



## CITY COUNCIL STAFF REPORT

DATE: January 21, 2009 CONSENT CALENDAR

SUBJECT: AMENDMENT NO. 4 TO AGREEMENT NO. 5488 WITH ALLEN F. SMOOT & ASSOCIATES, EXTENDING THE ASSIGNMENT OF THE OWNER'S REPRESENTATIVE ON THE AIRPORT'S IMPROVE/MODIFY/REHAB TERMINAL COMPLEX PROJECT, CP 07-09, AIP 3-06-0181-44 BY TWO MONTHS AND ADDING AN HOURLY ALLOCATION FOR FABRIC CANOPY INSTALLATION, SUBJECT TO FEDERAL AVIATION ADMINISTRATION (FAA) APPROVAL.

FROM: David H. Ready, City Manager

BY: Department of Aviation

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### SUMMARY

This action proposes to amend the current Owner's Representative professional services contract by extending the length of services on the Airport's Improve/Modify/Rehab Terminal Complex Project, CP 07-09, AIP 3-06-0181-43 by two months and adding an hourly allocation for the installation of the covered walkway on the project.

### RECOMMENDATION:

1. Approve Amendment No. 4 to Agreement No. 5488 with Allen F. Smoot & Associates for an additional amount of \$42,852.90, subject to FAA approval.
2. Authorize the City Manager to execute all necessary documents.

### STAFF ANALYSIS:

The base contract with the City's Construction Owner's Representative calls for flat fee compensation of two months following the filing of the Notice of Completion on any project. The current contract at the airport originally anticipated that the Notice of Completion for the terminal project would be filed on January 15, 2009. This date was established before the project bidding was completed. At the conclusion of the bidding the project completion date was reset at January 24, 2009 and then a Change Order 1 pushed the date out to February 13, 2009. It is now anticipated that upcoming

Construction Change Orders will move that date out to March 15, 2009. This Amendment No. 4 to Agreement 5488, copy attached, provides for two additional months of compensation consistent with this March 15, 2009 completion. Should the completion occur prior to that date, the contract language for compensation will cause the fee to be reduced and prorated based on the actual date.


Because it was necessary to issue a Change Order No. 2 to the general contractor Harbor Construction to address the delayed walkway canopy component of the project, which is now likely to not be built until after substantial completion of the rest of the project, it was necessary to make an hourly allocation to the Owner's Representative contract as listed in Amendment No. 4. The contract language allows for this fee to not be paid if the canopy work is actually completed within the timeframe of the remainder of the project.

FISCAL IMPACT:

Funding is available in the Improve/Modify/Rehab Terminal Complex account 415-6500-56101.



Thomas Nolan, Executive Director - Airport



David H. Ready, City Manager

Attachment: Smoot Amendment No. 4

**AMENDMENT NO. 4  
TO AGREEMENT NO. 5488  
OWNER REPRESENTATIVE SERVICES**

THIS FOURTH AMENDMENT TO Agreement No. 5488 for consulting services, (herein "Amendment") made and entered into on the \_\_\_ day of \_\_\_\_\_, 2009, by and between the CITY OF PALM SPRINGS (herein "City") and ALLEN F. SMOOT & ASSOCIATES (herein "Consultant") is hereby amended effective March 1, 2009, as follows:

**RECITALS**

WHEREAS, City and Consultant entered into that certain Consulting Services Agreement No. 5488 for Owner Representative Services (Agreement"), as duly amended from time to time; and

WHEREAS, the parties wish to amend the Agreement to extend the time and fees allocated to complete the Improve/Modify/Rehab Terminal Complex Project .

NOW, THEREFORE, for good and sufficient consideration, the parties agree as follows:

Section 1.

Exhibit "B" Schedule of Compensation and Work Assignments is hereby amended to extend an assignment as follows:

Project Title /Description:

Improve/Modify/Rehab Terminal Complex Project

1. 2 month extension from 3/16/09 thru 5/15/09
2. Up to 80 hours to oversee Fabric Canopy Installation for any work performed after substantial completion of the remainder of the project.

Project Fees

1. 2 month extension Fees: Flat Monthly Rate -  $\$15,982.05 \times 2 = \$31,964.10$
2. Fabric Canopy Installation: Up to 80 hrs x  $\$136.11 = \$ 10,888.80$

Section 3.

Full Force and Effect: Except as previously modified herein, all other provisions of the Agreement shall remain unmodified in full force and effect.

IN WITNESS WHEREOF, the parties have executed and entered into this Amendment as of the date first written above.

ATTEST:

CITY OF PALM SPRINGS  
a municipal corporation

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

CONTRACTOR: Check One:   \_\_\_ Individual \_\_\_ Partnership \_\_\_ Corporation

By: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_