

## REPORT TO CITY COUNCIL

**DATE:** APRIL 14, 2021

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

**FROM:** NATHAN HAMBURGER, CITY MANAGER

**BY:** JESSICA FORTE, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

**SUBJECT:** REQUEST TO APPROVE THE SECOND AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH MNS ENGINEERS, INC., FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE U.S. 101/PALO COMADO CANYON ROAD (AT CHESEBRO) INTERCHANGE PROJECT

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At the City Council meeting on February 28, 2018, the City Council awarded a consultant services agreement to MNS Engineers, Inc. (MNS), in the amount of \$2,309,514 in order to provide construction management services related to the U.S.101/Palo Comado Canyon Road (at Chesebro) Interchange Project.

The scope of work for the project includes:

- Constructability review of plans and specifications (Pre-Construction)
- Bid assistance and management
- Provide contract administration
- Provide public outreach
- Ensure compliance with all Caltrans/Federal requirements
- Ensure various permit compliance
- Coordination with utility companies
- Coordinate execution of contract and provide schedule monitoring
- Ensure proper progress payments by contractor
- Provide change order management
- Provide construction observation, inspection, and material/soil testing
- Review contractor traffic plans and handling
- Conduct weekly progress meetings
- Provide final punch list, as-built drawings, and ensure project closeout
- Provide claims assistance, if necessary.

Following the approval of the original agreement, Caltrans required additional environmental studies and reports which, consequently, delayed the start of the project by approximately eight (8) months. On November 10, 2020, the Council approved the first amendment to the agreement that extended the agreement through June 30, 2021.

Due to additional work requested by the City, the project's completion date was extended by several months. As such, MNS is requesting additional compensation to cover their costs during the extended period of construction in order to complete all the necessary

tasks. Based on Section 5 of the Agreement, any additional compensation requires approval by the City Council. In order for MNS to complete the construction management and associated tasks related to the closeout of the project, staff is seeking approval of an amendment to the agreement to allow for an additional \$142,579 (0.06%) to the existing contract for a revised total of \$2,452,093. The proposed cost adjustment is still within the approved project budget, and will be paid entirely with the Measure M Funds that were allocated to the City for this project.

Construction is expected to be completed in May 2021, at which time MNS will begin closing out the project per Caltrans requirements. As such, staff is recommending that the agreement with MNS be extended through July 31, 2021.

The scope of work and all other terms of the agreement are not expected to change and remain the same as previously approved. Staff is satisfied with the work product from MNS and will continue to work towards completion of the interchange construction.

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

## **RECOMMENDATION**

Staff respectfully recommends the City Council approve the Second Amendment to the Consultant Services Agreement with MNS Engineers, Inc., for construction management services related to the U.S.101/Palo Comado Canyon Road (at Chesebro) Interchange Project.

Attachment: Second Amendment to Agreement

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

NAME OF CONSULTANT: MNS Engineers, Inc.

RESPONSIBLE PRINCIPAL OF CONSULTANT: Attn: Greg Chelini, P.E.

CONSULTANT'S ADDRESS: 4580 E. Thousand Oaks Blvd.  
Suite 101  
Westlake Village, CA 91362

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

PREPARED BY: Kelly Fisher

COMMENCEMENT DATE: March 1, 2018

TERMINATION DATE: July 31, 2021

CONSIDERATION: Amendment Amount: \$142,579  
Total Contract Price  
Not to Exceed: \$2,452,093

**SECOND AMENDMENT TO AGREEMENT BETWEEN  
CITY OF AGOURA HILLS AND MNS ENGINEERS, INC.**

**U.S. 101/Palo Comado Canyon Road (at Chesebro) Interchange Project**

THIS SECOND AMENDMENT is made and entered into as of April 14, 2021, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and MNS Engineers, Inc., a Corporation (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 March 1, 2018, the City and Consultant entered into that certain Agreement entitled "Agreement for construction management services", in the amount of Two Million Three Hundred Nine Thousand Five Hundred Fourteen Dollars and Zero Cents (\$2,309,514).

b. On November 10, 2020, the City and Consultant entered into the First Amendment to that certain Agreement entitled "Agreement for construction management services" to extend the term of the agreement to June 30, 2021.

c. The parties now desire to add scope of work, extend the term of the agreement to July 31, 2021, increase the payment in the amount of One Hundred Forty Two Thousand Five Hundred Seventy Nine Dollars and Zero Cents (\$142,579.00), 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 July 31, 2021 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 Second Amendment amount shall not exceed One Hundred Forty Two Thousand Five Hundred Seventy Nine Dollars and Zero Cents (\$142,579.00), for additional construction management services for a total Agreement amount of Two Million Four Hundred Fifty Two Hundred Thousand Ninety Three Dollars and Zero Cents (\$2,452,093.00)."

4. Exhibit "A" to the Agreement is hereby amended by adding thereto the items set forth on Attachment "A" to this Amendment, which is attached hereto and incorporated herein as though set forth in full.

5. 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**

\_\_\_\_\_  
Denis Weber,  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice K. Lee,  
City Attorney

**CONSULTANT**

MNS Engineers, Inc.  
4580 Thousand Oaks Blvd., Suite 101  
Westlake Village, CA 91362  
Greg Chelini, P.E.  
805-648-4840

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

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

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

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

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

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

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

## **ATTACHMENT A**

*Attached hereto and incorporated herein is the additional scope of work and associated cost as provided by the Consultant.*

March 31, 2021

City of Agoura Hills  
**Attention: Kelly Fisher, Public Works Project Manager**  
30001 Ladyface Court  
Agoura Hills, CA 91301

**SUBJECT: US 101/Palo Comado Canyon Road Interchange Project Contract Amendment**

Dear Mr. Fisher,

The completion of the US 101/Palo Comado Canyon Road Interchange Project has taken more time and effort than originally anticipated. Although we have been able to stretch our budget to accommodate the increased construction duration, the cost required for these additional services will soon exceed our current contract amount; therefore, MNS is requesting a contract amendment to provide additional funds for this increase in scope and services. Our original staffing plan assumed a construction duration of 20 months, but the project is now in month 27 and is estimated to be completed by May 2021. Thus, the project required an additional eight to nine months of service than originally estimated.

The primary cause for the increased services is due to the extended contract completion time, which was caused by various change order work. The additional tasks remaining to complete the contract work are as indicated below:

- Finalize architectural treatment
- Traffic signal and lighting
- Joint seals, fencing, hydroseeding
- Placement of permanent signage
- Final grinding, paving, and striping
- Landscape and irrigation
- Complete punchlist items / inspection and sign off
- Caltrans final reporting (LAPM Chapter 17 files)
- Project closeout / Archives and Electronic Documentation

The based on the cost of services performed to date and the remaining balance in our current contract, we estimate the cost to complete the work described above including closeout to be \$142,579.00 as outlined in the attached closeout cost estimate.

Thank you for your consideration on this matter. Please contact me at [bcallaghan@mnsengineers.com](mailto:bcallaghan@mnsengineers.com) or 805.896.8481 with any questions you may have.

Sincerely,

**MNS Engineers, Inc.**



Bill Callaghan, PE  
Regional Construction Manager

Encl. Cost Proposal





## Remaining CM & Inspection Services for Palo Comado Canyon Road Interchange Project City of Agoura Hills



PHASE	2021												2022		PHASE COST		
	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb					
Pre-Construction																	\$ -
Construction																	\$ 77,446.00
Closeout																	\$ 24,308.00

PHASE		2018												2020		TOTAL HOURS	HOURLY RATE	TOTAL COST	
Role	Staff	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb						
<b>CONSTRUCTION MANAGEMENT</b>																			
Project Manager	Greg Chelini, PE		3	3													6	235.00	\$ 1,410.00
Resident Engineer/SR	Bill Callaghan, PE		50	50													100	225.00	\$ 22,500.00
Lead Inspector	Mike McFadden		172	60													232	158.00	\$ 36,656.00
Lead Inspector (Night)	TBD		40														40	158.00	\$ 6,320.00
Office Engineer	Celeste Alfino		48	48													96	110.00	\$ 10,560.00
<b>CONSTRUCTION MANAGEMENT SUB-TOTAL</b>		0	313	161	0	0	0	0	0	0	0	0	0	0	0	0	474		\$ 77,446.00
<b>PROJECT CLOSEOUT</b>																			
Project Manager	Greg Chelini, PE				2	2											4	235.00	\$ 940.00
Resident Engineer/SR	Bill Callaghan, PE				30	20											50	225.00	\$ 11,250.00
Lead Inspector	Mike McFadden				21												21	158.00	\$ 3,318.00
Office Engineer	Celeste Alfino				40	40											80	110.00	\$ 8,800.00
<b>PROJECT CLOSEOUT SUB-TOTAL</b>		0	0	0	93	62	0	0	0	0	0	0	0	0	0	0	155		\$ 24,308.00
<b>TOTAL HOURS</b>		0	313	161	93	62	0	0	0	0	0	0	0	0	0	0	629		\$ 101,754.00

Direct Expenses	TOTAL COST
Direct Expenses	\$ -
<b>SUB-TOTAL</b>	\$ -

Sub Consultants	TOTAL COST
Materials Testing Twining	\$ 9,200.00
Source Inspection ZT Consulting	
Public Relations Ayars	\$ 31,625.00
<b>SUB CONSULTANTS SUB-TOTAL</b>	\$ 40,825.00

<b>CONSTRUCTION PHASE TOTAL</b>	<b>\$ 142,579.00</b>
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**Notes:**

- Used an average of 172 hours per month based upon 8 hour working days with no overtime. Included additional hours for anticipated NIGHT work
- Based upon a construction completion of May 2021, and a closeout period of 2 months.
- Assume City will perform Plant Establishment inspections.