



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Len Gorecki, Director of Public Works
Bernardo Iniguez, Public Works Manager

SUBJECT: Consideration and possible action to authorize the City Manager to execute Amendment No. 1 to Agreement File No. 664, in a form approved by the Interim City Attorney, with CivilSource, Inc., to increase the compensation for on-call construction management and inspection services.

DATE: March 14, 2016

EXECUTIVE SUMMARY

This action would authorize the City Manager to execute Amendment No. 1 to Agreement File No. 664 with CivilSource, Inc. (CivilSource). The purpose of the Amendment is to increase the compensation for construction management and inspection (CM/CI) services.

RECOMMENDATION TO CITY COUNCIL

- 1) Authorize the City Manager to execute Amendment No. 1 to Agreement File No. 664, in a form approved by the Interim City Attorney; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

The hourly rates for CM/CI services vary from \$75 to \$160 depending on the personnel utilized. The Agreement provides for annual renewals for up to two successive years and, if renewed, then the hourly rates will be adjusted annually based on the percentage change in the Consumer Price Index for All Urban Consumers, Los Angeles Region, for the 12-month period ending March 1. The maximum annual Agreement amount will be increased from an amount not to exceed \$100,000 to an amount not to exceed \$200,000. Project-specific CM/CI services will be paid out of the respective capital project accounts. Non-project-specific CM/CI services will be paid out of Account No. 010-42054-3000.

DISCUSSION

The City receives federal funds from the U.S. Department of Transportation's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) for transportation improvement projects, including, but not limited to, pavement rehabilitation, street widening, landscape, and bus shelter improvement projects. The estimated annual costs for these federally funded projects vary from year to year.

In order to facilitate the construction and administration of federally-funded projects, the City procures professional services from firms providing CM/CI services. CM/CI services consist of construction management, schedule management, labor compliance (review of certified payroll and fringe benefits), disadvantaged business enterprise (DBE) compliance, quality assurance, progress payment review and recommendation for approval, change order review and recommendations, claims prevention, communication with impacted residents and businesses, coordination with utilities and other agencies, review of submittals, and contract administration to facilitate completion of the project within budget, on schedule, and in compliance with all requirements of the contract documents and the funding source throughout the completion of all construction.

Following a competitive bidding process, the City entered into Agreement File No. 664 with CivilSource on April 13, 2015, thereby allowing CivilSource to provide as-needed CM/CI services at the written request of the Director of Public Works. The maximum annual compensation amount set in the Agreement was an amount not to exceed \$100,000.

On November 15, 2015, Public Works requested a proposal from CivilSource for CM/CI services for the Bellflower Boulevard Pedestrian Enhancements Project, which is a FHWA federally-funded project. CivilSource provided a proposal of \$76,700, which was accepted by Public Works.

On February 4, 2016, Public Works requested another proposal from CivilSource for CM/CI services for the Bellflower Bus Shelter Improvements Project, which is a FTA federally-funded project. CivilSource provided a proposal of \$89,960. In order to accept the proposal, Public Works is recommending increasing the maximum annual compensation amount in the Agreement from an amount not to exceed \$100,000 to an amount not to exceed \$200,000.

ATTACHMENT

Amendment No. 1 to Agreement File No. 664..... 3

**AMENDMENT NO. 1 TO
AGREEMENT FILE NO. 664 BETWEEN
THE CITY OF BELLFLOWER AND
CIVILSOURCE, INC.
FOR ON-CALL CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES**

THIS AMENDMENT NO. 1 ("Amendment") is made and entered into this 14th day of March 2016 by and between the CITY OF BELLFLOWER, a general law city and municipal corporation ("CITY"), and CivilSource, Inc., a California corporation ("CONSULTANT").

1. Pursuant to Section 5(b) of Agreement File No. 664 ("Agreement"), Section 5(a) is amended to read:

"City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, based upon actual time spent on the specific tasks assigned. The aggregated total of those payments cannot exceed \$200,000 during the total term of the Agreement, unless additional payment is approved as provided in this Agreement; provided, that Consultant understands and agrees this Agreement is for on-call services and no specific amount of work or payment is guaranteed pursuant to this Agreement."

2. Exhibit B (Payment Schedule), Section 3 (Maximum Payment) is amended to read:

"Except as otherwise provided in this Agreement, the total expenditures made under this Agreement cannot exceed \$200,000. No payment will be made for any work performed, unless that work is authorized by City's Director of Public Works in writing in advance."

3. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitutes one instrument executed on the same date.

4. Except as modified by this Amendment, all other terms and conditions of Agreement File No. 664 remain the same.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF BELLFLOWER

CIVILSOURCE, INC.

Jeffrey L. Stewart, City Manager

Amy Amirani, President/Secretary

ATTEST:

Mayra Ochiqui, City Clerk

Taxpayer ID No. 20-5729456

APPROVED AS TO FORM:

Karl H. Berger, Interim City Attorney