



Jobsite Office  
333 W. El Camino Real, Suite 390  
Sunnyvale, CA 94068

September 13, 2023

Jennifer Ng  
Assistant Director of Public Works / City Engineer  
City of Sunnyvale  
465 West Olive Ave  
Sunnyvale, CA 94086

Subject: **Global Settlement for Additional Work Acceptance Letter**  
Project: **Sunnyvale Civic Center Modernization Phase 1**

Dear Ms. Ng:

Hensel Phelps has received the City's global settlement offer of **THREE MILLION SIX HUNDRED THOUSAND (\$3,600,000.00) DOLLARS** and is willing to accept this amount along with access to the remaining balance of the original Project Contingency and access to the remainder of the original Project Unforeseen & Hazardous Soil Contract Allowances with the following four terms and conditions. These terms and conditions are consistent with prior partnering conversations between the City and Hensel Phelps.

**1) Schedule Milestone Extensions**

Hensel Phelps requests that the dates for the following Project Milestones get updated to reflect the following logic. Hensel Phelps also requests that the City acknowledge that Liquidated Damages will not be assessed as all parties are partnering to complete the Project as efficiently as practical:

**A = Emergency Operations Center (EOC) Addition =** ..... **Sep 09, 2022**  
**B = New City Hall =** ..... **March 14, 2023**  
**C = Department of Public safety (DPS) Tennant Improvements =** ..... **Dec 08, 2023\***

\*The work to install the new fire rated frame, door and hardware at hallway 1058 is excluded from this Milestone.

**Phase 6 Site Work Completion =** ..... **Dec 08, 2023**

**Final Completion =** ..... **Dec 29, 2023\***

\*The work to install the emergency generator and complete the final micro grid & BMS commissioning pass for the new City Hall is included with this Milestone.

**2) Deferred Warranty Start Dates**

Hensel Phelps acknowledges that the following systems will have a deferred warranty start date:

- a) **Council Chamber AV Systems**
- b) **Redwood Conference Tabe AV Systems**
- c) **Interior Signage at City Hall**
- d) **North Canopy Entrance Doors**
- e) **Granite Podium Stairs**
- f) **BMS and Air Source Heat Pump (ASHP)**
- g) **City Hall Emergency Power System (Generator, PV & BESS)**

**3) Resolution of Disputed Punch List Items**

Hensel Phelps requests that the following two (2) punch list items are closed with no action needed from our Trade Partners:



- 1) **Elevation of the North Terrace Trees (Buildup ID-6836)**
- 2) **Podium Stair Metal Cap Flashing (Buildup ID-6870)**

Hensel Phelps agrees to perform the following three (3) corrective action to close the following punch list items:

- A) **Void at Exterior Façade Joint Above Level 1 (Buildup ID-7104)**
  - a. Hensel Phelps to install continuous closure angle.
- B) **Stainless Steel Blades at Passenger Elevators (Buildup ID-7403)**
  - a. Hensel Phelps to caulk joints at Car #2 on level 03.
- C) **Level 1 Stone Vanier Transition at Curtain Wall Along C/L-7**
  - a. Hensel Phelps will install flashing at joint to seal off the gap.

**4) Additional Project Enhancements**

Hensel Phelps is not including cost to support the following Project enhancements. Note that some of these requested enhancements are not needed to support City operations. Hensel Phelps can work with the City to generate formal estimates for these scopes of work should the City deem them necessary.

- 1) **SOC Additional Dirt for Site Grading.**
  - a. Current mitigation strategy is to utilize soil stockpiles from a local City project and bill down the remaining Contract Allowance for Contaminated Soils.
- 2) **Road Work Elevation Improvements Along Olive & All America Way.**
  - a. Recommended mitigation strategy is to grind and overlay, per Bid Documents, and over pave road surface to align with curb and gutter line. Bike lane cross section grade at 5% is acceptable.
- 3) **Enhanced Council Chamber AV Program for Broadcasting.**
  - a. Recommended mitigation strategy is to engage outside, third party, firm to support KMTV requirements.
- 4) **Exterior Monument Signage Revisions to Conform to City Standards.**
  - a. Recommended mitigation strategy is to leave elements alone as they conform to the Bid Documents.

Please note that Hensel Phelps will support and incorporate the following four (4) scopes of work within this global settlement:

- 1) **DPS enhanced Crime Lab door security package.**
- 2) **DPS additional privacy film at the main lobby.**
- 3) **Enhanced City Hall cellular duress system.**
- 4) **Accessible walk path transitions at the wildflower area north of Olive Ave.**

If you have any comments or questions, please contact the undersigned.

Sincerely,

*Andrew Cameron*

Andrew Cameron  
Project Manager