

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Allen M. Walter, Landscape/Parks Maintenance Superintendent *AW*

DATE: September 1, 2010 (Meeting of October 20, 2010)

SUBJECT: Consider Amendment No. 1 to PICON, Inc., Project Management Agreement for Glenwood Park Restroom Construction Project

SUMMARY

On January 11, 2010, the City executed an Agreement with PICON, Inc. (Phil Vein) for pre-construction coordination, construction, and closeout services for the Glenwood Park Restroom Project. The Agreement was not to exceed \$14,400 for the entire project.

On May 2010, the remaining balance on PICON's Agreement was \$6,354.40. It appears that the remaining balance of the Agreement is not sufficient to cover the work remaining on the restroom project.

PICON has expended \$8,085.60 to date, providing Glenwood Park Restroom Project pre-construction coordination, leaving a balance of \$6,354.40 for RFP review and processing, pre-construction coordination, 75-day construction inspection schedule, and preparation of closeout services.

Staff is requesting PICON's Professional Services Agreement be amended to increase the current Agreement of \$14,440 to \$18,440. All other provisions within the Agreement will remain in place. PICON's services are performed on a 'Not to Exceed', basis. PICON will only be paid for the services performed. If the additional funds are not used, they will remain with in Zone III, Park Improvement Fund.

DISCUSSION

Preconstruction services have required more PICON involvement than originally anticipated; including time spent reviewing plans and specifications.

PICON was also required to make changes to civil drawings on restroom water service. Water service to the restroom was modified removing the installation of a new water meter, allowing the use of the existing park water meter to reduce the project's construction cost and future savings on meter service cost and tier cost. PICON was required to meet with the Civil Engineer for clarification and notes on the plans to reflect the water service change. PICON had additional follow-up and review on water supply service changes and making required corrections to the bid documents

FISCAL IMPACT

Glenwood Park is within Park Improvement Zone III; therefore, the restroom project is funded by Zone III revenues (developer fees). The project cost estimate is \$331,310 as seen in the table below.

PICON, Inc., Professional Services Agreement's proposed increase of \$4,000 will increase the Glenwood Park Restroom project cost estimate. The \$4,000 will be allocated to PICON from the project's Architect and Project Coordination Services \$41,200 estimate.

The total budget allocation for Zone III in FY 2010/11 is about \$238,631. The Glenwood Park restroom construction cost estimated at \$331,310 requires a loan of \$93,000 from the Community Wide Park Zone fund, which the City Council will be asked to authorize in a separate report. No developer fee revenue is expected for Zone III in FY 2010/11, or anticipated for about three years.

Glenwood Park Restroom Cost Estimates	
Description	Cost Estimate
Construction and Site Work	\$238,910
Architect and Project Coordination Services	\$ 41,200
Permits and Fees (Water, Sewer, CIC)	\$ 22,200
Project 10% Contingency	\$ 29,000
Total	\$331,310

STAFF RECOMMENDATION

Authorize the City Manager to execute Amendment No. 1, to Agreement with PICON, Inc., for pre-construction coordination, construction, and closeout services at a cost not to exceed \$18,400, subject to final language approval by the City Manager and City Attorney.

Attachment: Amendment No. 1 to PICON, Inc. Agreement

**AMENDMENT NO. 1
PROFESSIONAL SERVICES AGREEMENT BETWEEN THE
CITY OF MOORPARK AND PICON, INC. FOR PROJECT
COORDINATION AND CONTRACT ADMINISTRATION FOR
CONSTRUCTION OF A RESTROOM AT GLENWOOD PARK**

THIS AGREEMENT, made and entered into this _____ day of _____, 2010, by and between the City of Moorpark, a municipal corporation located in the County of Ventura, State of California, hereinafter referred to as "CITY" and PICON, Inc., a California Corporation, hereinafter referred to as "CONSULTANT."

WITNESSETH

Whereas, on January 11, 2010, the CITY and CONSULTANT entered into an Agreement for project coordination and contract administration services; and

Whereas, CONSULTANT services above and beyond those considered in the Agreement are now necessary; and

Whereas, the CITY now desires to increase compensation for project coordination and contract administration services. The CITY and CONSULTANT have discussed and agreed to said amendment as described herein, and now wish to document said amendment by jointly approving this Amendment No. 1 to the January 11, 2010, Agreement.

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

I. Scope of Services

The Scope of Services shall retain CONSULTANT because additional services are required in the construction, inspection, and close out phases of the project in a contractual capacity to provide project coordination and contract administration for the Glenwood Park restroom project.

II. Contract Price

The Contract Price shall be amended to include an additional Four Thousand Dollars (\$4,000) for services to be performed by CONSULTANT and total compensation shall not exceed Eighteen Thousand Four Hundred Forty Dollars (\$18,440).

III. Remaining Provisions

All other provisions of the aforesaid Agreement shall remain in full force and effect.

CITY OF MOORPARK

PICON, INC.

Steven Kueny, City Manager

Philip H. Vein, President

Date _____

Date _____

ATTEST:

Deborah S. Traffenstedt, City Clerk