



# City of San Leandro

Meeting Date: July 15, 2019

## Staff Report

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**File Number:** 19-409

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.J.

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:**

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** Staff Report for a City of San Leandro City Council Resolution to Approve Amendment No. 3 to the Consulting Services Agreement for Third Party Plan Check Services Between the City of San Leandro and TRB+Associates (to increase the contract by \$38,000 for an amount not to exceed \$306,000)

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### SUMMARY AND RECOMMENDATIONS

Staff recommends the City Council approve Amendment No. 3 to the Consulting Services Agreement with TRB+Associates to increase the contract amount by \$38,000 and authorizes the City Manager to execute this amendment for a not-to-exceed contract amount of \$306,000. Amendment No. 3 will enable the City's Building and Safety Services Division to pay for third party plan review costs exceeding the current not to exceed \$268,000 contract with TRB+Associates.

### BACKGROUND AND ANALYSIS

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.

On April 15, the City Council approved Amendment No. 2 for an additional \$80,500 to cover the ongoing high volume of permit applications until the end of FY 2018-19. However, the April third party plan review bill for TRB used the balance of funds from Amendments No. 1 and 2 due to the unexpected building permit application submissions for some major development projects that required extensive and detailed staff plan check review. Therefore, staff recommends that the City Council approve Amendment No. 3 to pay for a portion of the April bill along with the May and June bills totaling \$38,000.

### Legal Analysis

Amendment No. 3 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 administratively approved \$37,500 for Amendment No. 1 were included in the approved FY 2018-19 budget under account 010-42-002-5120.

The City Council approved Amendment No. 2 on April 15, 2019, which increased the contract by \$80,500 to a not to exceed amount \$268,000. 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.

The source of funds for the \$38,000 related to Amendment No.3 is from available FY 2018-19 Community Development Department funds in the Economic Development Division (010-41-003-5890), which will be transferred to Building Division's 010-42-002-5120 budget account for the TRB+Associates contract.

**ATTACHMENT**

**Attachments to Related Legislative File**

- Amendment No. 3 to TRB+Associates CSA

**PREPARED BY:** Tom Liao, Community Development Director



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## Resolution - Council

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**File Number:** 19-410

**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. 3 to the Consulting Services Agreement for Third Party Plan Check Services Between the City of San Leandro and TRB+Associates (to increase the contract by \$38,000 for an amount not to exceed \$306,000)

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**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; and

**WHEREAS**, the City Council approved on April 15, 2019 Amendment No. 2 to the CSA with TRB+Associates to increase the contract by \$80,500 for an amount not to exceed \$268,000; and

**WHEREAS**, the City Manager recommends approval of the attached Amendment No. 3 to the CSA with TRB+Associates to increase the contract by \$38,000 for an amount not to exceed \$306,000.

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

- Approve Amendment No. 3 to increase the total contract amount by \$38,000 for the consulting services agreement with TRB+Associates in an amount not to exceed \$306,000, and authorize execution by the City Manager.

**AMENDMENT NO. 3 TO CONSULTING SERVICES AGREEMENT BETWEEN  
THE CITY OF SAN LEANDRO AND  
TRB + Associates  
FOR  
Third Party Plan Check Review**

This Amendment No. 3 ("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 July 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; and

**WHEREAS**, the City Council approved on April 15, 2019 Amendment No. 2 to increase compensation by \$80,500,000 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 desire to amend the Agreement (Amendment No. 3) to increase compensation by \$38,000 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 \$306,000; 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

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Todd Bailey, President

Attest:

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Leticia I. Miguel, City Clerk

Approved as to Fiscal Authority:

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David Baum, Finance Director

010-42-002-5120

\_\_\_\_\_  
Account Number

Approved as to Form:

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Richard D. Pio Roda, City Attorney

(2019)