



Council Agenda Report

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

Prepared by: Adam Chase, Assistant Public Works Director

Reviewed by: Robert DuBoux, Public Works Director/City Engineer

Approved by: Reva Feldman, City Manager

Date prepared: August 19, 2020 Meeting date: September 14, 2020

Subject: Amendment to Professional Services Agreement with Kimley-Horn and Associates, Inc.

RECOMMENDED ACTION: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. (KHA) in the amount of \$245,000 for additional engineering plan check services to provide Woolsey Fire Rebuild Public Works Services.

FISCAL IMPACT: Funding for this agreement was included in the Adopted Budget for Fiscal Year 2020-2021 in Account Number 102-3002-5100.04 (Disaster Response Professional Services).

WORK PLAN: This item was included as item 2a in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: On July 1, 2019, the City entered into an agreement with KHA for engineering plan check services on Woolsey Fire Rebuild projects. On October 28, 2019, the City amended the agreement to include additional services for a total not to exceed \$74,500. On January 27, 2020, the City amended the agreement to include additional services in the amount of \$48,500 for a total not to exceed \$123,000.

Over the past few months, Public Works Department has seen a significant increase in Woolsey Fire Rebuild submittals. Staff is requesting to amend the current agreement with KHA, as staff has requested in the past (October 2019 and January 2020) to permit continued support. This will assist staff to continue to provide the community with the

services needed in order to expedite the Woolsey Fire Rebuild process. The scope of work for this amendment is consistent with the original Agreement.

ATTACHMENTS: Amendment No. 3 to Professional Services Agreement with Kimley-Horn and Associates, Inc.

AMENDMENT NO. 3 TO AGREEMENT

THIS AMENDMENT NO. 1 TO AGREEMENT is made and entered in the City of Malibu on September 14, 2020, by and between the CITY OF MALIBU, hereinafter referred to as City, and Kimley Horn and Associates, Inc., hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On July 1, 2019, the City entered into an Agreement with Consultant for engineering plan check services on the Woolsey Fire Rebuild projects (the "Agreement").
- B. On October 28, 2019, the City amended the agreement to include additional services for a total not to exceed \$74,500.
- C. On January 27, 2020, the City amended the agreement to include additional services in the amount of \$48,500 for a total not to exceed \$123,000.
- D. The City desires to amend the Agreement to provide additional support, and Consultant has submitted a proposal for this purpose that is acceptable to the City.

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

- 1. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended in the amount of \$245,000 for a total not to exceed \$368,000.
- 2. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
- 3. All terms and conditions of the Agreement not amended by this Amendment No. 3 remain in full force and effect.

This Agreement is executed on _____, 2020, at Malibu, California, and effective as of September 1, 2020.

CITY OF MALIBU:

REVA FELDMAN, City Manager

ATTEST:

HEATHER GLASER, Acting City Clerk
(seal)

APPROVED AS TO FORM:

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

CHRISTI HOGIN, City Attorney

CONSULTANT:

DocuSigned by:

Sri Chakravarthy
D019A53198DD4E0...

By: Sri Chakravarthy, PE 73629

Title: Vice President

DocuSigned by:

Greg Kyle
B25C7C79B90E41F...

By: Greg Kyle

Title: Sr. Vice President