



DATE: December 17, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Water Utilities Department

SUBJECT: **AMENDMENT 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR AS-NEEDED CAPITAL IMPROVEMENT PROGRAM CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES**

SYNOPSIS

Staff and the Utilities Commission recommend that the City Council approve Amendment 1 in the amount of \$100,000 to the Professional Services Agreement with PdM Consulting, Inc. for as-needed Capital Improvement Program project and construction management services; and authorize the City Manager to execute the amendment.

BACKGROUND

Fiscal Year 2014-15 is a particularly busy year for the Water Utilities Department Capital Improvement Program (CIP), with over \$33 million in water projects, and over \$22 million in sewer projects. To complete all of these projects, City and Contract staff has assumed more construction management and inspection responsibilities. To supplement the proper inspection of capital projects, additional project management, environmental, electric, and special inspection and testing services are required.

Contracting out additional services such as project management, environmental services, and electrical inspections to name a few, is a cost-effective way to supplement current staff for short term needs with licensed and certified professionals, allowing staff to focus on completing the Department's ambitious CIP project schedule.

On September 29, 2014, the Water Utilities Department entered into an agreement in the amount of \$49,000 with PdM Consulting, Inc. for as needed project and construction management services. Additional services are needed due to the volume of capital improvement projects.

ANALYSIS

When the original PSA was initiated, several firms were solicited and candidates interviewed, and PdM Consulting was selected, based on skills, expertise and experience, as well as value provided to the City.

PdM Consulting provides construction management and project management services for several projects, including a variety of small projects at the San Luis Rey Water Reclamation Facility. There is an ongoing need for support as these projects enter the construction and start-up phase.

FISCAL IMPACT

Table 1 outlines the current contract amount from September 2014, as well as the proposed contract amendment for PdM Consulting.

Table 1

| Consultant | Service | Original Amount | Account | Amount |
|----------------------|--|-----------------|---------------------------------|------------------|
| PdM Consulting, Inc. | Agreement for As-needed Project and Construction Management Services | \$49,000 | 750771712.5305 | \$50,000 |
| | | | 800812722.5305 | \$50,000 |
| | | | Sub Total: | \$100,000 |
| | | | Proposed Contract Total: | \$149,000 |
| | | | Total New Funds: | \$100,000 |
| | | | Grand Total: | \$149,000 |

The total amendment amount is \$100,000. The FY 14-15 budgets for the Water and Sewer Funds have balances as indicated in table 2 below.

Table 2

| Name | Fund | Available Budget | Allocated Amount |
|----------------|-----------|--------------------|------------------|
| Misc. Sewer | 800812722 | \$821,000 | \$50,000 |
| Misc. Water | 750771712 | \$626,000 | \$50,000 |
| Totals: | | \$1,447,000 | \$100,000 |

This amendment will increase the purchase order for PdM Consulting, Inc. by \$100,000. The amended amount will be charged equally between the Sewer account 800812722.5305 and the Water 750771712.5305. Currently, business unit 800812722 has available budget of \$769,171 and business unit 750771712 has available budget of \$555,549. Therefore, sufficient funds are available. The funding source for the Sewer is Service and Flow Fees and the funding source for Water is Sales and Meter Charges.

INSURANCE REQUIREMENTS

The City's standard insurance requirements will be met.

COMMISSION OR COMMITTEE REPORT

The Utilities Commission approved staff's recommendation at its regularly scheduled meeting on October 21, 2014.

CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATIONS

Staff and the Utilities Commission recommend that the City Council approve Amendment 1 in the amount of \$100,000 to the Professional Services Agreement with PdM Consulting, Inc. for as-needed Capital Improvement Program project and construction management services; and authorize the City Manager to execute the amendment.

PREPARED BY:



Jason Dafforn
Interim Water Utilities Director

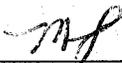
SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant City Manager



James R. Riley, Financial Services Director



Exhibit A – Amendment 1

**CITY OF OCEANSIDE
AMENDMENT 1 TO
PROFESSIONAL SERVICES AGREEMENT**

**PROJECT: AS-NEEDED PROJECT MANAGER/CONSTRUCTION
MANAGER SERVICES – [750771712 & 800812822]**

THIS AMENDMENT 1 TO PROFESSIONAL SERVICES AGREEMENT (hereinafter "Amendment") is made and entered this 17th day of November 2014, by and between the City of Oceanside, "CITY", a municipal corporation, hereinafter designated as "CITY", and PDM Consulting, Inc., hereinafter designated as "CONSULTANT".

RECITALS

WHEREAS, CITY and CONSULTANT are the parties to that certain Professional Services Agreement dated September 29, 2014, hereinafter referred to as the "Agreement", wherein CONSULTANT agreed to provide certain services to the CITY set forth therein;

WHEREAS, the parties desire to amend the Agreement to expand the Scope of Work and compensation therefor.

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 project manager/construction manager services as described and outlined in the scope of work and letter dated November 4, 2014, (Exhibit A).
2. Section 13, Compensation, shall be amended to reflect that all work performed in accordance with this Amendment 1 shall not exceed \$100,000.
3. Except as expressly set forth in the Amendment, the Agreement shall remain in full force and effect and is hereby ratified and reaffirmed.

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 Agreement 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 this 17th day of NOVEMBER, 2014.

CONSULTANT

CITY OF OCEANSIDE

By:

E. P. de Mark

By:

Steven R. Jepsen, City Manager

By:

[Signature]

26-4299633

Employer ID No.

APPROVED AS TO FORM:

[Signature]
City Attorney

NOTARY ACKNOWLEDGEMENTS OF CONSULTANT MUST BE ATTACHED.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California

County of SAN DIEGO }

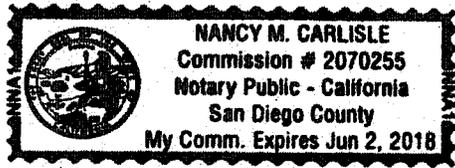
On NOV. 17, 2014 before me, NANCY M. CARLISLE, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared E. PIETER DEMONCHY
Name(s) of Signer(s)

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.



Place Notary Seal Above

Signature Nancy M. Carlisle
Signature of Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
 Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

| | |
|--|--|
| Signer's Name: _____ | Signer's Name: _____ |
| <input type="checkbox"/> Corporate Officer — Title(s): _____ | <input type="checkbox"/> Corporate Officer — Title(s): _____ |
| <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General |
| <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact | <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact |
| <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator | <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

Signer Is Representing: _____ Signer Is Representing: _____

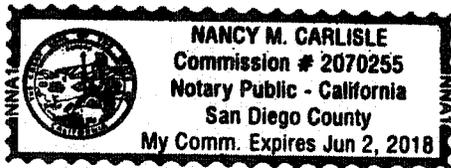
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
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State of California

County of SAN DIEGO }

On NOV. 17 2014 before me, NANCY M. CARLISLE, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared CLAUDIA J. POWERS
Name(s) of Signer(s)



Place Notary Seal Above

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.

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Signature: Nancy M. Carlisle
Signature of Notary Public

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Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Partner — Limited General Partner — Limited General

Individual Attorney in Fact Individual Attorney in Fact

Trustee Guardian or Conservator Trustee Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

T (760) 333-7927
Pieter@pdmconsult.com
www.pdmconsult.com



F (760) 268-0096
6799 Palermi Place
Carlsbad, CA 92011

November 4, 2014

Mr. Jason Dafforn, P.E.
Water Utilities Department Division Manager
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Reference: **Proposal to extend On-Call Project Manager/Construction Manager Services**

Dear Mr. Dafforn:

PdM Consulting, Inc. (PdMC) is pleased to provide this letter proposal for additional as-needed project management and construction management services to the **City of Oceanside (City)**.

PdMC proposes to provide on-call Project Management and Construction Management services to the **City**. Mr. Pieter de Monchy has served in this role for the City of Oceanside in the fourth quarter of 2014 and will prioritize this work ahead of any other commitments. Please see attached rate sheet for billing rate details.

We propose the budget be amended by \$100,000 for work through June, 2015.

We sincerely appreciate the opportunity to submit this proposal and look forward to continuing our PM-CM work with the City.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Pieter de Monchy', written in a cursive style.

E. Pieter de Monchy, P.E.
President

Cc: Amy Czajkowski, PARC Civil

T (760) 333-7927
Pieter@pdmconsult.com
www.pdmconsult.com



F (760) 268-0096
6799 Palermi Place
Carlsbad, CA 92011

Schedule of Fees 2015

| | |
|--------------------------|-----------------|
| Principal Civil Engineer | \$175/hr. |
| Construction Manager | \$150/hr. |
| Project Manager | \$125/hr. |
| Oceanside PM/CM | \$100-\$115/hr. |
| Designer | \$115/hr. |
| Drafter/Processor | \$75/hr. |
| Admin/Title Research | \$50/hr. |
| Expert Witness | \$250/hr. |

Notes:

- These rates are valid through June, 2015.