



City of San Leandro

Meeting Date: April 15, 2019

Staff Report

File Number: 19-191

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.E.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for a City of San Leandro City Council Resolution to Approve Amendment No. 2 to the Consultant Services Agreement for Third Party Plan Check Services Between the City of San Leandro and TRB+Associates (to increase the contract by \$80,500 for an amount not to exceed \$268,000)

SUMMARY AND RECOMMENDATIONS

Construction activity in the City continues to be high and is projected to continue for at least the next year. Third party plan check consultants assist the City in managing the work load in order to meet deadlines and provide quality customer service. Staff recommends the City Council approve Amendment No. 2 to the Contractual Services Agreement with TRB+Associates to increase the contract amount by \$80,500 and authorize the City Manager to execute this amendment for a not-to-exceed contract amount of \$268,000. Amendment No. 2 will enable the City's Building and Safety Services Division to continue providing plan check services in a timely manner, provide certified access specialist (CASp) services as required by State law and to supplement current staffing during this period of significant development and permit activity.

BACKGROUND

The City of San Leandro's Building and Safety Services Division (Building) of the Community Development Department ensures minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, locations and maintenance of buildings and structures within the City through plan review, permit issuances and inspections.

Third party plan check consultants assist the City during times of high activity to meet deadlines and enable the City to provide quality customer service. The FY 2018-19 Budget included \$200,000 for Third Party Plan Check consultants: \$150,000 for TRB+Associates and \$50,000 for 4LEAF. When the City Council approved both contracts in June 2018, it granted the City Manager the authority to amend the contract up to a maximum of 25% of the \$150,000 original total contract amount or a maximum of \$37,500.

In March 2019, the City Manager approved Amendment No.1 to the CSA with TRB+Associates to increase the contract by \$37,500 from budgeted FY 2018-19 Building funds to an amount not to exceed \$187,500. Amendment No. 1 was necessary because the original contract amount had been depleted by end of February 2019 due to the high volume of permit applications. The amendment enabled Building to cover TRB+Associates services for March and partially April.

Analysis

The Chief Building Official recommends increasing only TRB+Associates' contract because of its larger engineering staff, stronger experience with complex construction methods and the quality of past work. TRB+Associates and 4LEAF's consulting services agreements end on June 30, 2019. Building plans to solicit a new Request for Qualifications (RFQ) in April-May 2019 for third party plan check services and anticipates selecting at least two qualified firms, which Building will bring forward for City Council review and approval for FY2019-2020 and FY2020-FY2021.

Building requests an additional \$80,500 in Amendment No. 2 to cover the ongoing high volume of permit applications that are projected for part of April, May and June 2019. In addition to the high number of permits that Building staff and the third party consultants continue to receive and process, major development projects that may begin review before June 30, 2019 include the recently entitled 687 unit apartment building at 899 Alvarado Street and substantial capital improvements at Waste Management's Davis Street Transfer Station. These major projects justify the need for this additional funding request because they will require extensive and detailed staff plan check review for their respectively large scales and complexities.

Legal Analysis

Amendment No. 2 to the Consulting Services Agreement with TRB+Associates was reviewed by the City Attorney and approved as to form.

Fiscal Impacts and Budget Authority

The original \$150,000 General Fund expenditure and \$37,500 for Amendment No. 1 were included the approved FY 2018-19 budget under account 010-42-002-5120. After the approval of Amendment No. 1, the available balance in 010-42-002-5120 is \$80,500.

Consequently, the source of funding for the \$80,500 increase under Amendment No. 2 is the remaining balance in 010-42-002-5120. The costs incurred by TRB+Associates are full cost recovery for the City in that they are charged directly to building permit applicants on a time and hourly rate basis.

ATTACHMENT

Attachments to Related Legislative File

- Amendment No. 2 to TRB+Associates CSA

PREPARED BY: Tom Liao, Community Development Director, and Jerome Smith Jr., Chief Building Official



City of San Leandro

Meeting Date: April 15, 2019

Resolution - Council

File Number: 19-192

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: RESOLUTION of the City of San Leandro City Council to Approve Amendment No. 2 to the Consultant Services Agreement for Third Party Plan Check Services Between the City of San Leandro and TRB+Associates (to increase the contract by \$80,500 for an amount not to exceed \$268,000)

WHEREAS, the original consulting services agreement (CSA) between the City of San Leandro and TRB+Associates in an amount not to exceed \$150,000 was presented to and approved by this City Council on June 18, 2018; and

WHEREAS, the City Council is familiar with the contents thereof; and

WHEREAS, amendments to the agreement to clarify the work or respond to atypical existing conditions are a normal aspect of public contracting and procurement of services; and

WHEREAS, in order to expedite the third party plan check projects on schedule and on budget, provide that the consultants are paid in a timely fashion, avoid as much as possible costly delay claims, and ensure that the City completes projects according to the City's highest standards, the City Council finds that providing authorization to the City Manager or his or her designee to negotiate amendments to the consulting services agreement is in the best interest of public welfare; and

WHEREAS, the City Manager, as authorized by City Council to administratively approve amendments up to 25% of the original contract amount, approved Amendment No. 1 to the CSA with TRB+Associates to increase the contract by \$37,500 for an amount not to exceed \$187,500 in March 2019 leaving a balance in available FY 18-19 budgeted funds in 010-42-002-5120 of \$80,500.

WHEREAS, the City Manager recommends approval of the attached Amendment No. 2 to the CSA with TRB+Associates to increase the contract by \$80,500 for an amount not to exceed \$268,000.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

- Approve Amendment No. 2 to increase the total contract amount by \$80,500 for the consulting services agreement with TRB+Associates in an amount not to exceed \$268,000, and authorize execution by the City Manager.

AMENDMENT NO. 2 TO CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF SAN LEANDRO AND
TRB + Associates
FOR
Third Party Plan Check Review

This Amendment No. 2 ("Amendment") is made by and between the City of San Leandro ("City") and TRB & Associate ("Consultant") (together sometimes referred to as the "Parties") as of April 15, 2019, and amends that certain Consulting Services Agreement ("Agreement") dated July 1, 2018, between the Parties.

WHEREAS, City and Consultant have executed the Agreement, pursuant to which Consultant has provided certain consulting services to City with regard to plan check; and

WHEREAS, the City Manager, as authorized by the City Council to approve an amendment up to 25% of the original contract amount of \$150,000, approved Amendment No. 1 to increase the contract by \$37,500 for an amount not to exceed \$187,500 in March 2019.

WHEREAS, the Parties desire to amend the Agreement (Amendment No. 2) to increase compensation by \$75,000 to pay for third party plan check review and other building review services for the ongoing high volume of permit applications; and

WHEREAS, the Parties acknowledge that upon applications for building permits, the City's Building and Safety division collects additional Plan Checking Fees in part for the purposes of covering the cost of purchasing third party plan check services; and

WHEREAS, the Parties agree that said Plan Checking Fees constitute recovered costs of plan check services;

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

1. Section 2 of the Agreement entitled "Compensation" is hereby amended to pay Consultant a sum not to exceed \$268,000; and
2. All other terms shall remain in full force and effect.

This Amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

SIGNATURES ON FOLLOWING PAGE

The Parties have executed this Amendment as of the date first written above. The persons whose signatures appear below certify that they are authorized to sign on behalf of the respective Party.

CITY OF SAN LEANDRO

TRB + Associates

Jeff Kay, City Manager

Todd Bailey, President

Attest:

Leticia I. Miguel, City Clerk

Approved as to Fiscal Authority:

David Baum, Finance Director

010-42-002-5120

Account Number

Approved as to Form:

Richard D. Pio Roda, City Attorney

(2019)