

## **RESOLUTION NO. 23-118**

### **Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Sixth Amendment To The Professional Services Agreement With Coastland Civil Engineering, Inc. For City Engineering & Inspection Services, Capital Projects Delivery Support, And Construction Management Services To Extend The Termination Date To June 30, 2024, With No Increase In Contract Amount**

**WHEREAS**, on June 5, 2018, the City Council of the City of Emeryville authorized the City Manager to enter into a professional services contract with Coastland Civil Engineering Inc. (Coastland) to provide City Engineering services and capital projects delivery support, such as the Sherwin Williams redevelopment project and basic City Engineering Services; and

**WHEREAS**, on July 9, 2019, the City Council of the City of Emeryville authorized the City Manager to amend the contract in the amount of \$50,000 and extend the contract to September 30, 2020; and

**WHEREAS**, on September 15, 2020, the City Council of the City of Emeryville authorized the City Manager to amend the contract in the amount of \$359,100 and extend the contract to June 30, 2021; and

**WHEREAS**, on June 1, 2021, the City Council of the City of Emeryville authorized the City Manager to amend the contract in the amount of \$218,500 and extend the contract to June 30, 2022, and authorized the City Manager to execute amendments to further extend the termination date, amend the scope of work and to increase the contract amount by an additional cumulative amount of \$45,000; and; and

**WHEREAS**, on July 1, 2022, the City Manager executed a contract amendment for \$45,000 and extended the contract to June 30, 2023; and

**WHEREAS**, on December 20, 2022, the City Manager executed a contract amendment for \$241,479 and extended the contract to September 30, 2023; and

**WHEREAS**, there is \$263,500 of remaining capacity in the existing contract; and

**WHEREAS**, there is no proposed increase in the contract amount; and

**WHEREAS**, continuing services are needed for City engineering, capital project support, and construction management services. The item before Council authorizes the continuation of the preexisting comprehensive contract with Coastland to provide additional needed services in support of the City's Capital Improvement Program through June 30, 2024; and

**WHEREAS**, the existing Coastland Agreement is to not exceed \$1,159,627. This work is proposed to be funded from the Design/Professional Services Component of the Capital Improvement Plan Project Budget. Some of the development review services will be cost

Resolution No. 23-118  
Coastland Civil Engineering, Inc. 6<sup>th</sup> Contract Amendment  
City Council Meeting | September 5, 2023  
Page 2 of 2

recoverable; and therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville that the City Manager is authorized to enter into a Sixth Amendment to the professional services agreement with Coastland Civil Engineering, Inc. to extend the contract termination date to June 30, 2024; and be it further

**RESOLVED**, by the City Council of the City of Emeryville that the City Manager is authorized to enter into minor amendments provided they do not increase the total compensation amount of the contract.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 5, 2023, by the following vote:

AYES:	5	Mayor Bauters, Vice Mayor Welch and Council Members Kaur, Mourra and Priforce
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

DocuSigned by:  
*John Bauters*  
C7889B49E2C9458...  
MAYOR

ATTEST:  
  
DocuSigned by:  
*April Richardson*  
9AF9F67CE0264D0...  
CITY CLERK

APPROVED AS TO FORM:  
  
DocuSigned by:  
*John Kennedy*  
2C934D02DB55407...  
CITY ATTORNEY

- ATTACHMENTS**
- Exhibit A – Professional Services Contract – 6<sup>th</sup> Amendment



City of Emeryville  
CALIFORNIA

## PROFESSIONAL SERVICES CONTRACT

### SIXTH AMENDMENT

#### THIS SIXTH 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 **COASTLAND CIVIL ENGINEERING, 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 June 6, 2018 ("Contract") for the purpose of retaining the services of Contractor to provide City Engineering Services and capital projects delivery assistance; and

WHEREAS, the City and the Contractor entered into a first amendment of the Contract on July 1, 2019 for purpose of increasing the contract amount and extending the termination date of the contract; and

WHEREAS, the City and the Contractor entered into a second amendment of the Contract on January 26, 2021; and

WHEREAS, the City and the Contractor entered into a third amendment of the Contract on July 1st, 2021; and

WHEREAS, the City and the Contractor entered into a fourth amendment of the Contract on July 1, 2022;

WHEREAS, the City and the Contractor entered into a fifth amendment of the Contract on February 16, 2023; 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:

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

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

**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.

**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 **MARCH 31, 2024**.

**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 *FIVE THOUSAND* **DOLLARS AND NO CENTS (\$5,000.00)**. The total amount paid under the Contract as compensation for Services performed and reimbursement for costs incurred shall not, in any case, exceed *FIFTY THOUSAND* **DOLLARS AND NO CENTS (\$50,000.00)**.

**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.

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

**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*

6. SIGNATURE PAGE TO PROFESSESIONAL SERVICES CONTRACT  
SIXTH 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  
City Attorney

Dated: CITY OF EMERYVILLE

\_\_\_\_\_  
City Manager

Dated: COASTLAND CIVIL ENGINEERING, INC

08/14/2023  
\_\_\_\_\_  
John Wanger, CEO

Attach: W-9 Form	Attach: Business License Certificate	Attach: Insurance Certificate and Endorsements 
---------------------	--	---