

RESOLUTION NO. 21-97

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 2021-2022 For Building Division Services In An Amount Of \$500,000 To Cover Expanded Services For A Total Amount Not To Exceed \$1,633,700, And Authorizing The City Manager To Amend The WC³ Contract In The Future Up To A Total Compensation Amount Not To Exceed \$2,133,700, Provided That There Is Sufficient Revenue To Cover The Expense

WHEREAS, on June 12, 2021 the City Council adopted Resolution No. 21-63 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 2021-2022 ("Contract"); and

WHEREAS, staff is recommending that the City Council adopt a First Amendment to the Contract to increase the Total Compensation Amount of \$1,133,700 by \$500,000 to an amount not to exceed \$1,633,700 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; 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 \$1,633,700 for fiscal year 2021-2022; and, be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to amend the WC³ contract in the future by up to \$500,000, for a total compensation not to exceed \$2,133,700, provided that there is sufficient revenue to cover the expense.

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WC³ Contract First Amendment FY2021-2022
City Council Meeting | September 13, 2021
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ADOPTED by the City Council of the City of Emeryville at a regular meeting held Monday, September 13, 2021 by the following vote:

AYES:	<u>4</u>	Mayor Martinez, Vice Mayor Donahue, and Council Members Bauters and Medina
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:

Dianne Martinez

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MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

Sheri Hartz

FB7B5D8EAB6A4BE...

CITY CLERK

DocuSigned by:

Andrea Visveshwara

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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 July 1, 2021 ("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 Contract to increase the Total Compensation Amount of \$1,133,700.00 by \$500,000 to an amount not to exceed \$1,633,700.00 to cover expanded services; 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.	

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 ~~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 **FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$500,000.00)**. The total amount paid under the Contract as compensation for Services performed and reimbursement for costs incurred shall not, in any case, exceed **ONE MILLION, SIX HUNDRED AND THIRTY-THREE THOUSAND, SEVEN HUNDRED DOLLARS AND NO CENTS (\$1,633,700.00)**.

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 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:

Andra Visureshwara as Interim

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City Attorney

Dated:

CITY OF EMERYVILLE

Christine S. Daniel, City Manager

Dated:

08/23/2021

WEST COAST CODE CONSULTANTS, INC.

DocuSigned by:

Giyah Senaratne

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Giyah Senaratne, Principle

(Signature)

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