



# Council Agenda Report

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

Prepared by: Jorge Rubalcava, Senior Engineer

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

Approved by: Reva Feldman, City Manager

Date prepared: January 6, 2021 Meeting date: January 25, 2021

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

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**RECOMMENDED ACTION:** Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$25,000 for a total not to exceed \$586,840 for additional engineering design services during construction for the Civic Center Way Improvements Project.

**FISCAL IMPACT:** Funding for this amendment was included in the Adopted Budget for Fiscal 2020-2021 in Account No. 310-9061-5100 (Civic Center Way Improvements). This project is fully funded through Los Angeles County Measure R funds with the Los Angeles County Metropolitan Transportation Authority.

**WORK PLAN:** This item was included as item 8i in the Adopted Work Plan for Fiscal Year 2020-2021.

**DISCUSSION:** In September 2016, the City entered into an agreement with Kimley-Horn and Associates, Inc. to provide engineering design services for the Civic Center Way Improvements Project.

On July 8, 2019, City Council approved Amendment No. 1 to the agreement in order to accomplish project design revisions requested by City Council, the Public Works Commission and members of the community. On June 8, 2020, City Council approved Amendment No. 2 to the agreement to provide engineering support services during the construction phase of the project.

This amendment will provide additional engineering support services during construction. The project began construction in August 2020 and is anticipated to be completed by Spring 2021.

ATTACHMENTS: Amendment No. 3 to Agreement with Kimley-Horn and Associates

### AMENDMENT NO. 3 TO AGREEMENT

THIS AMENDMENT NO. 3 TO AGREEMENT is made and entered in the City of Malibu on January 25, 2021, 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 September 12, 2016, the City entered into an Agreement with Consultant for engineering design services for the Civic Center Way Improvements Project (the "Agreement").
- B. On July 8, 2019, the City amended the agreement to include design revisions requested by City Council, Public Works Commission, and members of the community.
- C. On June 8, 2020, the City amended the agreement to include engineering support services during the construction phase of the project and extended the term of the agreement.
- D. The City desires to amend the Agreement to increase the compensation in the amount of \$25,000 for a total not to exceed \$586,840 and extend the term of the agreement to expire on April 30, 2021.

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

1. Section 2.0 – Term of Agreement, of the Agreement, is hereby extended to April 30, 2021.
2. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended as set forth in Exhibit B attached hereto.
3. 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.
4. 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 \_\_\_\_\_, 2021, at Malibu, California, and effective as of November 1, 2020.

CITY OF MALIBU:

\_\_\_\_\_  
MIKKE PIERSON, Mayor

ATTEST:


\_\_\_\_\_  
HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

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

\_\_\_\_\_  
JOHN COTTI, Interim City Attorney

CONSULTANT:

  
By: Sri Chakravarthy, PE 73629  
Title: Vice President

  
By: Greg Kyle  
Title: Sr. Vice President

## Exhibit B

### Compensation Schedule

#### Fee and Billing

Kimley-Horn will provide these services on a time and materials basis up to \$25,000 or up to 140 hours of effort, as requested by the City.

<u>Description</u>	<u>Maximum Hours</u>	<u>Estimated Fee</u>
Construction Phase Services	140	\$25,000

The estimated fee listed above includes \$2,976.86 spent supporting construction phase services efforts in October and November 2020 including preparing plans for the updated storm drain system and reviewing and providing recommendations on irrigation equipment submittals and RFIs.

Expenses, including subconsultant efforts, will be billed as per the terms and conditions contained in our original agreement.