

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director

BY: Jessica Sandifer, Senior Management Analyst 

DATE: August 25, 2015 (CC Meeting of 9/2/2015)

SUBJECT: Consider Amendment No. 1 to Agreement with American Building Comfort Services, Inc. to Increase Annual Compensation to \$50,000

BACKGROUND & DISCUSSION

The City requires ongoing maintenance services related to the heating, ventilation and air conditioning (HVAC) systems at the various City facilities. The City's contract HVAC maintenance company, American Building Comfort Services, Inc. (ABC) has typically been able to perform maintenance services within the City Manager's contract approval authority. However, due to the increasing number of facilities managed by the City, in addition to aging HVAC systems at several of these facilities, there is a need to increase the annual compensation for repair and regularly scheduled maintenance work. ABC's current agreement executed on May 7, 2015, is for \$15,000 annually. The term of the agreement is for one year and provides for two one-year extensions, for a total compensation of \$45,000 over a three-year term. Staff recommends amending ABC's agreement to increase the compensation to \$50,000 annually. The total contract value over a three-year term would be \$150,000.

FISCAL IMPACT

There is no impact to the FY 2015/16 budget, as funding has been provided in the current Facilities and Property Maintenance operating budgets. Future expenditures in FY 2016/17 and FY 2017/18 will also be included in the relevant expenditure accounts.

STAFF RECOMMENDATION

Approve Amendment No. 1 with American Building Comfort Services, Inc., increasing the annual compensation to \$50,000 annually during the Agreement term, as provided for within the Agreement, and authorize the City Manager to sign the Amendment, subject to final language approval by the City Manager.

Attachments: Amendment No. 1

**AMENDMENT NO. 1
TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND
AMERICAN BUILDING COMFORT SERVICES, INC., FOR HEATING,
VENTILATION, AND AIR CONDITIONING MAINTENANCE SERVICES AT
VARIOUS CITY FACILITIES AND MISCELLANEOUS CITY PROPERTIES**

This Amendment No. 1 to the Agreement between the City of Moorpark, a municipal corporation ("City"), and American Building Comfort Services, Inc., a corporation ("Contractor"), for heating, ventilation, and air conditioning services ("Agreement"), is made and entered into the _____ day of _____, 2015.

RECITALS

WHEREAS, on May 7, 2015 the City and Contractor entered into an Agreement to have the Contractor provide heating, ventilation, and air conditioning services; and

WHEREAS, the City and Contractor now desire to amend the Agreement to increase the annual compensation for services to be performed by Contractor from fifteen thousand dollars (\$15,000.00) annually by a value of thirty-five thousand dollars (\$35,000.00) for a total contract value of fifty thousand dollars (\$50,000.00) annually, and document said agreement to amend by jointly approving Amendment No. 1 to the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 2, SCOPE OF SERVICES, is amended by replacing the third paragraph in its entirety as follows:

"Compensation for the services to be performed by Contractor shall be in accordance with Exhibit C. Compensation shall not exceed the rates or total contract value of fifty thousand dollars (\$50,000.00) annually, without a written amendment to the agreement executed by both parties. Payment by City to Contractor shall be in accordance with the provisions of this Agreement."

II. Section 5, PAYMENT, is amended by replacing the second paragraph in its entirety as follows:

"The City agrees to pay Contractor monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit C, based upon actual time spent on the above tasks. This amount shall not exceed fifty thousand dollars (\$50,000.00) annually, unless additional payment is approved as provided in this Agreement."

III. Remaining Provisions:

Except as revised by this Amendment No. 1, all of the provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF MOORPARK

AMERICAN BUILDING COMFORT SERVICES, INC.

Steven Kueny
City Manager

Mark Rosales
President

Attest:

Maureen Benson, City Clerk