

APPROVED

AUG 03 2011

REPORT OF GENERAL MANAGER

NO. 11-216

DATE August 3, 2011

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED LANDSCAPE ARCHITECTURAL DESIGN SERVICES -
AMENDMENT TO SUPPLEMENTAL AGREEMENT TO CONTRACT NO. 3027
WITH EPTDESIGN, INC.

R. Adams _____
H. Fujita _____
V. Israel _____

K. Regan _____
*M. Shull [Signature]
N. Williams _____

[Signature]
General Manager

Approved [Signature]

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a proposed Amendment to Supplemental Agreement to Contract No. 3027 with EPTDESIGN, Inc., for as-needed landscape architectural design services, substantially in the form on file in the Board Office, to extend the term of the contract by five years, for a new total of sixteen (16) years and increasing the contract amount by \$500,000 to \$1,600,000, and incorporating rate increases for 2013 through 2017, subject to the approval of the Mayor, the City Council, and the City Attorney as to form;
2. Find pursuant to Charter Section 1022 that the Department of Recreation and Parks (RAP) does not have personnel available in its employ with sufficient time or the necessary expertise to undertake these specialized professional tasks in a timely manner, and it is more feasible, economical and in the RAP's best interest to secure these services by contract;
3. Find that competitive bidding is not practicable or advantageous as it is necessary for the RAP to be able to call on contractors to perform this work as needed and on an occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as needed contractors each individual project is assigned on the basis of availability of an as-needed contractor to perform the work, the price to be charged and the unique expertise of the as-needed contractor;

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4. Direct the Board Secretary to transmit the proposed Agreement to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Council, and to the City Attorney for review and approval as to form; and,
5. Authorize the Board President and Secretary to execute the Amendment, upon receipt of the necessary approvals,

SUMMARY:

On September 5, 2001, RAP entered into a personal services contract with EPT Landscape Architecture, for as-needed landscape architectural design services. The term was for six (6) years, which expired on September 4, 2007 and the amount was for \$600,000. Amendment No. 1 was executed on October 6, 2004, which authorized a name change of the corporation to EPTDESIGN, Inc. (Board Report No. 04-226).

On September 23, 2009, Supplemental Agreement to Contract No. 3027 was executed which extended the term of the contract by five (5) years to September 5, 2012 and also increased the contract amount by \$500,000 to a new total contract amount of \$1,100,000.

The firm is currently working on the Sheldon-Arleta Park project. The consultant provides landscape architectural design services that includes services in the various project phases, i.e., schematic and design development phase, construction documentation phase, bidding phase, construction phase and corrections and clarifications phase. It will allow continuous and uninterrupted service during design, construction and post construction work of all remaining phases of work to complete the park project. The RAP does not have available personnel to perform these specialized professional tasks in a timely manner due to the existing demand on staff workload, thereby, making it impossible for staff to meet additional project requirements and deadlines. It will be less efficient and less cost effective to have another design firm complete the design and construction documents for part that was originally designed by EPTDESIGN, Inc. This Amendment will allow this consultant to continue working on the Sheldon-Arleta Park project. The proposed Amendment includes adjustments of hourly rates from 2013 through 2017. These adjustments are acceptable industry practice and conform to normal cost of living adjustments.

This proposed Amendment is in compliance with all RAP and City procedures, policies and laws applicable to the award of contracts. Principals of the firm are not employees or officials of the City, are free to make recommendations or perform the services specified in the contract, and have no authority with respect to the City's decisions relating to the project beyond fulfilling the provisions of the proposed amended contract.

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FISCAL IMPACT STATEMENT:

All compensation will be provided from the existing funding source(s) for each individual project that the firm works on. There will be no decrease in revenue or increase in costs to the Department's General Funds.

This report was prepared by Gino Ogtong, Management Analyst II, Planning, Construction and Maintenance.