



## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** BILL ROBESON, ASSISTANT CITY MANAGER/PUBLIC WORKS DIRECTOR

**BY:** JILL MCPEEK, CAPITAL IMPROVEMENT PROJECT MANAGER

**SUBJECT:** CONSIDERATION OF A FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH PAVEMENT ENGINEERING, INC. FOR THE 2021 STREET REPAIRS PROJECT, PW 2021-01

**DATE:** SEPTEMBER 28, 2021

### **SUMMARY OF ACTION:**

Approving an Amendment to the Agreement for Consultant Services with Pavement Engineering, Inc. (PEI) will allow PEI to continue to provide engineering support services during the construction phase of the subject project.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

The FY 2021-22 Capital Improvement Program budget includes \$2,371,200 for the subject project. The First Amendment extends the PEI contract duration with no cost increase. Staff time will be necessary to coordinate the engineering support services with the consultant.

### **RECOMMENDATION:**

It is recommended the City Council: 1) Approve a First Amendment to the Agreement for Consultant Services ("First Amendment") with Pavement Engineering, Inc. to extend the duration of the Agreement for the subject project; and 2) Authorize the Mayor to execute the First Amendment.

### **BACKGROUND:**

On December 8, 2020, the Council approved an Agreement with Pavement Engineering, Inc. for engineering services for the 2020 Street Repairs Project, PW 2020-13 (subsequently renamed the 2021 Street Repairs Project, PW 2021-01 to better reflect the year of anticipated construction). The term in the Agreement was from December 9, 2020 to October 31, 2021, as it was anticipated that construction would be completed in Summer 2021.

### **ANALYSIS OF ISSUES:**

On April 13, 2021, the Council selected street segments to be evaluated for base failure corrections for the 2021 Street Repairs Project, and on April 27, 2021, these street segments and estimated costs were presented to Council. Based on the available budget at that time, seven of the eleven street segments were selected to move forward into final

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design and construction documents. On July 27, 2021, Council appropriated funds in excess of the 20% Fund Balance Goal Limit to add the remaining four street segments to the construction documents. On September 14, 2021, Council approved the construction documents and authorized advertisement for construction bids.

Because of the additional review and actions described above, the design phase of the project was extended beyond the original estimated time frame. Therefore, an extension to the Agreement term is necessary for the consultant to complete its scope of work, approved by Council on December 8, 2020.

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

1. Approve a First Amendment to Agreement for Consultant Services with Pavement Engineering, Inc.;
2. Do not approve a First Amendment to Agreement for Consultant Services with Pavement Engineering, Inc. and direct staff to solicit proposals from other firms for construction phase engineering services;
3. Provide other direction to staff.

**ADVANTAGES:**

A First Amendment to Agreement for Consultant Services will allow for the consultant to complete its scope of work for construction phase services as previously approved by Council. The 2021 Street Repairs Project will help to extend the pavement life of the selected street segments.

**DISADVANTAGES:**

No disadvantages have been identified.

**ENVIRONMENTAL REVIEW:**

No environmental review is required for the approval of a First Amendment to Agreement for Consultant Services for the 2021 Street Repairs Project.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

**ATTACHMENT:**

1. Agreement for Consultant Services Amendment No. 1

**AGREEMENT FOR CONSULTANT SERVICES**

**AMENDMENT NO. 1**

This First Amendment (“First Amendment”) to Agreement for Consultant Services (“Agreement”) by and between the **CITY OF ARROYO GRANDE** and **PAVEMENT ENGINEERING, INC.** (“Consultant”) is made and entered into this 28<sup>th</sup> day of September 2021.

**WHEREAS**, the parties entered into an Agreement dated December 8, 2020, for engineering services for the 2020 Street Repairs Project, PW 2020-13 (subsequently renamed 2021 Street Repairs Project, PW 2021-01); and

**WHEREAS**, the parties desire to modify the Agreement to extend its term as set forth herein.

**NOW THEREFORE**, for valuable consideration the receipt and sufficiency of which is acknowledged, the parties agree as follows:

- 1. Section 1 (“TERM”) of the Agreement, shall be modified in its entirety to read as follows:

The Agreement shall commence on December 9, 2020 and remain and continue in effect until July 31, 2022, unless sooner terminated pursuant to the provisions of this Agreement.

- 2. Except as modified herein, all other terms and conditions set forth in the Agreement, as amended, shall remain unchanged.

**IN WITNESS WHEREOF**, **CITY** and **CONSULTANT** have executed this First Amendment the day and year first above written.

**CITY OF ARROYO GRANDE:**

**PAVEMENT ENGINEERING, INC.:**

By: \_\_\_\_\_  
CAREN RAY RUSSOM, MAYOR

By: \_\_\_\_\_  
JOSEPH L. RIRIE, PRESIDENT

**ATTEST:**

\_\_\_\_\_  
JESSICA MATSON, CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
TIMOTHY J. CARMEL, CITY ATTORNEY

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