



Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Tracey Rossine, Environmental Programs Manager

Reviewed by: Yolanda Bundy, Environmental Sustainability Director

Approved by: Steve McClary, City Manager

Date prepared: August 23, 2023

Meeting date: September 11, 2023

Subject: Assignment of Agreement to Bureau Veritas North America, Inc.

RECOMMENDED ACTION: Authorize the Mayor to execute an Assignment of Agreement with Bureau Veritas / California Code Check to Bureau Veritas North America, Inc.

FISCAL IMPACT: There is no fiscal impact associated with the Assignment of Agreement. Funding for these services are included in the Adopted Budget for FY 2023-24 in Account No. 101-2004-5100 (Building Safety and Sustainability Professional Services).

WORK PLAN: This item was not included in the Proposed Work Plan for FY 2022-23. This is part of normal staff operations. Staff continue to work on ongoing projects and normal business while the FY 2023-24 Work Plan is finalized.

DISCUSSION: On January 28, 2019, the City entered into an Agreement with Bureau Veritas/California Code Check for plan check consulting services related to the Woolsey Fire Recovery Project. The term of this Agreement does not include a specific date, but rather the Agreement ends with the completion of rebuild efforts in Malibu.

In November of 2020, Bureau Veritas acquired California Code Check as a plan review subsidiary within the corporation. At that time the City discussed the Assignment of Agreement with both companies. Bureau Veritas and California Code Check opted out of the Assignment keeping the former California Code president in place as the Malibu contract signatory for the Woolsey Fire contract. Recently Bureau Veritas has requested to complete the name assignment to remove California Code Check as the signatory,

and to provide updated insurance documents. The Assignment of Agreement reflects this change.

ATTACHMENTS: Assignment of Agreement with Bureau Veritas / California Code Check

ASSIGNMENT OF AGREEMENT

THIS REQUEST FOR ASSIGNMENT OF AGREEMENT is made to the City of Malibu on September 11, 2023, by California Code Check, hereinafter referred to as Consultant.

RECITALS

- A. On January 28, 2019, the City entered into an Agreement with Consultant for plan check consulting services related to the Woolsey Fire Recovery Project (the "Agreement").
- B. Consultant desires to assign or transfer interest in the Agreement to Bureau Veritas North America, Inc., Assignee.
- C. City has determined that the assignment is in the public interest and consistent with the purposes of the Agreement.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties agree as follows:

1. Request. Pursuant to Section 6.2 of the Agreement, California Code Check hereby requests permission to assign the agreement between the City and California Code Check to Bureau Veritas North America, Inc.. The reason for the assignment is acquisition of company. Bureau Veritas North America, Inc. warrants that they possess the skill and training to fully undertake the obligations of the Consultant under the Agreement and agree to all its terms.
2. Approval. This request is hereby granted by the City of Malibu on _____, 2023, and is effective as of July 1, 2023. Consultant is excused from further obligations under the Agreement and Bureau Veritas North America, Inc. hereby assumes all Consultant's obligations under the Agreement.
3. Limited Amendment. All terms and conditions of the Agreement remain in full force and effect.

CONSULTANT:

Tom Harris

By: Tom Harris, California Code Check
Title: President
Contact: (805) 499-4584

ASSIGNEE:

Craig Baptista

By: Craig Baptista, Bureau Veritas
Title: Vice President – West Region
Contact: craig.baptista@bureauveritas.com

CITY OF MALIBU:

BRUCE SILVERSTEIN, Mayor

ATTEST:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney