

RESOLUTION NO. 58-07

RESOLUTION OF THE MEMBERS OF THE RICHMOND CITY COUNCIL,
RICHMOND, CALIFORNIA, APPROVING AND AUTHORIZING THE
EXECUTION OF THE DESIGN-BUILD AGREEMENT WITH RICHMOND
CIVIC CENTER PARTNERS LLC FOR PHASE ONE B OF THE CIVIC
CENTER PROJECT

WHEREAS, the City of Richmond, following a Request for Qualifications released on January 27, 2005, selected Richmond Civic Center Partners, LLC, as the development team for the Civic Center Project, and the City Council approved Richmond Civic Center Partners LLC as the developer for the Civic Center Project; and

WHEREAS, the City of Richmond entered into an Exclusive Right to Negotiate ("ERN") with Richmond Civic Center Partners, LLC, on July 29, 2005; and

WHEREAS, the City of Richmond subsequently entered into an Agreement to Negotiate ("ANE") with Richmond Civic Center Partners, LLC, on November 15, 2005; and

WHEREAS, the City of Richmond approved the First Amendment to the ANE on March 28, 2006; and

WHEREAS, the City of Richmond approved the Second Amendment to the ANE on September 12, 2006; and

WHEREAS, the City of Richmond approved the Third Amendment to ANE on November 2, 2006; and

WHEREAS, The City Council has adopted a resolution finding that the Civic Center Project is a "Master Development Project" within the meaning of Section 2.52.100 of the Richmond Municipal Code, and

WHEREAS, the City Council approved on December 19, 2006 the Design-building Agreement for Phase One A of the Civic Center Project with Richmond Civic Center Partners, LLC;

NOW, THEREFORE the City Council of the City of Richmond hereby makes the following findings:

Section 1. The City Council hereby reaffirms its previous finding that the Project is a Master Development Project within the meaning of Section 2.52.100 of the Richmond Municipal code.

Section 2. The City Council hereby approves the Design-Build Agreement for Phase One B of the Civic Center Project (the "Agreement") in an amount not to exceed \$80 million, which includes construction and related services for the Project, in substantially the form attached hereto as Exhibit A and incorporated herein by reference, subject to any necessary modifications based on the City Council's decision regarding the window system to be installed for the Project as well as any minor technical and clarifying changes approved by the City Manager and City Attorney, and hereby authorizes the City Manager to execute the Agreement.

Section 3. The City Council hereby approves a budget not to exceed \$94

million for Phase One B of the Civic Center Project, including the Phase One B Design Build Agreement, Furniture Fixtures and Equipment, Project Management and an Owner-controlled contingency for unforeseeable Owner-initiated changes or unforeseeable field conditions.

PASSED AND ADOPTED by the Members of the City Council of the City of Richmond at a regular meeting held on June 5, 2007, by the following vote:

AYES:	Councilmembers Bates, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Viramontes
NOES:	Councilmember Butt and Mayor McLaughlin
ABSTENTIONS:	None
ABSENT:	None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE, Interim
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 58-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on June 5, 2007.