



CITY COUNCIL STAFF REPORT

DATE: April 20, 2011

CONSENT CALENDAR

SUBJECT: ANIMAL CARE FACILITY PROJECT – ARCHITECTURAL ADDITIONAL SERVICES – AMENDMENT 5 TO AGREEMENT A5672.

FROM: David H. Ready, City Manager

BY: Owner's Representative

SUMMARY

The proposed action would result in additional architectural fees for the cost of re-design of the canine courtyard at the Animal Shelter; these cost will be recovered from the project contractor via a back-charge.

RECOMMENDATION:

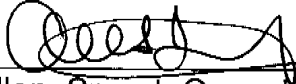
1. Approve Amendment No. 5 to Agreement No. A5672 with Swatt/Miers Architects to provide for additional design services related to re-design of the Canine Courtyard as part of the settlement to Field Correction Notice #8, in the amount of \$2,900.
2. Authorize the City Manager to execute all necessary documents.

STAFF ANALYSIS:

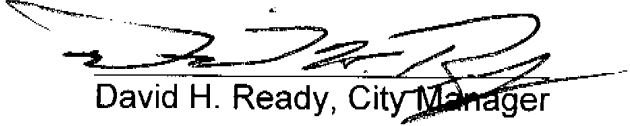
At the April 6, 2011 City Council meeting Change Order No. 6 was approved to the construction contract with W.E. O'Neil Construction to implement a negotiated solution to miss-poured concrete pointed out in Field Correction Notice #8 on the Palm Springs Animal Shelter Project. As part of the solution, the Canine Courtyard grades were required to be re-designed by the Architect and Civil Engineer. The cost of this work was identified to be \$2,900. The attached amendment adds the \$2,900 to the Architectural design contract. The cost of this work will be recovered from the construction contractor via a back-charge.

FISCAL IMPACT:

The total cost of this amendment will be recovered via a back-charge to W.E. O'Neil Construction Co. Funding for the amendment is available in the construction contingency account 8191-65213.



Allen Smoot, Owner's Representative



David H. Ready, City Manager

Attachment: Amendment No. 5

**FIFTH AMENDMENT TO
AGREEMENT FOR ARCHITECT SERVICES
A5672**

THIS FOURTH AMENDMENT TO THE ARCHITECT SERVICES AGREEMENT between the CITY OF PALM SPRINGS and SWATT/MIERS ARCHITECTS, Agreement A5672, is made and entered into, to be effective the 21st day of April 2011, as follows:

RECITALS

A. The City of Palm Springs ("City") has retained Swatt/Miers Architects ("Architect") to perform architectural services related to the design, construction, and operation of an Animal Shelter pursuant to an Agreement for Architect Services Dated June 13, 2008 ("Agreement").

B. The agreement allows for adjustments to the fees based on changes in scope of the overall project.

C. The City and the Architect have agreed that the cost to redesign the canine courtyard of the Palm Springs Animal Shelter in response to the settlement of Field Correction Notice #8 shall be added to the contract and , further that said value shall be back-charged to the project contractor.

AMENDMENT

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, the Agreement is amended in the following respects:

Article III. A. General Payment Provision is hereby amended by adding Item 7 to reflect the following: "7. FCN#8 Redesign expense \$2900."

All provisions of the Agreement not affected by this amendment herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment to the Architect Services Agreement for the Animal Shelter project at Palm Springs, California.

CITY OF PALM SPRINGS

SWATT/ MIERS ARCHITECTS

By: _____
City Manager

By: _____
Its: _____

Attest:

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney