



## REPORT TO CITY COUNCIL

**DATE:** SEPTEMBER 28, 2016

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER 

**BY:** RAMIRO ADEVA, PUBLIC WORKS DIRECTOR/CITY ENGINEER 

**SUBJECT:** APPROVAL OF SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL SERVICES FOR CONSTRUCTION ENGINEERING OF THE AGOURA ROAD WIDENING PROJECT

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This report seeks City Council approval of a second amendment to the contract with Kimley-Horn and Associates, Inc. (KHA) to provide additional construction engineering services for the Agoura Road Widening Project (Project).

As with most major infrastructure projects, a construction engineering firm is hired to handle things such as attending construction meetings, providing addendum plan updates, answering of Requests for Information (RFI), participating in field change reviews, and preparing "As-Built" record drawings. Oftentimes, larger projects encounter more complex issues during construction that require more time and attention to resolve than initially anticipated. For the Agoura Road Widening Project, those issues involved potable water mainlines, communication lines, gas lines, and Flood Control District drainage facilities. As a result, the original budget for construction engineering was quickly consumed answering RFI's and dealing with minor re-designs to solve unexpected field variances from the original project plans. With this in mind, an additional \$42,460.75 is needed to cover the remaining construction engineering work for the remainder of the project.

As a point of reference, a first amendment to KHA's contract was approved in September 2015, to provide final design plans, specifications, and estimates for a fiber optic interconnect to be constructed within the Project limits.

The additional funding for this second amendment will be covered entirely through Measure R.

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

## **RECOMMENDATION**

Staff respectfully recommends the City Council:

1. Approve the second amendment to the design professional consultant services agreement with Kimley-Horn and Associates, Inc.
2. Authorize the Mayor to sign the second amendment to the agreement on behalf of the City Council.

Attachment: Second Amendment CE Contract KHA

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

<b>NAME OF CONSULTANT:</b>	<b>Kimley-Horn and Associates, Inc.</b>
<b>RESPONSIBLE PRINCIPAL OF CONSULTANT:</b>	<b>Attn: Michael Choi, PE</b>
<b>CONSULTANT'S ADDRESS:</b>	<b>660 S. Figueroa St., Ste. 2050 Los Angeles, CA 90017</b>
<b>CITY'S ADDRESS:</b>	<b>City of Agoura Hills 30001 Ladyface Court Agoura Hills, CA 91301 Attn: City Manager</b>
<b>PREPARED BY:</b>	<b>Charmaine Yambao</b>
<b>COMMENCEMENT DATE:</b>	<b>July 1, 2016</b>
<b>TERMINATION DATE:</b>	<b>June 30, 2017</b>
<b>CONSIDERATION:</b>	<b>Contract Price Not to Exceed: \$382,160.75 (Increase by \$42,460.75 from \$339,700.00 to \$382,160.75)</b>

**SECOND AMENDMENT TO AGREEMENT BETWEEN  
CITY OF AGOURA HILLS AND KIMLEY-HORN AND ASSOCIATES, INC.**

**Agoura Road Widening Project – Construction Engineering Services**

This SECOND AMENDMENT TO AGREEMENT (“Amendment”) is made and entered into as of the 28<sup>th</sup> day of September, 2016, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as “City”) and Kimley-Horn and Associates, 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 respect to the following facts and purposes:
  - a. On January 14, 2015, the City and Consultant entered into that certain Agreement entitled “Agreement for Design Professional Consultant Services Between the City of Agoura Hills and Kimley-Horn and Associates, Inc.”, in the amount of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00).
  - b. On September 9, 2015, the City and Consultant entered into the First Amendment to that certain Agreement entitled “Agreement for Design Professional Consultant Services Between the City of Agoura Hills and Kimley-Horn and Associates, Inc.” to add scope of work and increase the payment in the amount of Thirty-Nine Thousand Seven Hundred Dollars and Zero Cents (\$39,700.00).
  - c. The parties now desire to extend the term of the agreement and increase the payment in the amount of Forty-two Thousand Four Hundred Sixty Dollars and Seventy-Five Cents (\$42,460.75), 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 June 30, 2017 unless sooner terminated pursuant to the provisions of this Agreement.”
3. Section 4 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 SECOND Amendment amount shall not exceed Forty-two Thousand Four Hundred Sixty Dollars and Seventy-Five Cents (\$42,460.75), for additional construction engineering services for a total Agreement amount of Three Hundred

Eighty-Two Thousand One Hundred Sixty Dollars and Seventy-Five Cents (\$382,160.75)."

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 **SECOND** Amendment to Agreement to be executed the day and year first above written:

**CITY OF AGOURA HILLS**

**KIMLEY-HORN AND ASSOCIATES, INC.**

660 South Figueroa Street Suite 2050  
Los Angeles, CA 90017  
Michael Choi, P.E.  
(o) 213-261-4038

\_\_\_\_\_  
Harry Schwarz,  
Mayor

By: \_\_\_\_\_

ATTEST:

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC  
City Clerk  
*Date Approved by City  
Council* \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:

**[Signatures of Two Corporate Officers Required]**

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Candice K. Lee,  
City Attorney