

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Hugh R. Riley, Assistant City Manager

**By:** Jessica Sandifer, Management Analyst 

**DATE:** January 25, 2011 (CC Meeting of 2/2/11)

**SUBJECT:** Consider Amendment No. 4 to Architectural Agreement with HMC Architects for Reimbursable Expenses for the Ruben Castro Human Services Center

**BACKGROUND & DISCUSSION**

HMC was awarded the full design contract for the Ruben Castro Human Services Center in 2006. The original contract document did not address a set amount or percentage of their fee for reimbursable expenses and throughout the term of the contract, reimbursable expenses have been paid for out of the design category. As a result, the architect's contract does not have enough funding to finish paying for the design process. In order to address this error, staff is amending the Architect's agreement to increase their contract by the amount of reimbursables that have already been paid plus a small contingency for the remainder of the project. Once this correction is made, there will be enough funds to finish paying the Architect for the design process.

The following figure illustrates the additional fee proposal:

<b>Total Current Contract w/ fast track option</b>	<b>\$ 1,322,793</b>
<b>Reimbursable Fees</b>	
Reimbursables	<u>\$38,000</u>
<b>Total New Contract Amount:</b>	<b>\$1,360,793</b>

**FISCAL IMPACT**

There are sufficient funds in the project budget (5020) to pay for this increase.

Honorable City Council  
February 2, 2011  
Page 2

**STAFF RECOMMENDATION**

Approve Amendment No. 4 to professional services agreement with HMC Architects to increase the amount of the agreement by \$38,000 from \$1,322,793 to \$1,360,793 and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney.

Attachment - Agreement

**FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT  
BETWEEN CITY OF MOORPARK AND HMC ARCHITECTS**

THIS FOURTH AMENDMENT TO THE AGREEMENT FOR SERVICES ("Fourth Amendment"), is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, ("the Effective Date") between the City of Moorpark, a municipal corporation, hereinafter referred to as "City", and HMC Architects, a corporation, hereinafter referred to as "Architect".

WITNESSETH:

WHEREAS, March 21, 2006, the City and the Architect entered into an Agreement for architectural design and consulting services for the Ruben Castro Human Services Center; and

WHEREAS, December 29, 2009, the City and the Architect entered into a First Amendment for additional design fees to reflect increases in construction costs since the original Agreement was signed; and

WHEREAS, February 16, 2010, the City and the Architect entered into a Second Amendment for additional design fees for Clinicas tenant improvements and landscape changes; and

WHEREAS, August 10, 2010, the City and the Architect entered into a Third Amendment to delete certain unnecessary design fees and add additional fees to reflect additional changes that were made to the project; and

WHEREAS, the Architect's original agreement did not include an allowance for reimbursable expenses; and

WHEREAS, the City wishes to amend the Agreement a fourth time to add an allowance for reimbursable expenses.

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto agree as follows:

Reimbursable expenses totaling \$38,000 are hereby added to the Agreement. Architect shall submit appropriate back-up documentation, as determined by the City, for reimbursable expenses.

All other terms and conditions of the original agreement shall remain in full force and effect.

**CITY OF MOORPARK**

**HMC ARCHITECTS**

By: \_\_\_\_\_  
Steven Kueny  
City Manager

By: \_\_\_\_\_  
Chris R. Taylor, AIA  
Executive Vice President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk