

STAFF REPORT*CITY OF OCEANSIDE*

DATE: June 24, 2015

TO: Honorable Mayor and City Councilmembers

FROM: Water Utilities Department

SUBJECT: **AMENDMENT 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PDM CONSULTING, INC. FOR AS-NEEDED CAPITAL IMPROVEMENT PROGRAM CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES**

SYNOPSIS

Staff recommends that the City Council approve Amendment 2 in the amount of \$200,000 to the Professional Services Agreement with PdM Consulting, Inc. for as-needed Capital Improvement Program construction management and inspection services for the Water Utilities Department; and authorize the City Manager to execute the amendment.

BACKGROUND

The Water Utilities Department Capital Improvement Program (CIP) has an approved budget of over \$33 million in water projects, and over \$22 million in sewer projects in Fiscal Year 14/15, and nearly \$44 million in proposed projects in Fiscal Year 15/16. To complete all of these projects, City and Contracted staff has assumed more construction management and inspection responsibilities. To supplement the proper inspection of capital projects, additional project management, construction management, environmental, electric, and special inspection and testing services are required.

Contracting out additional services such as project management, construction management, environmental services, and electrical inspections is a cost-effective way to supplement current staff for short term needs with licensed and certified professionals.

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. On December 17, 2014, Council approved Amendment No. 1 to the PSA, for an additional \$100,000. Due to the volume of work that exists, staff is recommending that Council approve Amendment No. 2, for an additional \$200,000, which will cover services provided during fiscal year 2015/16.

ANALYSIS

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

PdM Consulting provides construction management and inspection services for several projects, including a variety of projects at the San Luis Rey Water Reclamation Facility. These projects include: San Luis Rey Major Improvements, SLR Primary Metering, SLR Maintenance Building, Old Administration Building and Storage Area Reconfiguration, among others. There is an ongoing need for support as these projects enter the construction and start-up phase.

FISCAL IMPACT

The total amendment amount is \$200,000. The cost for these services will be charged equally between the miscellaneous sewer and miscellaneous water business unit accounts 800812722.5305 and 750771712.5305, respectively. The Department has budgeted sufficient funds to cover these services in the FY 2015-16 budget approved by Council on June 3, 2015.

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 was provided an update at its regularly scheduled meeting on June 16, 2015.

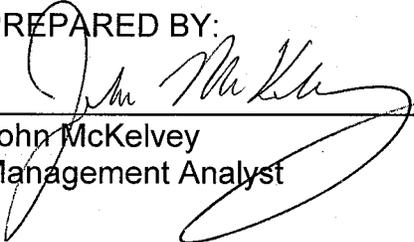
CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATIONS

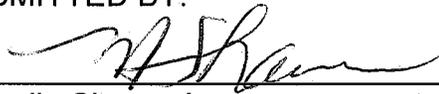
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PREPARED BY:



John McKelvey
Management Analyst

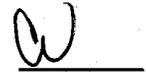
SUBMITTED BY:



Michelle Skaggs Lawrence
Interim City Manager

REVIEWED BY:

Peter Weiss, Assistant City Manager



Jason Dafforn, Interim Water Utilities Director



Jane M. McPherson, Interim Financial Services Director



Exhibit A – Amendment 2

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

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

THIS AMENDMENT 2 TO PROFESSIONAL SERVICES AGREEMENT (hereinafter “Amendment”) is made and entered this 24th day of June 2015, 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, and Amendment 1 thereto, dated November 17, 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 April 15, 2015 (Exhibit A).
2. Section 8, Timing Requirements, shall be amended to reflect all work shall be completed in every detail to the satisfaction of the CITY by June 30, 2016.
3. Section 13, Compensation, shall be amended to reflect that all work performed in accordance with this Amendment 2 shall not exceed \$200,000.
4. Except as expressly set forth in this Amendment 2, 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.

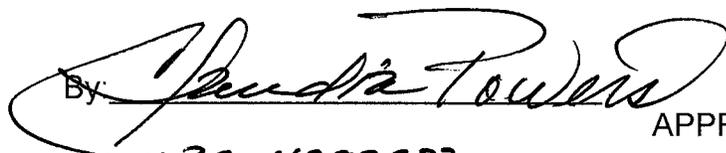
IN WITNESS WHEREOF, the parties hereto being duly authorized on behalf of their respective entities to execute this Amendment, do hereby agree to the covenants contained in the Agreement, including this Amendment and have caused this Amendment to be executed by setting hereunto their signatures this _____ day of _____, 2015.

CONSULTANT

CITY OF OCEANSIDE

By:  By: _____

Michelle Skaggs Lawrence
Interim City Manager

By: 

APPROVED AS TO FORM:

26-4299633

Employer ID No.


City Attorney

NOTARY ACKNOWLEDGEMENTS OF CONSULTANT MUST BE ATTACHED.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California

County of SAN DIEGO

On MAY 27, 2015 before me, NANCY M. CAMBRA, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

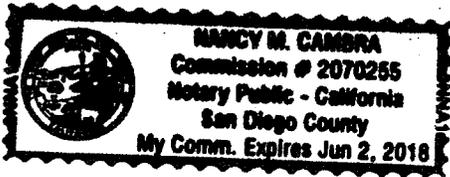
personally appeared E. PIETER DEMONCHY
Name(s) of Signer(s)

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.

Signature: Nancy M. Cambra
Signature of Notary Public



Place Notary Seal Above

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: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and the truthfulness, accuracy, or validity of that document.

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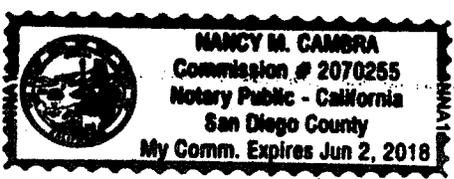


State of California

County of SAN DIEGO }

On MAY 27 2015 before me, NANCY M. CAMBRA, 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 of Notary Public

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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: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 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

April 15, 2015

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 since October, 2014 and will prioritize this work ahead of any other commitments. We propose to perform this work at the agreed upon billing rate of \$100/hr.

We propose the budget be amended by \$200,000 for work through June, 2016.

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', is written over a horizontal line.

E. Pieter de Monchy, P.E.
President