Legislation Details (With Text)

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Title:	CONSIDER APPROVAL OF AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT WITH ALBERT GROVER & ASSOCIATES, INC., ASSIGNING THE CONTRACT TO AGA ENGINEERS, INC. AND EXTENDING THE TERM OF THE CONTRACT, FOR PROJECT NO. 1534: ACTIVE TRANSPORTATION PROGRAM INFRASTRUCTURE IMPROVEMENTS (CITY COUNCIL)				
Sponsors:					
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Attachments:	1. Exhibit no. 1 - Proposed Amendment no. 2.pdf, 2. Exhibit No. 2.pdf, 3. Exhibit No. 3.pdf				

Date	Ver.	Action By	Action	Result

Report to Mayor and City Council

Tuesday, September 15, 2020

Consent

SUBJECT:

CONSIDER APPROVAL OF AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT WITH ALBERT GROVER & ASSOCIATES, INC., ASSIGNING THE CONTRACT TO AGA ENGINEERS, INC. AND EXTENDING THE TERM OF THE CONTRACT, FOR PROJECT NO. 1534: ACTIVE TRANSPORTATION PROGRAM INFRASTRUCTURE IMPROVEMENTS (CITY COUNCIL)

I. SUMMARY

On May 2, 2017, the City Council approved a Contract Services Agreement (the "Agreement"; Exhibit No. 3) with Albert Grover & Associates ("Albert Grover") following a competitive solicitation for Project No. 1534, Active Transportation Program Infrastructure ("Project"). Project plans have been prepared but some Project deliverables are still outstanding.

Staffing turnover at the City and with Albert Grover has caused delays in completing the remainder of the services under the Agreement. Staff and the consultant are seeking approval of the proposed Amendment No. 2 (Exhibit No. 1) to extend the term of the Agreement to expire on December 31, 2020, so the consultant can complete the services under the Agreement, including finalizing the specifications and estimates.

Furthermore, Albert Grover seeks to assign all of its rights, interests, duties and obligations under the Agreement to AGA Engineers, Inc. AGA Engineers, Inc. intends to utilize many of the same personnel that have worked on the Project in the past.

Amendment No. 2 authorizes the assignment of the Agreement from Albert Grover to AGA Engineers and extends the term of the Agreement from June 30, 2020 to December 31, 2020.

No additional compensation is being added to the original contract sum. There is a remaining contract sum balance of $13,089.00 plus retention payments of $987.00 that will be released when the Project is complete.

II. RECOMMENDATION

1. APPROVE Contract Amendment No. 2 with AGA Engineering, Inc. for Project No. 1534: Active Transportation Program Infrastructure Improvements.
2. AUTHORIZE the Mayor to execute Contract Amendment No. 2 following approval as to form by the City Attorney.

III. ALTERNATIVES

1. DO NOT APPROVE Contract Amendment No. 2.

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

IV. BACKGROUND

Project No. 1534: Active Transportation Program Infrastructure Improvements is a multi-faceted project that is intended to enhance the City of Carson's bicycle and pedestrian infrastructure, and thereby improve circulation and safety for these active non-motorized transportation modes, and improve public health. The Project design is funded by a federal grant in the amount of $46,000.00 that is administered by Caltrans (Active Transportation Program - Cycle 1). The Project improvements are comprised of the following components:

- Bike lanes on Santa Fe Avenue between Del Amo Boulevard and the southern City boundary.
- 30 bike racks to be installed at parks, schools, and key employment centers throughout Carson.
- 6 vehicle speed feedback signs with solar powered equipment.
- 265 countdown light emitting diode (LED) pedestrian signals.
- 108 high visibility crosswalks.

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- 41 Americans with Disabilities Act (ADA) compliant curb ramps.
- 7 median nose cuts to remove the medians from crosswalks.

On May 2, 2017 the city and Albert Grover entered into a contract services Agreement whereby Albert Grover to provide technical and engineering services for the project.

On June 4, 2019, City and Albert Grover entered into Amendment No. 1 to the Agreement (Exhibit No. 2), thereby extending the term of the Agreement to June 30, 2020, to allow Albert Grover to continue providing its technical and engineering services for the Project and allow the City to pay Albert Grover a balance owed for services already rendered.

Staffing turnover at the City and with Albert Grover's transition of working from home due to COVID-19 pandemic has caused delays in completing the remainder of the services under the Agreement. Staff didn't originally think the extension of contract was needed and advised Albert Grover to finish the remaining work before June 30, 2020. However, Albert Grover indicated they couldn't complete all the tasks. Furthermore, the owner of Albert Grover passed away and that also disrupted the workflow on the consultant side. The Interim Public Works Director, Jim Ross, is working with staff to better track contract terms to ensure that extensions are obtained in advance of the expiration.

Additionally, on June 4, 2020, Albert Grover informed the City of Albert Grover's intention to assign the Agreement to AGA Engineers, Inc., including transferring all of its rights and responsibilities under the Agreement, effective July 1, 2020, subject to City approval. Pursuant to Section 4.5 of the existing Agreement, Albert Grover's requested assignment of the Agreement requires prior written approval of City. Given the lack of City's approval prior to the time of the request, the transfer from Albert Grover to AGA Engineers, Inc. was not authorized at that time. However, City staff is amenable to the requested assignment, as is AGA Engineers, Inc. Therefore, the proposed Amendment No. 2 would add an exception to Section 4.5 of the Agreement to authorize a transfer and assignment of Albert Grover's rights, interests, duties and obligations under the Agreement to AGA Engineers, Inc., effective as of July 1, 2020. AGA Engineers, Inc. would agree to do so under the proposed Amendment No. 2.

Amendment No. 2 thus authorizes the assignment of the Agreement and extends the term of the Agreement to December 31, 2020, so that AGA Engineers, Inc. can complete the services, including finalizing the specifications and estimates.

The federal grant funds associated with the Project only cover the design phase. Once the project design has been completed, the source of the required Project construction funds will be determined and subsequently, staff will present the project to the City Council for appropriation of construction funds and authorization to advertise the Project for construction bid.

V. FISCAL IMPACT

None. No additional compensation is being added to the original contract amount. There is a remaining contract balance of $13,089.00 plus a retention amount of $987.00.

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VI. EXHIBITS

1. Proposed Amendment No. 2 to the Contract Services Agreement. (pgs. 4-15)
2. Amendment No. 1 to the Contract Services Agreement (pgs. 16 -26)
3. Original Contract Services Agreement (pgs. 27-77)

Prepared by: Reata Kulcsar, Sustainability Administrator - Utilities & Gilbert Marquez, P.E. City Engineer

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