

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: April 28, 2016**

SUBJECT: Professional Services Agreement with Gervasio & Associates

SUBMITTING DEPARTMENT: Legal

PREPARED BY: Steven Zraick, Deputy Town Attorney

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Professional Services Agreement

SUMMARY/BACKGROUND: The 52,000 square-foot Joint Facility west of the Civic Center houses the Prescott Valley Library, an auditorium (serving also as Council Chambers), and a separate wing of classrooms and administrative offices for Yavapai College (currently subleased to Northern Arizona University). The Town and Yavapai College have an Intergovernmental Agreement by which construction costs were shared 80%/20% and the two entities hold ownership as a condominium. Construction involved a contract with the architectural firm of Richard + Bauer (\$1,468,700), and with the construction company of Barton Malow (\$16,776,573.00 base bid and approved alternates). The facility is a contemporary design inspired by nearby Glassford Hill (with its volcanic shapes and textures). There is a wrapping roofline and overlook terrace (or cone) at the center. A breeze-way separates the Library/Auditorium from the College wing. The roof is metal (Cor-Ten) which (as designed) developed a rust finish to help convey the comparison with Glassford Hill. The building was substantially completed in 2009.

Since completion in 2009, the roof has leaked when it rains and snows. Barton Malow (and later Town staff) has tried various fixes but the fixes have typically held for only one or two storm events and then leaks have reappeared (sometimes in new spots). Overall, the number and severity of leaks have gotten worse with time. On May 7, 2014, a local roofing company issued a short report suggesting the problem was largely due to improper fasteners (not indicating whether it was a design or construction problem). In February 2015, staff opened a formal dialogue with Richard + Bauer and Barton Malow to try to determine the reason for the problem. By then it was clear it was not a maintenance or repair issue but due to design, construction (or both). On April 13, 2015, Richard + Bauer issued an initial report largely suggesting the problem was due to poor construction. On July 24, 2015, the engineering firm of Wiss, Janney Elstner Assoc. issued a report outlining its investigation on behalf of Barton Malow and suggesting most of the problem was due to poor design. In the meantime, the Town found it necessary in July 2015 to arrange for mold remediation in the Auditorium.

On November 12, 2015, Richard + Bauer prepared an outline of three options for fixing the roof and the Town has indicated a preference for option #3 (removing existing materials, observing conditions under the existing roof section, and incorporating as many of the solutions proposed to date for water tightness while maintaining the existing look of the building). On January 11, 2016, Barton Malow gave a written estimate for this option of \$ 1,461,550.

Staff has indicated to Richard + Bauer and Barton Malow representatives that it is willing to participate in the cost of completing Option #3 but that they must provide most of the funds. At this point, though they

continue to review the matter and maintain dialogue, neither has indicated a clear willingness to so participate. Therefore, staff has begun the process of reviewing the Town's legal options. A first step is acquisition of a forensics engineering firm to review reports to-date and advise where the responsibilities lie (in anticipation of potential litigation). The firm will also consider other identified problems (e.g. faulty exterior wall panels, leaking at ground level, failed trex-dex roof decking, and discoloration of central cone area).

Gervasio & Associates is a highly-recommended forensics engineering firm which assisted the Town previously in resolving structural issues with the Civic Center between 2001 and 2005. Such a professional services agreement for engineering may be entered into directly based on Town Code 3-04-080.

OPTIONS ANALYSIS: Council may approve the professional services agreement as written, suggest modifications, OR decline to approve this agreement.

ACTION OPTION: Motion to approve a professional services agreement with Gervasio & Assoc. for forensic engineering services, OR Motion to not approve this agreement with Gervasio & Assoc. **VOTE**

RECOMMENDATION: Staff recommends approval of this professional services agreement with Gervasio & Assoc. for forensic engineering services.

FISCAL ANALYSIS: Initial costs in FY 2015-16 will be billed to the Legal Dept outside counsel budget. Subsequent costs in FY 2016-2017 shall be billed to the amounts budgeted for Joint Facility repairs.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____