

REPORT TO CITY COUNCIL

DATE: APRIL 23, 2014

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER *NH*

SUBJECT: REQUEST TO APPROVE THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DJS SPECIAL INSPECTIONS, INC., AGREEMENT TO PROVIDE CONSTRUCTION RELATED INSPECTIONS FOR THE RECREATION CENTER PROJECT

During the construction of the Community Recreation Center, special inspections of particular trades are required to be performed by a licensed inspector. Due to some changes in the schedule related to concrete pours and steel beam placement, additional inspections are required to insure that these trades meet the construction specifications and State safety standards.

In December 2013, the City entered into an agreement with DJS Special Inspections, Inc. (DJS), to provide inspection services related to the construction of the Community Recreation Center. Due to the amount of dedicated time on site, the City opted to use a consultant to perform these services. As construction has continued, there have been several changes in the originally planned schedule by the general contractor that increased the amount of time that an inspector will need to be on site.

The costs related to this amendment, \$18,000 would be accounted for with the funds from the existing approved project budget. The first amendment to the agreement with DJS would bring the total agreement amount to be in a not-to-exceed amount of \$40,000. Even considering several rain delays and changes in the contractor's order of tasks, the project remains within the approved budget and the established construction schedule. The term with DJS will be extended to coincide with the established construction dates.

The proposed agreement has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff respectfully recommends the City Council approve the first amendment to the Agreement with DJS Special Inspections, Inc., amending the term of completion and financial terms for the inspection services for the Agoura Hills Recreation Center.

Attachment: Amendment DJS agreement

AGREEMENT (AMENDMENT) ROUTING SLIP FOR

DJS Special Inspections, Inc.

Consultant Name (\$25K and Over Amendment)

Attached, please find (check one of the following boxes):

- Note:** As all Amendment templates are customized, Outside Agency Amendment review and approval is required (Section 1) Complete Sections 1 and 2
- City Agreement Amendment Complete Sections 1 and 2 Special Amendment Complete Sections 1 and 2

Section 1 – Approve template and/or changes to insurance: Receive Department Head approval to amend agreement. Check with Risk Manager for insurance and/or template amendments. Risk Manager will authorize emailing City Attorney for amendment template review and approval. Attach City Attorney email response (approval) to this slip.

- WJF (Dept. Head Initials/Date) Authorization to Amend Agreement N/A (Risk Manager Initials/Date) Approval to Forward to City Attorney
- N/A (Risk Manager Initials/Date) Insurance Amended (See Notes Below) _____ Staff Initials(From No. 1 Below) City Attorney Email Approval Attached
- WJF (Risk Manager Initials/Date) Approve Template (See Notes Below) _____ Staff Initials/Date Other (See Notes Below)

Section 2 – Signed Amendment received from Consultant. Sign/date and attach this routing slip to the proposed amendment and route to staff in the order listed below (i.e., 2-4). Submit the signed amendment, including the appropriate insurance and endorsement, with this completed routing slip, to the Risk Manager (insurance review/approval) who will forward to the City Clerk for final review/distribution. Amendments without the appropriate insurance attached will be returned to the department. A copy of the final amendment will be provided to the Consultant and the staff person (in Item No. 1 below)

1. NATHAN HAMBURGER
Prepared by (Staff Name/Date)
2. [Signature] 4/3/14
Department Head – Date
(Authorization to forward to Risk Mgr/Clerk)
3. _____
Risk Manager – Date
(Insurance Review/Approval)
4. _____
City Clerk – Date
(Format Review/Final Distribution)

- FOR CITY CLERK USE ONLY -

Year: _____ Month/Day: _____
 Amendment/Insurance Received: _____
 To City Attorney for Signatures: _____
 To City Manager/Mayor for Signatures: _____
 City Attorney Email/Scope Attached: _____
 Distributed to Consultant/Staff: _____
 Laserfiche/Log/Index/File: By: _____
 Insurance Logged: By: _____

Notes:

- NO CHANGES TO INSURANCE REQ.
 - EXISTING INSURANCE IS ACTIVE AND SUFFICIENT & VALID THROUGH 9/2/14

**FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES
WITH THE CITY OF AGOURA HILLS**

NAME OF CONSULTANT: DJS Special Inspections, Inc.

RESPONSIBLE PRINCIPAL OF CONSULTANT: Attn: Donald J. Sunseri

CONSULTANT'S ADDRESS: 1243 Flynn Rd.
Camarillo, CA 93012

CITY'S ADDRESS: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
Attn: City Manager

PREPARED BY: Nathan Hamburger

COMMENCEMENT DATE: December 2, 2013

TERMINATION DATE: December 31, 2014

CONSIDERATION: Amendment Amount: \$18,000
Total Contract Price \$40,000

**FIRST AMENDMENT TO AGREEMENT BETWEEN
CITY OF AGOURA HILLS AND DJS SPECIAL INSPECTIONS, INC.**

AGOURA HILLS RECREATION CENTER

THIS FIRST AMENDMENT is made and entered into as of April 23, 2014, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and DJS Special Inspections, Inc. (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:

a. On December 2, 2013, the City and Consultant entered into that certain Agreement entitled "Agreement for Consultant Services in the amount of twenty-two thousand dollars (\$22,000).

b. The parties now desire to extend the term of the agreement to December 31, 2014, and increase the payment in the amount of eighteen thousand dollars (\$18,000), and to amend the Agreement as set forth in this Amendment.

2. Section 1 of the Agreement entitled "**TERM**" is hereby amended to read as follows:

"This Agreement shall remain and continue in effect until tasks herein are completed, but in no event later than December 31, 2014, unless sooner terminated pursuant to the provisions of this Agreement."

3. Section 5 of the Agreement entitled "**PAYMENT**" at paragraph "a" is hereby amended to read as follows:

"The City agrees to pay Consultant monthly, in accordance with the payment rates and schedules and terms set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. The First Amendment amount shall not exceed eighteen thousand dollars (\$18,000), for additional inspection services related to the construction of the Agoura Hills Recreation Center for a total Agreement amount of forty thousand dollars (\$40,000)."

4. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Agreement to be executed the day and year first above written.

CITY OF AGOURA HILLS

William D. Koehler,
Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk
Date Approved by City Council _____

APPROVED AS TO FORM:

Candice K. Lee,
City Attorney

DJS Special Inspections, Inc.
1243 Flynn Rd.
Camarillo, CA 93012
Donald Dunseri
(805) 493-1475
(805) 493-1425 fax

By: _____

Print Name: _____

Title: _____

By: _____

Print Name: _____

Title: _____

[Signatures of Two Corporate Officers Required]