



Meeting Date: 08/07/2007

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Michelle Romney *Michelle* Agenda Item No. I-6  
 Reviewed By: City Manager *SMH* City Attorney *[Signature]* Finance *SW* Other (Specify) \_\_\_\_\_

**DATE:** July 18, 2007

**TO:** City Council

**FROM:** Lou Balderrama, City Engineer  
Public Works Department

**SUBJECT:** Amendment No. 3 to Agreement with Penfield and Smith for Design and Construction Services for Public Projects

**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute Amendment No. 3 to Agreement 2024-03-PW with Penfield & Smith increasing the amount of the original agreement from \$1,000,000 to \$2,000,000 for providing design and construction related services for the City's public works projects. Additionally, this amendment extends the term of the agreement until June 30, 2008.

**DISCUSSION**

On November 20, 2003, the City Council approved an agreement with the Camarillo-based engineering firm Penfield & Smith (P&S) related to design and construction of numerous public works projects. The original agreement was drafted with a one million dollar limit. This agreement was extended by amendment in June 2006 and again in May 2007, although the total value of the agreement remained at the initial one million dollar limit.

Penfield & Smith is one of three major engineering firms contracted to the City (among several smaller firms) involved in designing and providing engineering support services to City Staff for numerous public works projects. Penfield & Smith is working on many of the current and pending street rehabilitation projects proposed by staff and recently approved by City Council and funded by gas tax bonds.

These current and pending streets projects include Seaview Estates Neighborhood Resurfacing (with \$850,000 in gas tax bond funding in FY 07-08), Carriage Square Neighborhood Resurfacing (\$3,300,000 gas tax bond funding), Marina West Neighborhood Resurfacing (\$1,900,000 gas tax bond funding) and Ventura Road Resurfacing-Gonzales Road to Wagon Wheel (\$4,000,000 gas tax bond funding). Beyond these specific gas tax bond funded projects, P&S is also involved in the Terrace Estates Neighborhood Project, the Ventura Boulevard Storm Drain Project, the Ventura Road Recycled

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Water Project and the Ventura Road-Roadway and Landscaping Project. All the aforementioned gas tax bond projects can be found in the recently approved Capital Improvement Plan (CIP) document. Given the very number of projects requiring design and construction project management services and their size and complexity including and extending beyond the street resurfacing projects referenced above, Penfield & Smith is utilized for many of these projects as well. We are reaching the appropriation limit established in the original P&S agreement and staff wishes to move forward with these future street rehabilitation projects (among other critical proposals). Staff is asking for the Council's approval to extend the monetary limit of the original contract to \$2,000,000 and allow staff to move forward with the design and preparation of plans and specifications and to meet project schedules.

**FINANCIAL IMPACT**

Amending the P&S Agreement from \$1,000,000 to \$2,000,000 will have no impact to General Fund operations as the change to the agreement would only change the maximum amount this contractor can receive under the terms of the agreement and the cost of services is fully supported by the project budgets. Any separately approved capital improvement project developed by the City where P&S would be utilized under the terms of this agreement would still have to be presented to Council for approval and authorization to solicit bids.

LB/dl

Attachment #1 – Penfield & Smith Agreement 2024-03-PW Amendment No. 3

**THIRD AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES**

This Third Amendment, entered into this 7<sup>th</sup> day of August 2007, amends that certain Agreement for Consulting Services ("the Agreement"), entered into on November 20, 2003, and amended on May 23, 2007, by and between the City of Oxnard ("City") and Penfield and Smith ("Consultant").

City and Consultant agree that in Section 14 a. the amount "\$1,000,000" is deleted and replaced with the amount "\$2,000,000".

City and Consultant agree that in Section 12, the date "June 30, 2007", is deleted and replaced with the date "June 30, 2008".

City and Consultant further agree that as so amended, the Agreement shall remain in full force and effect.

**CITY OF OXNARD**

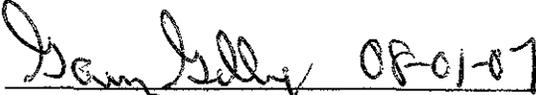
**CONSULTANT**

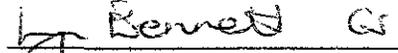
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Dr. Thomas E. Holden, Mayor

 RCE25278  
\_\_\_\_\_  
Patrick Reeves, Vice President  
PENFIELD AND SMITH

**APPROVED AS TO FORM:**

**APPROVED AS TO INSURANCE:**

 08-01-07  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

  
\_\_\_\_\_  
Susan Winder, Acting Risk Manager

**APPROVED AS TO CONTENT:**

  
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Lou Balderrama, City Engineer