

RESOLUTION NO. 21-38**Resolution Of The City Council Of The City Of Emeryville Authorizing A First Amendment Of The Professional Services Contract With West Coast Code Consultants For Fiscal Years 2019-2020 And 2020-2021 For Plan Checking And Field Inspection Services In An Amount Of \$596,320 To Cover Expanded Services For A Total Amount Not To Exceed \$2,665,520**

WHEREAS, on June 18, 2019 the City Council adopted Resolution No. 19-77 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 years 2019-2020 and 2020-2021; and

WHEREAS, staff is recommending that the City Council adopt a First Amendment to the Professional Services Contract to increase the contract amount of \$2,069,200 to \$2,665,520 to cover expanded services; 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 First Amendment; and

WHEREAS, on April 20, 2021, the City Council amended the budget to make mid-year adjustments, including appropriations to the Community Development Department expenditure and revenue budgets for fiscal year 2020-2021 that cover this contract increase; 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. to provide the Building Division with expanded services, increasing the contract amount for a total compensation not to exceed \$2,665,520 for fiscal years 2019-2020 and 2020-2021.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 4, 2021 by the following vote:

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

DocuSigned by:

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MAYOR

ATTEST:

DocuSigned by:

FB7B5D8FAB6A4BF

CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

962663BD5573494

INTERIM CITY ATTORNEY



City of Emeryville
CALIFORNIA

PROFESSIONAL SERVICES CONTRACT

FIRST AMENDMENT

THIS FIRST AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT ("Amendment") is effective as of this _____, 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 August 13, 2019 ("Contract") for the purpose of retaining the services of Contractor to provide experienced Plan Reviewers, Combination Building Inspectors, Permit Technicians, and Code Enforcement Officers capable of handling the Building Division's needs; and

WHEREAS, staff is recommending that the City Council adopt a first amendment to the FY 2019-2021 Professional Services Agreement to increase WC3 FY 2019-2021 contract in the amount of \$2,069,200.00 to 2,665,520.00 to cover expanded services under the current Professional Services Agreement.

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-**;

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.	

REV 06/2020

Exhibit A

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

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 HUNDRED AND NINETY-SIX THOUSAND, THREE HUNDRED AND TWENTY DOLLARS AND NO CENTS (\$596,320.00)**. 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, SIX HUNDRED AND SIXTY-FIVE THOUSAND, FIVE HUNDRED AND TWENTY DOLLARS AND ZERO CENTS (\$2,665,520.00)**.

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.

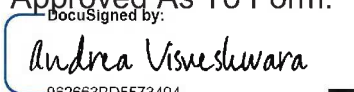
SIGNATURES ON FOLLOWING PAGE

City of Emeryville | Professional Services Contract Amendment
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**6. SIGNATURE PAGE TO PROFESSESIONAL 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:

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City Attorney

Dated: **CITY OF EMERYVILLE**

Christine S. Daniel, City Manager

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

DocuSigned by:

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Giyan Senaratne, Principle (Signature)

4/16/2021

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