

Resolution No. 18-161

Resolution Of The City Council Of The City Of Emeryville Authorizing A First Amendment Of The Fiscal Year 2018-2019 Professional Services Agreement With West Coast Code Consultants For Plan Checking And Field Inspection Services In An Amount Of \$1,198,893 To Cover Expanded Services For A Total Amount Not To Exceed \$2,255,847 And Making Corresponding Appropriations To The Building Division Expenditure And Revenue Budgets For Fiscal Year 2018-2019

WHEREAS, on June 18, 2018 the City Council adopted Resolution No. 18-68 approving a Professional Services Agreement 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 2018-2019; and

WHEREAS, staff is recommending that the City Council adopt a First Amendment to the Professional Services Agreement to increase the contract amount of \$1,056,954 to \$2,255,847 to cover expanded services under the current Professional Services Agreement; 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 appropriations to the Planning and Building Department expenditure and revenue budgets for fiscal year 2018-2019 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, the public interest will be served by this Agreement; 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 Agreement with West Coast Code Consultants, Inc. to provide the Building Division with expanded services, increasing the contract amount for a total compensation not to exceed \$2,255,847 for fiscal year 2018-2019; and, be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes appropriations from the General Fund of \$1,075.493 to the Building Division Professional Services - Plan Check Fees account (1730-80480) and \$123,400.00 to the Building Division Professional Services - Inspections account (1730-80490); and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes an appropriation of \$2,953,665 to the Building Division revenue budget, consisting of \$1,244,175 to Plan Checking revenues (1730-58400), \$239,264 to Energy Review revenues (1730-58380), \$1,276,076 to Building Permit revenues (1730-58200), \$63,540 to Plumbing Permit revenues (1730-58250), \$70,600 to Electric Permit revenues (1730-58300), and \$60,010 to Mechanical Permit revenues (1730-58350).

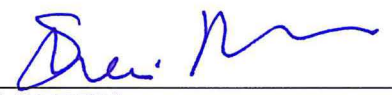
ADOPTED by the City Council of the City of Emeryville at a special meeting held Monday, December 10, 2018 by the following vote:

AYES:	5	Mayor Bauters, Vice Mayor Medina, and Council Member Donahue, Martinez, and Patz
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	


MAYOR

APPROVED AS TO FORM:

ATTEST:


CITY CLERK


CITY ATTORNEY

FIRST AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT

THIS FIRST AMENDMENT is effective as of this ____ day of December 2018, by and between **THE CITY OF EMERYVILLE**, a municipal corporation, ("City") and **WEST COAST CODE CONSULTANTS** ("Consultant"), collectively referred to as the "Parties".

W I T N E S S E T H T H A T :

WHEREAS, the City desires to provide plan check, building inspections, and counter coverage services in a timely fashion; and

WHEREAS, the City Council, on June 18, 2018 adopted Resolution No. 18-68 approving an agreement 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 2018-2019; and

WHEREAS, it is now necessary to adopt a first amendment to the Professional Services Agreement to increase WC³ contract amount of \$1,056,954 by \$1,198,893 to \$2,255,847 to cover expanded services under the current Professional Services Agreement for unanticipated projects such as Sherwin Williams Buildings B1, B2, C and D, and EmeryStation West/Transit Center tenant improvements; and

WHEREAS, the City wishes to amend the Agreement to increase the compensation necessary to provide the services for these unanticipated projects; and

WHEREAS, the City finds that specialized knowledge, skills, and training are necessary to render the Services necessary to do the work contemplated under this First Amendment; and,

WHEREAS, the City has determined that the Consultant is qualified by training and experience to render such Services; and,

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

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

1. Paragraph III.B of the Agreement, "Compensation and Method of Payment", is hereby amended to increase the total compensation under the Agreement of \$1,056,954 by \$1,198,893 for a total contract amount of \$2,255,847. The paragraph shall now read:

"The total amount paid under this Agreement as compensation for Services performed and reimbursement for costs incurred shall not, in any case exceed **Two Million, Two Hundred Fifty-Five Thousand, Eight Hundred Forty-Seven Dollars (\$2,255,847)** except as outlined in Section II.C above. The compensation

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Contract #:		CIP #:	
Reso. #:		EPW #:	

for services performed shall be computed based upon an hourly rate as set forth in Exhibit A. Reimbursement for costs incurred shall be limited as follows. Long distance telephone and telecommunications, facsimile transmission, normal postage and express mail charges, photocopying and microcomputer time shall be at cost. Supplies and outside services, transportation, lodging, meals and authorized subcontracts shall be at cost plus no more than a 10% administrative burden. Automobile mileage shall be no more than the current deductible rate set by the Internal Revenue Service."

2. All other provisions of the Agreement shall remain in full force and effect and this First Amendment shall remain subject to said promises.

Approved as to form:



Michael A. Guina
City Attorney

CITY OF EMERYVILLE

Dated: _____, 20__

Christine Daniel
City Manager

CONSULTANT

Dated: 11/15/2018, 20__

By: 

Its: PRESIDENT / C.E.S.