

APPROVED

OCT 14 2008

REPORT OF GENERAL MANAGER

NO. 08-280

DATE October 14, 2008

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 8

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SUPPLEMENTAL AGREEMENT NO. 4 TO CONSULTANT CONTRACT NO. 2727 WITH JONES & MADHAVAN FOR AS-NEEDED MECHANICAL ENGINEERING SERVICES

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	_____

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General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a proposed Supplemental Agreement No. 4 to Contract No. 2727 with Jones & Madhavan, for as-needed mechanical engineering services, substantially in the form on file in the Board Office, extending the term of the contract by one year, for a new total of thirteen years, and increasing the contract amount by \$50,000, for a new total amount of \$1,500,000, incorporating rate increases for 2009, 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 perform the work, the price to be charged and the unique expertise of the as-needed contractor;

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4. Find that obtaining competitive proposals or bids for each individual project for which work may be performed pursuant to this agreement is not reasonably 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 as to form; and,
6. Authorize the President and Secretary of the Board to execute the Agreement upon receipt of necessary approvals.

SUMMARY:

On July 17, 1996, the Department entered into a personal services contract with Jones and Madhavan for as-needed Mechanical Engineering services. The term was for three (3) years, expiring on July 16, 1999, and the contract amount was for \$300,000.

Supplemental Agreement No. 1, executed on January 14, 2000, increased the contract amount to \$600,000 and extended the term for an additional three (3) years, for a total of six years.

Supplemental Agreement No. 2, executed on April 3, 2003, increased the contract amount by \$300,000.00 for a new contract amount of \$900,000.00 and extended the term for an additional three (3) years, for a total of nine years. Concurrently on the same date, Amendment No. 1 to Supplemental Agreement No. 2 was executed which revised the requested additional amount of \$300,000 to \$550,000, for a new contract amount of \$1,150,000.

Supplemental Agreement No. 3, executed on March 15, 2006, increased contract amount by \$300,000 for a new contract amount of \$1,450,000 and extended the term for an additional three (3) years, for a total of twelve years.

The firm has worked on several Department projects including, but not limited to, the Harvard Park Pool/Bathhouse and Northridge Park Pool/Bathhouse. It is anticipated that this consultant will continue to work on some redesign of the Harvard Park Pool/Bathhouse project due to change in site conditions. This supplemental agreement will allow this consultant to continue working on this project through its completion. The Department does not have available personnel to perform these specialized professional tasks in a timely manner because of the huge workload to meet other project requirements and deadlines. The adjustment in yearly hourly rates in 2009 and the reimbursable

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automobile mileage expense are acceptable industry practice and conform 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.

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.