

REPORT OF GENERAL MANAGER

**APPROVED**  
NOV 07 2008

NO. 08-301

DATE November 7, 2008

C.D. All

**BOARD OF RECREATION  
and PARK COMMISSIONERS**

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SUPPLEMENTAL AGREEMENT TO CONTRACT NO. 3027 WITH EPTDESIGN, INC., FOR AS-NEEDED LANDSCAPE ARCHITECTURAL DESIGN SERVICES

R. Adams \_\_\_\_\_ J. Kolb \_\_\_\_\_

H. Fujita \_\_\_\_\_ F. Mok \_\_\_\_\_

S. Huntley \_\_\_\_\_ K. Regan \_\_\_\_\_

V. Israel \_\_\_\_\_ \*M. Shull *[Signature]*

*[Signature]*  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve a proposed Supplemental Agreement to Contract No. 3027 with EPTDESIGN, Inc., for as-needed landscape architectural design services, substantially in the form on file in the Board Office, to extend the term of the contract by five years, for a new total of eleven (11) years and increase the contract amount by \$500,000, for a new total of \$1,100,000, incorporating rate increases for 2008 through 2012, and modifying mileage reimbursement subject to the 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. Find that competitive bidding is not practicable or advantageous as it is necessary for the Department to be able to call on contractors to perform this work as needed and on an occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as needed contractors each individual project is assigned on the basis of availability of an as-needed contractor to

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perform the work, the price to be charged and the unique expertise of the as-needed contractor;

4. Find that obtaining competitive proposals or bids for each individual project for which work may be performed pursuant to this agreement is not reasonable, practicable or compatible with the Department's interests of having available as-needed contractors who are assigned various projects on the basis of availability, price and expertise and that it is therefore necessary to have several as-needed contractors for this type of service available when called upon by the Department to perform services;
5. Direct the Board Secretary to transmit the proposed Agreement to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form; and,
6. Authorize the President and Secretary of the Board to execute the Agreement, upon receipt of necessary approvals.

### SUMMARY:

On September 5, 2001, the Department entered into a personal services contract with EPT Landscape Architecture, for as-needed landscape architectural design services. The term was for six (6) years, expiring on September 4, 2007, and the amount was for \$600,000. On August 11, 2004, Amendment No. 1 (Board Report No. 04-226) was approved, that authorized a name change for the corporation to EPTDESIGN, Inc. This Amendment No. 1 was executed on October 6, 2004.

The firm is currently working on the Sheldon-Arleta Park project. The consultant provides landscape architectural design services that includes services in the various project phases, i.e., schematic and design development phase, construction documentation phase, bidding phase, construction phase and corrections and clarifications phase. At this time, the consultant has been assigned work on the above project that will extend beyond 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, thereby, making it impossible for staff to meet additional project requirements and deadlines. This Supplemental Agreement will allow this consultant to continue working on the Sheldon-Arleta Park project through its completion. The proposed Supplemental Agreement includes adjustments of hourly rates from 2008 through 2012 and the reimbursable automobile mileage expense. These adjustments are acceptable industry practice and conform to normal cost of living adjustments.

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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.

### 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 Department's General Funds.

This report was prepared by Gino Ogtong, Management Analyst II, Planning and Development.