

## STAFF REPORT

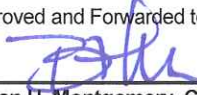
**Date:** Tuesday, June 27, 2017

**To:** Bryan H. Montgomery, City Manager

**From:** Kevin Rohani, P.E. Public Works Director/City Engineer

**Subject:** Approval of Contract Amendment # 1 with F. J. Kennedy and Associates, Inc. (Kennedy and Associates) for On-Call Consultant Services Related to the Clean Water Program, City Surveyor and Current Development Engineering and Inspection Services

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### **Background and Analysis**

On July 1, 2016 an agreement was executed between the City of Oakley and Kennedy and Associates for on-call consultant services related to the Clean Water Program, City Surveyor services and Development Engineering services. The contract was limited to a not to exceed amount of \$50,000 per fiscal year. The amount of construction work on private development projects in Oakley has continued to increase and staff has needed to increase the amount of work being performed by consultants in order to meet development project timelines. As a result, staff is requesting an increase of \$50,000 in the contract amount for both Fiscal Year 2016/17 and 2017/18.

### **Fiscal Impact**

Approval of the resolution will increase the not-to-exceed contract amount by \$50,000 per fiscal year, for Fiscal Year 2016/17 and continuing through Fiscal Year 2017/18. Private development projects and the City's Cleanwater Program will fund the services on an as needed basis. There will not be any City General Funds used in this contract.

### **Staff Recommendation**

Staff recommends that the City Council adopt the resolution amending the agreement with Kennedy and Associates and authorizing the City Manager to execute the agreement

### **Attachments**

- 1) Resolution
- 2) Amendment

RESOLUTION NO. \_\_-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING CONTRACT AMENDMENT # 1 TO THE AGREEMENT WITH F. J. KENNEDY AND ASSOCIATES, INC. (KENNEDY AND ASSOCIATES) FOR CONSULTANT SERVICES INCLUDING CIVIL DESIGN RELATED TO THE CLEAN WATER PROGRAM, CITY SURVEYOR, DEVELOPMENT ENGINEERING AND INSPECTION SERVICES**

**WHEREAS**, on July 1, 2016 the City executed an agreement with Kennedy and Associates for engineering and surveyor Consultant Services with the not to exceed amount of \$50,000 per fiscal year; and

**WHEREAS**, after review of the expenditures to date for Fiscal Year 2016/17 and projecting costs for these services through the end of this fiscal year and for Fiscal Year 2017/18 Staff decided that the original not to exceed amount if not sufficient to complete the fiscal year; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Oakley that the Contract Amendment # 1 with Kennedy and Associates is hereby approved. A copy of the Contract Amendment is attached hereto as Exhibit A.

**PASSED AND ADOPTED** by the City Council of the City of Oakley, California, this 27<sup>th</sup> day of June 2017 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Sue Higgins, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

**AMENDMENT TO AGREEMENT BETWEEN THE CITY OF OAKLEY AND F. J. KENNEDY AND ASSOCIATES, INC. RELATED TO ON-CALL CONSULTANT SERVICES FOR CIVIL DESIGN RELATE TO THE CLEAN WATER PROGRAM, CITY SURVEYOR AND CURRENT DEVELOPMENT ENGINEERING**

This Amendment is entered into by and between the City of Oakley, a municipal corporation (hereinafter referred to as "City"), and F. J. Kennedy and Associate, Inc., a California Corporation (hereinafter referred to as "Contractor"), effective as of the 27th day of June, 2017.

**RECITALS**

- A. On July 1, 2016, City and Contractor executed an Agreement for on-call consultant services related to the Clean Water Program, City Surveyor services and Development Engineering services (hereinafter referred to as the "Agreement"); and,
- B. City and Contractor now desire that the following amendment be made to the Contractor's services: increase the not to exceed contract amount from \$50,000 to \$100,000; and,
- C. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

**AGREEMENT**

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. \_\_\_-17, adopted by the Council of the City of Oakley on the 27<sup>th</sup> day of June, 2017, and the parties have caused this Amendment to be executed in duplicate.

City

Contractor

City of Oakley, a municipal corporation

F. J. Kennedy and Associates, Inc., a California Corporation

By: \_\_\_\_\_  
Bryan H. Montgomery, City Manager

By: \_\_\_\_\_  
Frank J. Kennedy, President

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Derek P. Cole, City Attorney