



# Council Agenda Report

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

Prepared by: Jorge Rubalcava, Senior Civil Engineer

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

Approved by: Steve McClary, Interim City Manager

Date prepared: June 9, 2021 Meeting date: June 28, 2021

Subject: Amendment to Professional Services Agreement with Michael Baker International, Inc.

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**RECOMMENDED ACTION:** Authorize the Mayor to execute Amendment No. 2 to Professional Services Agreement with Michael Baker International, Inc. (Michael Baker) for additional engineering services support during construction, increasing the Compensation for Services in the amount of \$30,000 for a total not to exceed \$869,777.50 and extending the term of the agreement through March 31, 2023.

**FISCAL IMPACT:** Funding for this agreement is included in the Adopted Budget for Fiscal Year 2020-2021 and the Proposed Budget for Fiscal Year 2021-2022. This project is fully funded through Measure R funds with the Los Angeles County Metropolitan Transportation Authority. There are sufficient funds available for this additional work.

**WORK PLAN:** This item was included as Item 8.h in the Adopted Work Plan for Fiscal Year 2020-2021 and Item 8.u. in the Proposed Work Plan for Fiscal Year 2021-2022.

**DISCUSSION:** On July 10, 2017, the City entered into an agreement with Michael Baker International, Inc. to provide engineering consultant services for the Pacific Coast Highway (PCH) Raised Median Channelization Improvements Project. A cooperative agreement was also executed with Caltrans for its reimbursable staff review time associated with the project. The project objective is to improve safety and operations on PCH by upgrading the raised medians and modifying cross sections of the highway between Webb Way and Puerco Canyon Road.

This project is required to follow Caltrans project management requirements. The Caltrans preliminary design requirements require two separate project development documents: the Project Initiation Document (PID) and the Project Approval/Environmental Document (PA/ED). For a more efficient project delivery process, Michael Baker had provided consultant services to combine the PID and PA/ED documents into one project review document after receiving guidance from Caltrans. However, Caltrans recently informed the City that this procedure is no longer allowed and two separate documents will be required.

On June 10, 2019, Council approved Amendment No.1 for additional services to prepare these documents and the staff time associated with the two review phases for the PID and PA/ED documents. In addition, Caltrans requested a Project Specific Quality Management Plan for project quality assurance and delivery. Caltrans also required a Natural Environmental Study-Minimal Impacts Biology Study Report as part of the environmental review process.

This Amendment to Agreement includes additional support services during construction to assist in submittal reviews, respond to request for information, and any other items that may arise during the construction phase, and extends the term of the agreement through March 31, 2023. In the recent months, staff has received additional requests from Caltrans that have created a significant delay in the project schedule. Staff anticipates awarding a construction contract in Fall 2021 with a completion date of Spring 2023.

Staff recommends Council approve Amendment No. 2 to Agreement with Michael Baker International, Inc. extending the term of the agreement through the remainder of the project and for Michael Baker to provide ongoing construction support services.

ATTACHMENTS: Amendment No. 2 to Agreement with Michael Baker International, Inc.

**AMENDMENT NO. 2 TO AGREEMENT**

THIS AMENDMENT NO. 2 TO AGREEMENT is made and entered in the City of Malibu on June 28, 2021, by and between the CITY OF MALIBU, hereinafter referred to as City, and Michael Baker International, Inc. hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

**RECITALS**

A. On July 10, 2017, the City entered into an Agreement with Consultant for engineering consultant services for the PCH Raised Median Channelization Project (the "Agreement").

B. On June 10, 2019, the City amended the Agreement modifying the scope of work to include additional engineering services for the planning and design of the project as requested by Caltrans and increasing the compensation in the amount of \$149,777.50 for total not to exceed \$839,777.50

C. The City desires to amend the Agreement to amend the scope of services to include support services during construction, extend the term of the Agreement, and the 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 1.0 – Scope of the Consultant’s Services, is hereby amended as set forth in Exhibit A attached hereto.
2. Section 2.0 – Term of Agreement, is hereby extended to March 31, 2023.
3. Section 4.0 – Compensation for Services, is hereby amended as set forth in Exhibit B in the amount of \$30,000 for a total not to exceed \$869,777.50 attached hereto.
4. 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.
5. All terms and conditions of the Agreement not amended by this Amendment No. 2 remain in full force and effect.

This Agreement is executed on \_\_\_\_\_, 2021, at Malibu, California, and effective as of July 10, 2021.

CITY OF MALIBU:

\_\_\_\_\_  
PAUL GRISANTI, Mayor

ATTEST:

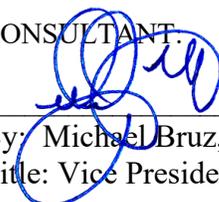
\_\_\_\_\_  
KELSEY PETTIJOHN, Acting City Clerk  
(seal)

APPROVED AS TO FORM:

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

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JOHN COTTI, Interim City Attorney

CONSULTANT:

  
By: Michael Bruz, P.E.  
Title: Vice President

06-07-2021

**Exhibit A**  
**Scope of Work**

**City of Malibu Pacific Coast Highway Raised Median and Channelization Project**  
**June 4, 2021**  
**(Original Contract Dated July 10, 2017)**

**Construction Support Services**

Michael Baker International will support the City by providing Construction Support Services that may include submittal reviews, responding to Requests for Information (RFI's), preparation of plans and exhibits and meetings/coordination with the City.

**Exhibit B**  
**Compensation Schedule**

**Fee and Billing**

Michael Baker International will provide Construction Support Services on a time and materials basis up to a maximum amount of \$30,000. Billings will be in accordance with the hourly rates identified in the current contract, dated July 10, 2017, and Amendment 1, dated June 12, 2019.