Engineering Asst I	\$75
Specialist/Designer IV	\$140
Specialist/Designer III	\$130
Specialist/Designer II	\$120
Specialist/Designer I	\$110

##### Special Services / Administration

Billing Title	Hourly Billing Rates
Principal	\$230
Sr. Project Manager	\$175
Project Manager	\$160
Technician IV	\$105
Technician III	\$90
Technician II	\$75
Technician I	\$70
Administrative Mgmt	\$108
SR. Admin Assistant	\$90
AA III / Contracts-Spist	\$75
Admin Assistant II	\$70
AA I/Clerical III/Facilities	\$65
Clerical I	\$45

#### Professional Reimbursement

The hourly billing rates include the cost of salaries of the Bureau Veritas employees, plus sick leave, vacation, holiday and other fringe benefits. The percentage added to salary costs includes indirect overhead costs and fee (profit). All employees classified as "non-exempt" by the U.S. Department of Labor will be compensated at 1-1/2 times salary, as per state and Federal wage and hour laws. Billing rates will be calculated accordingly for these overtime hours.

#### Communication Fee

Project Labor Times 3.0% which includes telecommunications, faxes, standard U.S. Mail, mobile phones, and internet access and hardware.





**Direct Expenses**

Reimbursement for direct expenses, as listed below, incurred in connection with the work, will be at cost plus fifteen percent (15%) for items such as:

- Maps, photographs, reproductions, printing, equipment rental and special supplies related to the work.
- Consultants, soils engineers, surveyors, contractors, and other outside services.
- Rented vehicles, local public transportation and taxis, travel and subsistence.
- Specific telecommunications and delivery charges.
- Special fees, insurance, permits, and licenses applicable to the work.
- Outside computer processing, computation, and proprietary programs purchased for the work.

Reimbursement for employee-owned vehicles used in connection with the work will be at the current IRS per mile rate.

Other in-house charges for prints, reproductions and equipment use, etc. will be at standard company rates.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided, effective January 8, 2006 through December 31, 2006, and will be adjusted thereafter.

RECEIVED





## Fire Plan Check and Inspection Fee Proposal

Fire Plan Check Inspection	Rates
All Fire Plan Reviews	85% of the City's Collected Fee
All Fire Inspections	\$100/hr

City of Costa Mesa will provide a Vehicle to perform all inspection activity.

### Professional Reimbursement

The hourly billing rates include the cost of salaries if the Bureau Veritas employees, plus sick leave, vacation, holiday and other fringe benefits. The percentage added to salary costs includes indirect overhead costs and fee (profit). All employees classified as "non-exempt" by the U.S Department of Labor will be compensated at 1½ times salary, as per state and federal wage and hour laws. Billing rates will be calculated accordingly for these overtime hours.

### Communication Fee

Project Labor Times 3.0%, which includes telecommunications, faxes, standard U.S. Mail, mobile phones, and internet access and hardware.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided, effective March 16, 2011 through June 30, 2011.



BUREAU VERITAS