

## REPORT TO CITY COUNCIL

**DATE: MAY 12, 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 FOR APPROVAL OF SECOND AMENDMENT TO THE AGREEMENT FOR CONTRACTOR SERVICES WITH BURNS-PACIFIC CONSTRUCTION, INC., RELATED TO PUBLIC WORKS MAINTENANCE SERVICES**

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Since 2011, Burns-Pacific Construction, Inc. (Burns), has provided public works maintenance services to the City. The services include, but are not limited to, street maintenance, sidewalk repairs and inspection, catch basin cleaning, traffic sign maintenance, street striping/pavement marking, general clean-up, and emergency response, as needed.

On June 28, 2017, the City Council authorized the contract award to Burns which allowed for three years of guaranteed work, with the option of two additional one-year extensions, for a total of five years. On June 20, 2020, the City Council approved the first amendment which extended the agreement until June 30, 2021. Based on the exceptional services being provided by Burns, staff feels it is in the best interest of the City to approve the second amendment for \$500,000, commencing on July 1, 2021, and terminating on June 30, 2022.

As with all agreement extensions, the contractor is entitled to a cost increase based on the California Consumer Price Index (CPI). If approved, the amendment would reflect a CPI increase in rates that account for all items typically included in contractor calculations of fully-burdened rates (i.e., current prevailing hourly wage rates pursuant to the provisions of Section 1773 of the Labor Code for the State of California, costs of coverage for multiple insurance policies, and standard company mark-up percentage). Refer to "Exhibit B- Payment Rates and Schedule" of the agreement.

There are sufficient funds appropriated in the proposed FY 2021/22 budget to cover the costs for these services.

The proposed amendment 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 Agreement for Contractor Services with Burns-Pacific Construction, Inc., related to public works maintenance services.

Attachment: Second Amendment to Agreement for Contractor Services

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

NAME OF CONTRACTOR: Burns-Pacific Construction, Inc.

RESPONSIBLE PRINCIPAL OF CONTRACTOR: Attn: Lisa Burns

CONTRACTOR'S ADDRESS: 505 E. Thousand Oaks Blvd.  
Thousand Oaks, CA 91360

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

PREPARED BY: Kelly Fisher

COMMENCEMENT DATE: July 1, 2021

TERMINATION DATE: June 30, 2022

CONSIDERATION: Amendment Amount: \$500,000  
Total Contract Price  
Not to Exceed: \$500,000/yr

**SECOND AMENDMENT TO AGREEMENT BETWEEN  
CITY OF AGOURA HILLS AND BURNS-PACIFIC CONSTRUCTION, INC.**

**PUBLIC WORKS MAINTENANCE SERVICES**

THIS SECOND AMENDMENT is made and entered into as of July 1, 2021, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and Burns-Pacific Construction, Inc., (hereinafter referred to as "Contractor"). 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 July 1, 2017, the City and Contractor entered into that certain Agreement entitled "Agreement for Public Works Maintenance Services", in the amount of Five Hundred Thousand Dollars and Zero Cents (\$500,000.00),

b. On July 1, 2020, the City and Contractor entered into the First Amendment to that certain Agreement entitled "Agreement for Public Works Maintenance Services" to extend the term of the agreement to June 20, 2021, increase the payment in the amount of Five Hundred Thousand Dollars and Zero Cents (\$500,000.00),

c. The parties now desire to extend the term of the agreement to June 30, 2022, increase the payment in the amount of Five Hundred Thousand Dollars and Zero Cents (\$500,000.00), 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 June 30, 2022 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 Contractor 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 Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) , for an additional one year of Public Works Maintenance Services for a total Agreement amount of Two Million Five Hundred Thousand Dollars and Zero Cents (\$2,500,000.00)."

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**

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

ATTEST:

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

APPROVED AS TO FORM:

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

**CONTRACTOR**

Burns-Pacific Construction, Inc.  
505. E. Thousand Oaks Blvd.  
Thousand Oaks, CA 91360  
Attn: Lisa Burns  
808-371-4171 805-495-2866 (fax)

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

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

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

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

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

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

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