



TO: Mayor and Councilmembers

FROM: Vyto Adomaitis, Neighborhood Services and Public Safety Director

CONTACT: JoAnne Plummer, Parks and Recreation Manager

SUBJECT: Amendment No. 1 to Agreement #2018-032 with Filippin Engineering, Inc. for Construction Management, Inspection and Materials Testing for CIP 9035 Jonny D Wallis Park (Formerly Hollister/Kellogg Park) Project

RECOMMENDATION:

Approve and authorize the City Manager to execute Amendment No. 1 to Agreement No. 2018-032 with Filippin Engineering, Inc. (Filippin) for Construction Management, Inspection and Materials Testing (CMIT) for CIP 9035 Jonny D. Wallis Neighborhood Park (Formerly Hollister/Kellogg Park) Project (Project), increasing the maximum contract amount by \$41,000 for a total not-to-exceed \$508,709.

BACKGROUND:

The new Jonny D. Wallis Neighborhood Park is a four-acre park located at 170 South Kellogg Avenue in Old Town Goleta which is under construction and nearing completion.

DISCUSSION:

This project was originally awarded on May 1, 2018, with a Notice to Proceed issued to the contractor on May 21, 2018 and completion expected in March of 2019. Original project completion, based on the 200 working day duration, was anticipated to be March 8, 2019. Between negotiated additional change orders for park completion, time granted for rain days and an accelerated and increased work schedule from the contractor, the need for additional CMIT services for the completion and closeout of this project is necessary. It is important to point out, that the project is being completed on time, within the required State grant funding timeline, of March 29, 2019.

FISCAL IMPACTS:

This project is funded primarily with Park Development Impact Fees (DIF) and a grant from the California State Parks Department. Sufficient budget of \$396,547 is available from the contingency budget remaining on the original construction contract with C.S.

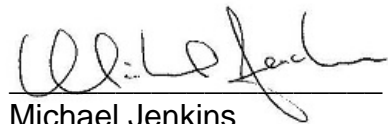
Legacy Construction, Inc., in Park DIF to support the additional \$41,000. Pending the approved amendment, approximately \$355,547 will then be available.

CIP 9035 2018/2019					
Account	Fund Type	Authorized Contingency	Approved Contract Change Orders	Requested Amendment No.1 Amount	Total Remaining Contingency
221-5-9035-706	Park DIF	\$538,825	(\$142,278)	(\$41,000)	\$355,547

ALTERNATIVES:

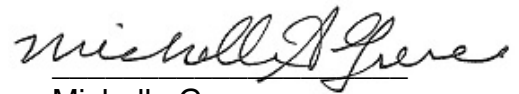
The Council may choose not to approve Amendment No. 1, but that would leave the project without the professional management team to complete, putting the State Grant funds for this project at risk.

Legal Review By:



Michael Jenkins
City Attorney

Approved By:



Michelle Greene
City Manager

ATTACHMENTS:

1. Amendment No. 1 to a Professional Services Agreement 2018-032 Between the City of Goleta and Filippin Engineering, Inc.
2. Professional Services Agreement 2018-032 Between the City of Goleta and Filippin Engineering, Inc. (Available Online Only)

ATTACHMENT 1

**AMENDMENT NO. 1 TO AGREEMENT #2018-032 WITH FILIPPIN ENGINEERING,
INC. FOR CONSTRUCTION MANAGEMENT, INSPECTION AND MATERIALS
TESTING FOR CIP 9035 JONNY D WALLIS PARK (FORMERLY
HOLLISTER/KELLOGG PARK) PROJECT**

**AMENDMENT NO. 1
TO A PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF GOLETA
AND
FILIPPIN ENGINEERING, INC**

This **Amendment No. 1** to a PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT, INSPECTION AND MATERIALS TESTING (CMIT) for the Hollister/Kellogg Park Project by and between the **City of Goleta**, a municipal corporation ("City") and **FILIPPIN ENGINEERING, INC**, ("Consultant") dated May 1, 2018 ("Agreement," Agreement No.2018-032) is made this 2nd day of April, 2019.

RECITALS

WHEREAS, this Agreement is for the Construction Management, Inspection and Materials Testing (CMIT) services for Hollister/Kellogg Park Project; and

WHEREAS, the Agreement between City and Consultant currently provides in Section 3 Subsection (a) for the total compensation amount not-to-exceed \$467,709; and

WHEREAS, the parties desire to amend the Agreement so as to provide for additional compensation in the amount of \$ 41,000 for the extension of work efforts on the Hollister/Kellogg Park Project; and

WHEREAS, the City Council approved this Amendment No. 1, on this 2nd day of April, 2019.

AMENDED TERMS

Now therefore City and Consultant agree as follows that the Agreement be, and hereby is, amended as follows:

1. Section 3 Subsection (a). COMPENSATION AND PAYMENT of the Agreement is amended to add an additional authorized amount of \$41,000 and to read in its entirety:

(a) Maximum and Rate. The total compensation payable to CONSULTANT by CITY for the services under this AGREEMENT **SHALL NOT EXCEED** the sum of \$508,709 (herein "not-to-exceed amount"), and shall be earned as the work progresses.

The term of this Agreement is from the date first written above to June 30, 2019 unless the term of this Agreement is extended or the Agreement is terminated as provided for herein.

CONSULTANT shall not commence work on the services to be performed until (i) CONSULTANT furnishes proof of insurance as required by Section 10 below, and (ii) CITY gives written authorization to proceed with the work provided by CITY's Project Manager. All services shall be completed within the term of this Agreement following the notice to proceed.

1. Except as otherwise specifically provided herein, all other provisions of the Agreement shall remain in full force and effect.

In concurrence and witness whereof, this Amendment No. 1 has been executed by the parties effective on the date and year first above written.

CITY OF GOLETA

CONSULTANT

Michelle Greene, City Manager

Gina Filipin, President

ATTEST:

Deborah Lopez, City Clerk

Kelly Wheeler, Vice-President

APPROVED AS TO FORM



Winnie Cai, Assistant City Attorney