

REPORT OF GENERAL MANAGER

APPROVED
FEB 15 2006

NO. 06-39

DATE February 15, 2006

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SUPPLEMENTAL AGREEMENT NO. 3 TO CONSULTANT CONTRACT NO. 2497 WITH DAVID EVANS AND ASSOCIATES, INC., FOR AS-NEEDED ENGINEERING SERVICES

J. Combs	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
B. Jensen	_____	*M. Shull	<u>me</u>

Robert H. Jensen (for)
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve Supplemental Agreement No. 3 to Contract No. 2497, substantially in the form on file in the Board Office, extending the term of the contract by three years, for a new total of seventeen years, subject to review and approval of the Mayor, the City Council, and the City Attorney as to form;
2. Find that the Department does not have, available in its employ, personnel with sufficient time or the necessary expertise to undertake these specialized professional tasks in a timely manner, and, it is more feasible, economical and in the Department's best interest, to secure these services by contract;
3. Direct the Board Secretary to transmit the proposed Supplemental Agreement No. 3 to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form; and,
4. Authorize the President and Secretary of the Board to execute Supplemental Agreement No. 3, upon receipt of necessary approvals.

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SUMMARY:

On August 3, 1992, the Department entered into a personal services contract with David Evans and Associates, Inc., for as-needed engineering services. The term was for three (3) years, expiring on August 2, 1995, for the amount of \$300,000.

On March 7, 1996, Amendment No. 1 was executed which increased the contract amount to \$600,000 and extended the contract term for an additional three (3) years, for a total of six (6) years.

On January 5, 2000, Supplemental Agreement No. 1 was executed which increased the contract amount by \$300,000 for a new contract amount of \$900,000 and extended the term for an additional three (3) years, for a total of nine (9) years. Later, on January 23, 2002, Supplemental Agreement No. 2 was executed which increased the contract term by two (2) years, for a new contract term of eleven (11) years.

On December 4, 2003, Amendment No.1 to Supplemental Agreement No. 2 was executed, increasing the term by another three (3) years, for a total of fourteen (14) years and increasing the contract amount by an additional \$200,000 for a new contract amount of \$1,100,000.

The firm has worked on several Department projects including, but not limited to, the following: Pedlow Skate Park Phase II and Yucca Park Phase II Synthetic Soccer Field Projects. It is anticipated that this consultant will continue to work on various aspects of these projects, as well as others, in the future. At this time, the consultant has been assigned work on the above projects that will extend over the current term of the contract. The Department does not have available personnel to perform these specialized professional tasks in a timely manner due to the existing demand on staff workload, therefore, making it impossible to meet other project requirements and deadlines. This supplemental agreement will allow this consultant to continue working on the various projects through the completion of the projects. The proposed Supplemental Agreement No. 3 includes adjustments of rates due to inflation. This adjustment in yearly hourly rates from 2007 through 2009 is an acceptable industry practice and conforms to normal cost of living adjustments.

This contract is recommended for extension in compliance with all Department and City procedures, policies and laws applicable to the award of the contracts. Principals of the firm are not employees or officials of the City; are free to make recommendations or perform the services specified in the contract; and have no authority, with respect to the City's decisions relating to the project, beyond fulfilling the provisions of the contract.

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FISCAL IMPACT STATEMENT:

All compensation to the consultant is provided from the funding source(s) of each individual project that the firm works on; therefore, there will be no decrease in revenue or increase in costs to the City's General Fund.

Prepared by Gino Ogtong, Management Analyst II, Planning and Development.