

## **ITEM 10.G.**

### **MOORPARK CITY COUNCIL AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Dave Klotzle, City Engineer/Public Works Director



**DATE:** May 4, 2012 (CC Meeting of 05/16/12)

**SUBJECT:** Consider Amendment No. 1 to Agreement for Engineering Design Services for North Hills Parkway, Phase 1, Project 8061

#### **BACKGROUND & DISCUSSION**

On October 21, 2009, the City Council authorized the City Manager to sign an Agreement with KOA Corporation (KOA) for the design of North Hills Parkway, Phase 1, for an amount not to exceed \$1,500,000. The City Council also authorized the City Manager to amend the Agreement for unforeseen design contingencies in an amount not to exceed \$150,000. The design was expected to be completed in April 2011, however, coordination of the roadway alignment with concurrent revisions to Tract 5147 (A-B Properties) has delayed the Project. On April 27, 2012, KOA submitted a Proposal (Exhibit 1-A of Attachment) requesting an increase in their design fee and additional geotechnical work. Item 1 of the Proposal refers to a 4% increase in the fees remaining to complete the design as of April 1, 2012, in consideration of the rise in the cost of doing business. This increase would result in additional design fees of \$40,025.35. Item 2 of the Proposal refers to unforeseen supplemental geotechnical work for the railroad undercrossing and would result in additional fees of \$35,510.

#### **FISCAL IMPACT**

The total increase in design fees for this Amendment is \$75,535.35, which will not exceed the previously approved amount of \$150,000 for design contingencies, therefore a budget amendment is not required.

#### **STAFF RECOMMENDATION**

Authorize the City Manager to sign Amendment No. 1.

Attachment: Amendment No. 1

Exhibit: Proposal

**AMENDMENT NO. 1 TO  
AGREEMENT BETWEEN THE CITY OF MOORPARK  
AND KOA CORPORATION  
FOR ENGINEERING DESIGN SERVICES  
FOR NORTH HILLS PARKWAY, PHASE 1, PROJECT 8061**

This Amendment, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, between the City of Moorpark, a California municipal corporation, hereinafter referred to as "City" and KOA Corporation, a California corporation, hereinafter referred to as "Consultant."

Whereas, on January 11, 2010, the City and Consultant entered into an Agreement to design Phase 1 of North Hills Parkway from Gabbert Road on the east to Los Angeles Avenue (Project) for total compensation not exceeding \$1,480,846.00; and

Whereas, the City now desires to revise certain provisions of the Agreement.

Now, therefore, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto agree to amend the aforesaid Agreement as follows:

I. Section 2 of the Agreement is amended to include:

Consultant's Scope of Services is amended to include additional geotechnical work as described in the Consultant's Proposal dated April 27, 2012 and attached hereto and incorporated herein as Exhibit 1-A to the Agreement by this First Amendment.

II. Section 5 of the Agreement is amended to include:

City hereby increases the not-to-exceed amount of \$1,480,846.00 under this Agreement by \$75,535.35 to \$1,556,381.35.

III. Remaining Provisions

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

In witness whereof, the parties hereto have executed this Amendment on the date and year first above written.

CITY OF MOORPARK

KOA CORPORATION

\_\_\_\_\_  
Steven Kueny  
City Manager

\_\_\_\_\_  
Jimmy Lin  
President

Attest: \_\_\_\_\_  
Maureen Benson  
City Clerk



1100 Corporate Center Dr., Suite 201  
Monterey Park, CA 91754  
t: 323-260-4703 f: 323-260-4705  
www.koacorporation.com

April 27, 2012

Dave Klotzle  
City Engineer  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

JA91103

**RE: Proposed Contract Addendum to Adjust Design Fee and Obtain Additional Geotechnical Borings for the Design of North Hills Parkway, Phase I Project**

Dear Mr Klotzle:

As discussed with you earlier, we are submitting a request for a fee addendum to provide additional geotechnical boring services and a rate adjustment for the above referenced project.

The attached proposal summarizes our scope of services and cost estimate. We are certain this proposed addendum is more than reasonable given the fact that we have encountered a significant project delay and a slight scope variation from the original contract. Please review the attached proposal and feel free to contact us with any questions or comments.

Sincerely,  
**KOA Corporation**

A handwritten signature in black ink, appearing to read "Jimmy Lin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jimmy Lin, P.E.  
President

encl.

## The City of Moorpark

### Proposal to Adjust Design Fee and Obtain Additional Geotechnical Borings for the Design of North Hills Parkway, Phase I

#### Scope of Services

Item 1. General rate escalation due to the Project hiatus

We understand that the City of Moorpark has worked diligently to address unforeseen obstacles and react to changing developer priorities since this design contract was awarded to the KOA Team in January of 2010. In order to be a supportive partner and prime consultant, KOA has always remained engaged in the process. We have pursued ways to quantify the various alternatives as they change and have made recommendations to the City as your technical representative. We are proud to serve the City in this role, and we commit to continuously providing this important feedback and make these technical recommendations until the finalization of design plans.

As the work has progressed, a great deal of time has passed. We had originally scheduled to complete the entire design in April of 2011, and because of the coordination and administrative issues that are beyond our control, we are still working on tasks that we planned to complete in March of 2010.

In order to account for a rise in our cost of doing business, we are requesting that the City adjust the portion of our fee that remains unspent after our billing on April 8, 2012. We are proposing that remaining portion of our fee be increased at rate of 2% per year (4% total) over the two years since we executed our contract. This increase is equal to the wage increases we granted to our staff in 2011 and 2012. The same rate increase would also apply to our sub-consultants.

Item 2. Additional geotechnical borings at grade separation

KOA's geotechnical sub-consultant, BTC Labs –Vertical 5 has completed a portion of the investigation included in the original proposal for the Design of North Hills Parkway. In undertaking this work, they have worked closely with the rest of the KOA Team and specifically our structural engineering sub-consultant, JL Patterson.

This revised scope of work includes 6 additional borings to address design needs of the wider bridge abutments required by UPRR and associated live and dead loads. These borings will also address an increased scale of retaining walls at the grade separation and at the approaches on either side.

A total of 6 new borings at 70 feet deep (originally 50 feet deep) are indicated in the attached proposal from BTC Labs –Vertical 5. The deeper borings, along with recent data showing a higher groundwater level in the area, will require a change in drilling technique from hollow-stem auger drilling to rotary wash drilling.

### Additional Fee Estimate

Additional fees required for both items 1 and 2 are reflected in the two following tables.

#### Item #1

| Task No.      | Task Name          | Original Contract Amount | Amount Billed through 4/8/12 | Amount Remaining       | 4% Increase on Amount Remaining | Total Adjusted Contract Amount |
|---------------|--------------------|--------------------------|------------------------------|------------------------|---------------------------------|--------------------------------|
| Task: 100     | Project Management | \$ 153,275.00            | \$ 95,179.50                 | \$ 58,095.50           | \$ 2,323.82                     | \$ 60,419.32                   |
| Task: 200     | Survey             | \$ 92,628.00             | \$ 56,996.00                 | \$ 35,632.00           | \$ 1,425.28                     | \$ 37,057.28                   |
| Task: 300     | Geotechnical       | \$ 22,242.00             | \$ 12,374.00                 | \$ 9,868.00            | \$ 394.72                       | \$ 10,262.72                   |
| Task: 400     | Civil Design       | \$ 540,976.00            | \$ 180,481.07                | \$ 360,494.93          | \$ 14,419.80                    | \$ 374,914.73                  |
| Task: 500     | UPRR               | \$ 621,500.00            | \$ 134,953.50                | \$ 486,546.50          | \$ 19,461.86                    | \$ 506,008.36                  |
| Task: 600     | Direct Costs       | \$ 50,225.00             | \$ 228.30                    | \$ 49,996.70           | \$ 1,999.87                     | \$ 51,996.57                   |
| <b>Totals</b> |                    | <b>\$ 1,480,846.00</b>   | <b>\$ 480,212.37</b>         | <b>\$ 1,000,633.63</b> | <b>\$ 40,025.35</b>             | <b>\$ 1,040,658.98</b>         |

#### Item #2

| Supplemental Geotechnical Investigation | Project Manager | Senior Engineer | Associate Engineer | Sub-Total Cost | BTC Labs - Vertical 5 | Total Cost of Item #2 |
|---|-----------------|-----------------|--------------------|----------------|-----------------------|-----------------------|
|   | \$235           | \$195           | \$125              |                |                       |                       |
|   | Hours           | Hours           | Hours              |                |                       |                       |
|   | \$ 4            | \$ 6            | \$ 8               | \$ 3,110       | \$32,400              | <b>\$35,510</b>       |

**The total cost of this proposed addendum is \$75,535.35**

This lump sum amount is based upon the work scope and level of effort presented above and includes the cost of all related technical and administrative services. The work scope is considered complete upon plan approval. Any additional services requested after plan approval will be considered as extra work and those fees will be negotiated prior to start of work and secured in writing.