

RESOLUTION NO. 23-31

Resolution Of The City Council Of The City Of Emeryville Authorizing A First Amendment Of The Professional Services Contract With West Coast Code Consultants (WC³) For Fiscal Year 2022-2023 For Building Division Services In An Amount Of \$1,704,640 To Cover Expanded Services For A Total Amount Not To Exceed \$2,841,714, And Increasing Revenues And Expenditures In The Building Division Budget For Fiscal Year 2022-2023

WHEREAS, on June 21, 2022, the City Council adopted Resolution No. 22-77 approving a Professional Services Contract with West Coast Code Consultants (WC³) to provide professional services in plan check, field inspections and project management for the Building Division during fiscal year 2022-2023 (“Contract”); and

WHEREAS, staff is recommending that the City Council adopt a First Amendment to the Contract to increase the total compensation amount of \$1,137,074 by \$1,704,640 to an amount not to exceed \$2,841,714 to cover expanded services; and

WHEREAS, the City of Emeryville amends the budget as necessary during the fiscal year and staff is recommending that the City Council make corresponding increases in the Community Development Department expenditure and revenue budgets for fiscal year 2022-2023 to cover this contract increase; and

WHEREAS, the City of Emeryville has determined that specialized knowledge, skills, and training are necessary to render the services contemplated hereunder; and

WHEREAS, in spring of 2023, staff will issue a Request for Proposals (RFP) for Building Division services covering the next two fiscal years since the last RFP was issued was four years ago, in 2019; and

WHEREAS, the public interest will be served by this First Amendment; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to enter into a First Amendment of the Professional Services Contract with West Coast Code Consultants, Inc., in substantial form as attached to this resolution as Exhibit A, to provide the Building Division with expanded services, increasing the contract amount for a total compensation not to exceed \$2,841,714 for fiscal year 2022-2023; and, be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes an appropriation of \$1,724,536 from the General Fund to the Building Division fiscal year 2022-2023 expenditure budget consisting of \$13,600 to the In-House Counter Service account (1730-80045), \$36,275 to the Professional Services account (1730-80050), \$3,744 to the Reimbursable Mileage account (1730-80305), \$1,452,748 to the Professional Services - Plan Check account (1730-80480), and \$218,169 to the Professional Services - Inspections account (1730-80490); and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes an increase of \$1,891,025 to the Building Division fiscal year 2022-2023 revenue budget consisting

Resolution No. 23-31
WC³ Contract First Amendment FY2022-2023
City Council Meeting | March 21, 2023
Page 2 of 2

of \$298,967 to Building Permit revenues (1730-58200), \$256,784 to Energy Review revenues (1730-58380), and \$1,335,274 to Plan Checking revenues (1730-58400).

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 21, 2023, by the following vote:

<p>AYES: 5</p> <p>NOES: 0</p> <p>ABSTAIN: 0</p> <p>ABSENT: 0</p>	<p>Mayor Bauters, Vice Mayor Welch and Council Members Kaur, Mourra and Priforce</p> <hr/> <hr/> <hr/> <hr/>
---	--

DocuSigned by:
John Bauters
67889549E2C9458...
MAYOR

ATTEST:

DocuSigned by:
April Richardson
9AF9F079EF8264D0...
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
2C934D02DB55467...
CITY ATTORNEY



City of Emeryville

CALIFORNIA

PROFESSIONAL SERVICES CONTRACT

FIRST AMENDMENT

THIS FIRST AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT (“Amendment”) is effective as of _____ (the “Effective Date”),, by and between **THE CITY OF EMERYVILLE**, a municipal corporation, (“City”) and **WEST COAST CODE CONSULTANTS, INC.** (“Contractor”), individually referred to as a “Party” and collectively as the “Parties”.

WITNESSETH THAT

WHEREAS, the City and Contractor entered into a Professional Services Contract dated July 1, 2022 (“Contract”) for the purpose of retaining the services of Contractor to provide experienced Plan Reviewers, Combinaton Building Inspectors, Permit Technicians, and Code Enforcement Officers capable of handling the Building Division’s needs; and

WHEREAS, the City and Contractor entered into a first amendment of the Contract on [Effective Date] for the purpose of increasing the contract amount and/or extending the termination date of the contract; and

WHEREAS, the City and Contractor desire to amend the Contract; and

WHEREAS, the public interest will be served by this Amendment.

NOW, THEREFORE, the Parties hereto do mutually agree as follows:

1. AMENDMENT

The Parties agree to amend the Contract as checked below:

1.1 Exhibit A

Exhibit A of the Contract is hereby amended in its entirety and replaced with **Exhibit A-Revision Number**;

OR

Exhibit A of the Contract is hereby amended to include the provisions of **Exhibit A-Revision Number**, attached hereto and incorporated herein by this reference.

FOR CITY USE ONLY			
Contract No.		CIP No.	
Resolution No.		Project No.	

City of Emeryville | Professional Services Contract Amendment
REV 06/2020

1.2 Termination Date

- The Parties desire to extend the termination date. Section 1.3 of the Contract is hereby amended to extend the termination date to **NEW END DATE**.

1.3 Total Compensation Amount

- The Parties desire to increase the Total Compensation Amount as set forth in Section 3.2 of the Contract by **ONE MILLION, SEVEN HUNDRED AND FOUR THOUSAND, SIX HUNDRED AND FORTY DOLLARS AND ZERO CENTS (\$1,704,640.00)**. The total amount paid under the Contract as compensation for Services performed and reimbursement for costs incurred shall not, in any case, exceed **TWO MILLION, EIGHT HUNDRED AND FORTY-ONE THOUSAND, SEVEN HUNDRED AND FOURTEEN DOLLARS AND ZERO CENTS (\$2,841,714.00)**.

2. CONTINUING EFFECT OF CONTRACT

Except as amended by this Amendment, all other provisions of the Contract remain in full force and effect and shall govern the actions of the Parties under this Amendment. From and after the date of this Amendment, whenever the term "Contract" appears in the Contract, it shall mean the Contract as amended by this Amendment.

3. ADEQUATE CONSIDERATION

The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.

4. SEVERABILITY

If any portion of this Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

5. WAIVER

The City's failure to enforce any provision of this Amendment or the waiver in a particular instance shall not be construed as a general waiver of any future breach or default.

SIGNATURES ON FOLLOWING PAGE

City of Emeryville | Professional Services Contract Amendment
REV 06/2020

**6. SIGNATURE PAGE TO PROFESSIONAL SERVICES CONTRACT
FIRST AMENDMENT**

IN WITNESS WHEREOF the City and the Contractor have executed this Contract,
which shall become effective as of the date first written above.

Approved As To Form:

DocuSigned by:
John Kennedy
2C934D02DB55467...
City Attorney

Dated: **CITY OF EMERYVILLE**

City Manager

Dated: **WEST COAST CODE CONSULTANTS, INC.**

03/07/2023

DocuSigned by:
Giyah Senaratne (Signature)
C7DB6A0CF6F84C6...
Giyah Senaratne, Principal/CEO

<i>Attach: W-9 Form</i>	<i>Attach: Business License Certificate</i>	<i>Attach: Insurance Certificate and Endorsements</i>
-----------------------------	---	---