



Meeting Date: 7/27/2010

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 (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Cynthia Daniels *CD* Agenda Item No. I-5
 Reviewed By: City Manager *MMH* City Attorney *AA* Finance *AC* Other _____

DATE: July 15, 2010

TO: City Council

FROM: Cynthia Daniels, Project Manager *Cynthia Daniels*
Development Services Department

SUBJECT: First Amendment to Agreement with Lim & Nascimento Engineering Corp. (LAN) for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project at U.S. Highway 101

RECOMMENDATION

That City Council approve and authorize the Mayor to execute a first amendment to the agreement with LAN to increase the amount by \$109,493.02 (a total of \$3,310,500.02) to provide construction management services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101 (Agreement No. A-7235).

DISCUSSION

The City Council approved the agreement with LAN on December 8, 2009. LAN's services include construction management, project coordination, schedule management, construction inspection, and material testing. The first amendment adds fees and staff to implement the mitigation measures and monitoring, inspection staff for the large water line, and other changes related to the inspection and materials testing laboratory.

FINANCIAL IMPACT

The total cost of the agreement is increased by \$109,493.02 for a total of \$3,310,500.02. There are sufficient funds from State and federal grants, and City funds, in the project budget Project No. 873114 to fund the request.

CD

Attachment #1 - First Amendment to Agreement No. A-7235

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

This First Amendment ("First Amendment") to the Agreement for Professional Services ("Agreement") is made and entered into in the County of Ventura, State of California, this _____ day of _____, 2010, by and between the City of Oxnard, a municipal corporation ("City"), and Lim & Nascimento Engineering Corporation ("Consultant"). This First Amendment amends the Agreement entered into on December 8, 2009, by City and Consultant.

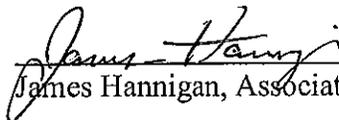
City and Consultant agree as follows:

1. In Section 1 of the Agreement, Exhibit A is supplemented by Exhibit A-1, attached hereto and incorporated herein by reference.
2. In Section 14a of the Agreement, the figure "\$3,201,007" is deleted and replaced with the figure "\$3,310,500.02." In Section 14a of the Agreement, Exhibit C is supplemented by Exhibit C-1, attached hereto and incorporated herein by reference.
3. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

CONSULTANT

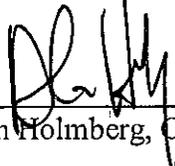
Dr. Thomas E. Holden, Mayor


James Hannigan, Associate Vice-President

ATTEST:

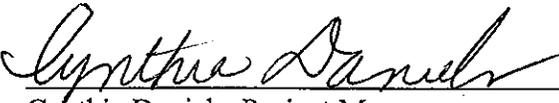
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

APPROVED AS TO CONTENT:


Cynthia Daniels, Project Manager

APPROVED AS TO INSURANCE:

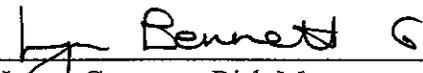

James Cameron, Risk Manager

Exhibit A-1 – Scope of Services

This First Amendment to Contract A-7235, Construction Management Services for the Rice Avenue/ Santa Clara Avenue Interchange improvements over Highway 101 Project, addresses out of scope changes requested by the City, inclusion of project personnel not listed on the original cost proposal, and reassignment of a UDBE subconsultant.

2.8 Mitigation Monitoring and Reporting Program (MMRP)

After the start of construction, it was discovered the Project Special Provisions and the contract between the City of Oxnard and Consultant, Lim and Nascimento Engineering Inc. omitted two requirements of the “Mitigation Monitoring and Reporting Program”:

2.8.1 Provide a Qualified Ornithologist to perform a Raptor Survey as required by the Mitigation Monitoring and Reporting Program (MMRP) before and during tree removal operations.

2.8.2 Provide Qualified Native American Monitors (Chumash band) during excavation and grading activities as required by the Mitigation Monitoring and Reporting Program (MMRP). Indigenous Consultants, (Subconsultant) will be performing this task during excavation and grading activities.

2.9 Additional Personnel to Cost Proposal

The following additional personnel include Specialists for the work listed above; Consultant will also utilize three employees not included on the original Cost Estimate for Project Scheduling and specialized inspection of the 45” dia. waterline.

The additional Tasks and individuals are:

2.9.1 Raptor Survey (AECOM): Robert Conohan a qualified AECOM Ornithologist, Michael Arvidson (PM), Julie Niceswanger (Senior Biologist), Manju Venkat (Senior Biologist), Jonathan Aguayo (Environmental Scientist), Kim Olsen (Technical Editor), and Carl Demetropoulos (Biologist)

2.9.2 Native American Monitor (Chumash): Randy Guzman Folkes (Indigenous Consultants)

2.9.3 Project Scheduler (AECOM): Ricardo Fajardo - Review Contractor’s Baseline and monthly CPM schedule updates.

2.9.4 Waterline inspectors (AECOM): Doug Haack and Evan Folk: - Provide “as needed”, inspection services during waterline work.

2.10 Reassignment of UDBE Subconsultant

Analyzer International, Inc., Consultant’s Underutilized Disadvantaged Business Enterprise (UDBE) subconsultant, was included on Consultant’s team to perform field materials testing. Analyzer personnel, Mr. Eng (Ed) Yeong’s Caltrans’ testing certifications lapsed, which prohibits Subconsultant from performing the originally planned tasks. To mitigate this situation, Consultant proposes to utilize Subconsultant personnel in a Structure Inspection role to maintain Consultant’s UDBE goal.

2.10.1 Analyzer will perform Structure Inspection duties as required to fulfill Consultant’s UDBE goal for this project.

Exhibit C-1

Local Assistance Procedures Manual Exhibit 10-H

Rice Avenue / Santa Clara Avenue Interchange Improvements at Highway 101

CONTRACT NO. A-7235

Date: July, 13 2010

Consultant: LAN Engineering

DIRECT LABOR (SPECIFY)

Classification	Name	Range		Hours	Hourly Rate Year Ending 2010	TOTAL
Project Director	Michael Arvidson	2/27/2010	4/30/2010	0.5	\$ 48.18	24.09
Biologist	Robert Conohan	2/27/2010	4/30/2010	116	\$ 25.60	2969.60
Biologist	Carl Demetropoulos	2/27/2010	4/30/2010	23	\$ 33.66	773.18
Scheduler	Ricardo Fajardo	2/27/2010	3/31/2012	Original Schedule C	\$ 46.36	0.00
Waterline Inspector	Evan Folk	2/27/2010	12/31/2010	330	\$ 28.61	9461.30
Waterline Inspector	Douglas Haack	2/27/2010	12/31/2010	68	\$ 46.75	3179.00
Biologist	Julie Niceswanger	2/27/2010	4/30/2010	5	\$ 37.05	185.25
Biologist	Jonathan Aguayo	2/27/2010	4/30/2010	13	\$ 21.49	279.37
Senior Biologist	Manjunath Venkat	2/27/2010	4/30/2010	3	\$ 43.74	131.22
Biologist	Kimberly Olsen	2/27/2010	4/30/2010	1	\$ 26.00	26.00

Subtotal Direct Labor Costs \$ 17,010.01

Anticipated Salary Raise : (N/A) \$ 0.00

Total Direct Labor Costs \$ 17,010.01

Indirect Rate (Fringe Benefits + Overhead + General and Administrative) Rate 121.8% \$ 20,710.92

Fee (Profit) 10.0% \$ 3,772.09

Other Direct Costs

Travel Costs (Form 60-2) \$ 0

Equipment and Supplies (Form 60-2) \$ 0.00

All Other Direct Costs (See Form 60-2) \$ 0.00

Total Other Direct Costs \$ 0.00

Total SubContractor Costs (attach detailed cost estimate for each subcontractor) \$ 68,000.00

Subcontractor Administration \$

TOTAL COST (Not to Exceed) \$ 109,493.02

Exhibit C-1

Local Assistance Procedures Manual Exhibit 10-H

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Scheduler	Ricardo Fajardo	2/27/2010	3/31/2012	Original Schedule C	\$ 46.36	\$ 0.00
Waterline Inspector	Evan Folk	2/27/2010	12/31/2010	330	\$ 28.61	\$ 9,441.30
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Subcontractor Administration						\$
TOTAL COST (Not to Exceed)						\$ 109,493.02

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TOTAL COST (Not to Exceed)						\$ 109,493.02