

STAFF REPORT



ITEM NO. 8 CITY OF OCEANSIDE

DATE: May 28, 2014
TO: Honorable Mayor and City Councilmembers
FROM: Water Utilities Department
SUBJECT: **AMENDMENT 2 IN THE AMOUNT OF \$40,000 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA, INC. FOR AS-NEEDED PUBLIC OUTREACH SERVICES**

SYNOPSIS

Staff and the Utilities Commission recommend that the City Council approve Amendment 2 in an amount not to exceed \$40,000 to the professional services agreement with Atkins North America, Inc. of San Diego for as-needed public outreach services; and authorize the City Manager to execute the amendment.

BACKGROUND

The City Council approved the original professional services agreement with Atkins North America, Inc. (Atkins) on September 19, 2012, for as-needed public outreach services in an amount of \$50,000 for a period of one calendar year. Amendment 1 was approved by City Council on April 3, 2013, for as-needed public outreach and engineering services increasing the total contract price to \$230,000.

Atkins has been working on several projects for the Water Department that required extensive public outreach and will continue to need public communication. These major projects include, but are not limited to, the development and design of the City Water Quality Report and Conservation Calendar; City branding and marketing campaign; Green Oceanside public relations, website, and media support; and design services for major Green Oceanside outreach materials.

ANALYSIS

Seven firms were originally evaluated and selected to provide various professional services. Atkins has an extensive background in providing public outreach services to many clients, and was originally selected based on their skills, capabilities, experience, and knowledge.

Atkins will continue to provide as-needed public outreach services on several mandated environmental outreach and reporting projects. Because of their knowledge of the Oceanside Water Utilities Department, regulatory requirements, program scope, and the

Oceanside community, staff recommends continuing the existing relationship with Atkins and expanding the existing scope of services to meet ongoing needs of the department. Staff is recommending this procurement be treated as a sole source under provisions of the Oceanside City Code, Section 28A.24(c), due to the continuation of services already performed and those that are currently underway, and their understanding of the community and sensitivity of the various projects for which they are providing assistance.

FISCAL IMPACT

Name	Account	Available Budget	Allocated Amount
CCR Calendar	700010731	\$165,396	\$15,000
Green Oceanside Outreach and Design (City Marketing; Media Relations; Earth Month; Web Design; Mobile Application; Logo Development)	700010731	\$165,396	\$25,000

The available budget in the Waste & Recycling account (700010731.5305) is \$5,758,770. The total cost for Amendment 2 is \$40,000; therefore, sufficient funds are available.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

INSURANCE REQUIREMENTS

The City's standard insurance requirements will be met.

COMMISSION OR COMMITTEE REPORT

On March 18, 2014, the Utilities Commission made the recommendation to the City Council to approve Amendment 2 in an amount not to exceed \$40,000.

RECOMMENDATIONS

Staff and the Utilities Commission recommend that the City Council approve Amendment 2 in an amount not to exceed \$40,000 to the professional services agreement with Atkins North America, Inc. of San Diego for as-needed public outreach services; and authorize the City Manager to execute the amendment.

PREPARED BY:



Jason Dafforn
Water Utilities Division Manager

SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Cari Dale, Water Utilities Director

James R. Riley, Financial Services Director







Exhibit A – Amendment 2

**CITY OF OCEANSIDE
AMENDMENT 2 TO
PROFESSIONAL SERVICES AGREEMENT**

**PROJECT: OCEANSIDE WATER UTILITIES PUBLIC RELATIONS
SERVICES-700010731**

THIS AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (hereinafter "Amendment"), dated _____, 2014 for identification purposes, is made and entered into by and between the CITY OF OCEANSIDE, a municipal corporation, hereinafter designated as "CITY", and ATKINS OF NORTH AMERICA, hereinafter designated as "CONSULTANT."

RECITALS

WHEREAS, City and Consultant are the parties to that certain Professional Services Agreement dated September 19, 2012, hereinafter referred to as the "Agreement", wherein Consultant agreed to provide certain services to the City as set forth therein;

WHEREAS, the parties desire to amend the Agreement to provide for changes and/or modifications to the Section 1, Scope of Work; Section 7, Compensation and Section 8 Timing Requirements.

AMENDMENT

NOW, THEREFORE, as set forth herein, the parties hereto do mutually agree that the Agreement shall be amended as follows:

1. Section 1, Scope of Work, shall be amended to reflect and include additional as-needed public outreach services as described in document dated March 12, 2014, attached hereto and incorporated herein as Exhibit A.
2. Section 7, Compensation, shall be amended to reflect that all work performed in accordance with the Agreement dated September 19, 2012, shall not exceed the total contract price of \$270,000.
3. Section 8, Timing Requirements, shall be amended to reflect all work be completed by June 30, 2014.
4. Except as expressly set forth in this Amendment, the Agreement shall remain in full force and effect and is hereby ratified and reaffirmed.

OCEANSIDE WATER UTILITIES
PUBLIC RELATIONS SERVICES-700010731

SIGNATURES. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment on behalf of the respective legal entities of the CONSULTANT and the CITY.

IN WITNESS WHEREOF the parties hereto being duly authorized on behalf of their respective entities to execute this Amendment, do hereby agree to the covenants contained in the Agreement, including this Amendment, and have caused this Amendment to be executed by setting hereunto their signatures on the dates set forth below.

ATKINS OF NORTH AMERICA
By: *Kenneth J. Burns*
Name/Title Kenneth J. Burns
Senior Vice President

Date: May 15, 2014 _____

By: *Rene de los Rios*
Name/Title Rene de los Rios
Assistant Secretary

Date: May 15, 2014 _____

59-0896138
Employer ID No. _____



CITY OF OCEANSIDE
By: _____
Steven R. Jepsen, City Manager

Date: _____

APPROVED AS TO FORM:
Robert J. Hamilton, A.B.S.T.
City Attorney

NOTARY ACKNOWLEDGMENTS OF CONSULTANT MUST BE ATTACHED.

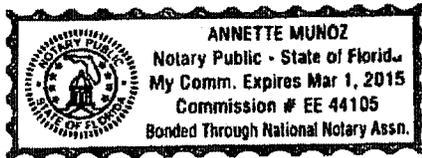
NOTARY ACKNOWLEDGEMENT

STATE OF FLORIDA }

COUNTY OF MIAMI-DADE }

PERSONALLY APPEARED before me, the undersigned authority,
Rene de los Rios, well known to me or who has produced
_____ as identification and known
by me to be the Assistant Secretary of the corporation named above, and
acknowledged before me that he executed the foregoing instrument on behalf of said corporation as
its true act and deed, and that he was duly authorized to do so.

WITNESS my hand and official seal this 15th day of May, 2014.





NOTARY PUBLIC
Print Name: Annette Munoz
My Commission Expires: March 1, 2015

California All-Purpose Acknowledgment Form

State of California
City & County of San Francisco } S.S.

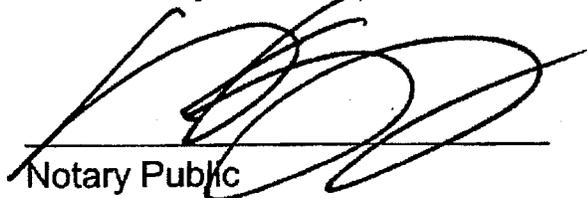
On May 15, 2014, before me,

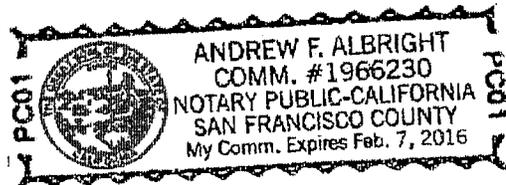
- Andrew F. Albright -, Notary Public, personally appeared:

- Kenneth J. Burns -, who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(~~ies~~), and that by his/~~her~~/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.


Notary Public



OPTIONAL:

Attached Document: Amendment to Agreement

Document Date: _____ Number of pages: two-2

Capacity claimed by signer: Senior Vice President

Signer is representing: Atkins of North America

