



Legislation Details (With Text)

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Title: TERMINATE OR AMEND CONSULTANT RETAINER AGREEMENT TO PROVIDE ON-CALL ARCHITECTURAL PROFESSIONAL SERVICES TO THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT (CITY COUNCIL)
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Attachments: 1. W+W Contract SIGNED, 2. Amendment No 1 - Westberg White Contract

Date	Ver.	Action By	Action	Result
5/7/2019	1	City Council		

Report to Mayor and City Council

Tuesday, May 07, 2019

Discussion

SUBJECT:

TERMINATE OR AMEND CONSULTANT RETAINER AGREEMENT TO PROVIDE ON-CALL ARCHITECTURAL PROFESSIONAL SERVICES TO THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT (CITY COUNCIL)

I. SUMMARY

This item was considered at a Special City Council Meeting held on April 26, 2019. At the meeting, the City Council voted 3-0 (MPT Hicks, Councilmember Davis-Holmes, Councilmember Dear) to select Recommendation No. 2 and amend the not-to-exceed amount of the On-Call Consultant Retainer Agreement with Westberg and White, Inc. from \$500,000.00 to \$250,000.00. The Council further instructed Staff to issue another Request for Qualifications for Architectural Services in order to have additional architectural firms to select from for on-call services.

Below is the staff report from April 26 in its entirety:

On April 2, 2019, the City Council approved a contract for On-Call Architectural Professional Services with the firm of Westberg and White Inc., in the amount of \$500,000 over a period of two years, until June 30, 2021. This was brought forward by the Engineering Division of the Public Works Department ("Engineering"), which is responsible

for the design and construction of all public works projects, including those from the General Fund and that are grant funded.

The City does not have an in-house architect on staff. In consideration of the limited internal staff resources and the significant number of infrastructure projects, having On-Call Architectural Professional Services will greatly reduce the time required to develop the necessary plans, specifications and estimates by eliminating the need to prepare separate Requests for Proposals (RFPs) for each project under consideration. A Consultant Retainer Agreement will provide flexibility and enhance the capacity of Engineering to deliver projects in a timely manner.

Councilwoman Davis-Holmes first asked to reconsider the above-mentioned contract on a regular Council meeting, but due to the number of intervening meetings, this item was unable to be reconsidered. This item is not a reconsideration of the previous approval, but rather the City either: (a) exercising its right to terminate the contracts under Section 7.7, "Termination Prior to Completion of Term"; or (b) proposing an amendment to be mutually agreed upon by the contracting parties.

The proposed amendment would change two provisions of the contract, as follows: (1) total compensation to the contractor would be reduced from \$500,000 over two years to \$250,000 over two years; and (2) the amendment would require that project-specific Task Orders over \$25,000 be approved by the City Council before the Notice to Proceed is issued by the Contract Officer.

The recommendation here consists of four options: terminate, amend as requested, amend in another manner, or take no action.

II. RECOMMENDATION

TAKE the following actions:

1. DIRECT staff to proceed with termination under Section 7.7, "Termination Prior to Completion of Term," of the Consultant Retainer Agreement with Westberg and White, Inc. to provide On-Call Architectural Professional Services for the term of April 2, 2019 through June 30, 2021, in an amount not-to-exceed \$500,000.00.

or

2. APPROVE Amendment No. 1 to Consultant Retainer Agreement with Westberg and White, Inc. to provide On-Call Architectural Professional Services for the term of April 2, 2019 through June 30, 2021, amending the not-to-exceed amount from \$500,000.00 to \$250,000.00, and requiring that project-specific Task Orders greater than \$25,000.00 be approved by the City Council before the Notice to Proceed is issued by the Contract Officer; and AUTHORIZE and DIRECT the Mayor to execute said Amendment No. 1 following approval as to form by the City Attorney.

or

3. DIRECT staff to prepare a different amendment to the Agreement on other terms.

or

4. AFFIRM the original Agreement and take no action.
- 1.

III. ALTERNATIVES

1. TAKE another action the City Council deems appropriate, consistent with the requirements of the law.

IV. BACKGROUND

The City's 5-Year Capital Improvement Program (CIP) was approved by the City Council on June 19, 2018, and the total estimated cost to complete all funded and unfunded projects is \$45M. Given the number of potential projects and the limited staff resources within Engineering, consultants are typically used to assist with the development of plans, specifications and estimates. Additionally, the City does not retain a staff architect for project design. So, the City must undertake a process to procure architectural services.

Currently, several time-consuming steps must be taken to retain a consultant for each potential project. The following is the description of the current RFP/evaluation/contracting process. The on-call contracting process does this all at once for several contractors, rather than one step at a time:

The initial stage is the conceptual phase, which sets a clear definition of the project's scope of work, funding, stakeholders, potential challenges, and any other significant information that the consultant needs to be informed of.

The data from the initial stage is included in details on the Request for Proposal (RFP) document. The RFP must also contain the expected content and format of the proposal as well as the submittal date. The RFP is drafted by staff and reviewed thoroughly with managers and directors, and depending on everyone's availability, the review process is time consuming and finalization of the RFP document could be delayed. Once the document is in its final format, it is given to the Purchasing Division (Purchasing) in order for them to ensure the document meets their criteria. This review process is also time-consuming due to staff's availability for review and acceptance of the document. Once Purchasing approves the document, it is advertised in Our Weekly and on the City's web based publication - Planet Bids for a specified time period depending on the magnitude of the services being solicited.

While the document is posted, inquiries may arise from interested firms and those inquiries require formal response from the City which may prolong the advertising time.

Once the response period has expired, proposals are submitted to the City Clerk for recordation and to Engineering staff for evaluation. The evaluation committee thoroughly reviews and assesses the content of each proposal based on set criteria. Depending on the number of responses, this process can take several weeks to complete. An interview of top candidates may be needed for the committee to finalize its selection. Top candidates are typically given a few weeks to prepare for the interview. Soon thereafter, the committee selects the most suitable firm for the particular professional service and the selection is discussed with the Public Works Director for recommendation of award.

Once a firm has been recommended, the contract agreement is circulated to the

consultant for review and then routed to the City Attorney's office for review and approval. The City Attorney's office requires a minimum of four weeks for review. Sometimes the review is longer, depending on the number and type of exceptions or clarifications. Concurrent with the contract agreement review process, staff prepares a City Council agenda report to award a contract to the most responsive firm. The staff report is considered incomplete until the contract agreement has been approved by the City Attorney's office as final form.

Should the City Council approve the recommended selection, the approved contract is routed for signatures and fully executed prior to the City Clerk's Office entering the contract into the City's Enterprise Resource Planning management system (Tyler Munis). Once the contract has been entered into Tyler Munis, it is routed to Purchasing so that a Purchase Order (PO) can be generated. The selected firm is then issued a Notice to Proceed (NTP), which officially allows the firm to begin providing service.

As detailed above, the process of retaining a consultant for a specific project, from the initial conceptual phase to the issuance of the NTP, is extremely laborious and very time consuming.

To streamline this process, architectural/engineering on-call consultants reduce the time spent working on RFPs/RFQs, and allow staff to move quickly on projects without the delays caused by having to process RFPs/RFQs for each individual project. As noted above, particularly in the area of architecture, the use of consultants is not in lieu of acquiring full-time employees, but rather these consultants will be utilized to enhance the capacity of the current staff.

Engineering solicited Statements of Qualifications (SOQs) by sending a Request for Qualifications (RFQs) to seven civil architectural firms. The firms were given a month to respond. The City only received one SOQ for architecture, and based on an evaluation of the submittal, Westberg and White, Inc. was selected.

Westberg and White, Inc. (W+W) is a full-service architectural firm that has been established for 32 years. They have offices in Tustin and San Diego and provide services to various agencies throughout California, primarily focusing on schools and cities. W+W's basic services include architectural, landscape design and energy studies, supported by structural, mechanical, electrical and civil engineering disciplines. As part of these basic services, W+W also assists in administering the bidding process and providing inspectors and construction support.

W+W has previously provided architectural services for the City of Carson. They were the designer for the Carson Park Master Plan Project and also designed the interior improvements of the Juanita Millender-McDonald Community Center.

Considering the limited staff resources in Engineering, the services of an architectural firm to implement the architectural projects will be beneficial. In addition, there are several time-sensitive park-related projects that currently need the services of the consultant in order to meet the associated grant funding requirements.

Staff is confident that W+W is well qualified and will be able to assist the City in efficiently providing the services the division needs.

The consultant's contract will be exercised on an "on-call" basis. The consultant will be requested to submit a fee proposal for every service the division needs, and subsequently Engineering will negotiate the final fee per service.

Under the Agreements, the Contract Officer would then issue a Notice to Proceed on a Task Order and the contractor would commence work. No additional Council action would be necessary.

The proposed amendment would require Council approval of all Task Orders greater than \$25,000.00, as is required for new contracts. These task orders would not be new, separate contracts, but would be charged against the overall \$250,000.00 contract. The "report" to Council would include the name of the contractor, a description of the scope of work, the amount of the Task Order and the cumulative amount of Task Orders issued to the contract under the entire contract.

V. FISCAL IMPACT

Funds for this item were not included in the FY 2018/19 budget; but the department will be able to absorb the cost for the remainder of this fiscal year, which would be relatively small. Funds for FY 2019/20 are included in the current budget proposal. Staff will budget accordingly for FY 2020/21.

VI. EXHIBITS

1. Westberg & White Inc. Architectural Professional Services Agreement (original signed contract) (pgs. 6-43)
2. Amendment No. 1 to Westberg & White Inc. Architectural Professional Services Agreement (pgs. 44-49)

Prepared by: John S. Raymond, Acting City Manager