

REPORT TO CITY COUNCIL

DATE: JULY 13, 2022

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 FIRST AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH MNS ENGINEERS, INC., FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE ROADSIDE DRIVE BRIDGE WIDENING PROJECT

At the City Council meeting on October 14, 2020, the City Council awarded an agreement for Consultant Services to MNS Engineers, Inc. (MNS), in the amount of \$597,276 in order to provide construction management services related to the Roadside Drive Bridge Widening 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.

Due to both unexpected delays and additional environmental monitoring 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 tasks as required on Federally funded projects. 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 for consultant services to allow for an additional \$199,904 to the existing contract for a revised total of \$797,180. The proposed cost adjustment is still within the approved project budget, and will be paid entirely using a combination of Highway Bridge Program (HBP), Toll Credits, and Proposition C Funds that were allocated to the City for this project. The recommended contract cost increase was reviewed by the Public Works Subcommittee on April 11, 2022, and received their support.

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 Roadside Drive Bridge Widening Project.

The proposed First Amendment to the Agreement for Consultant Services 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 Consultant Services Agreement with MNS Engineers, Inc., for construction management services related to the Roadside Drive Bridge Widening Project.

Attachment: First Amendment to Agreement for Consultant Services

FIRST 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: October 14, 2020

TERMINATION DATE: October 14, 2022

CONSIDERATION: Amendment Amount: \$199,904

Total Contract Price
Not to Exceed: \$797,180

**FIRST AMENDMENT TO AGREEMENT BETWEEN
CITY OF AGOURA HILLS AND MSN ENGINEERS, INC.**

Roadside Drive Bridge Widening Project

THIS FIRST AMENDMENT is made and entered into as of July 13, 2022, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and MNS Engineers, 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 October 12, 2020, the City and Consultant entered into that certain Agreement entitled "Agreement for construction management services", in the amount of Five Hundred Ninety-Seven Thousand Two Hundred Seventy Six Dollars and Zero Cents (\$597,276.00).

b. The parties now desire to add scope of work, and increase the payment in the amount of One Hundred Ninety-Nine Thousand Nine Hundred Four Dollars and Zero Cents (\$199,904.00), and to amend the Agreement as set forth in this Amendment.

2. 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 One Hundred Ninety-Nine Thousand Nine Hundred Four Dollars and Zero Cents (\$199,904.00), for additional construction management services for a total Agreement amount of Seven Hundred Ninety-Seven Thousand One Hundred Eighty Dollars and Zero Cents (\$797,180)."

3. 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.

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

Deborah Klein Lopez,
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 E. Thousand Oaks Blvd. Suite 101
Westlake Village, CA 91362
Greg Chelini, P.E.
805-648-4840

By:  _____

Print Name: Greg Chelini

Title: Vice President

By:  _____

Print Name: Jeff Edwards

Title: Vice President

[Signatures of Two Corporate Officers Required]

ATTACHMENT A

