

REPORT OF GENERAL MANAGER

NO. 03-27

DATE January 22, 2003

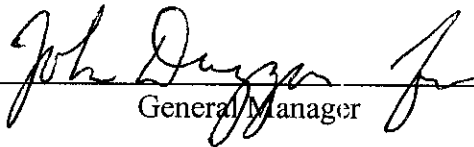
C.D. _____

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SUPPLEMENTAL AGREEMENT TO CONSULTANT CONTRACT NO. 2748 WITH MEL BILOW, dba M.B& A. FOR AS-NEEDED MECHANICAL ENGINEERING SERVICES

J. Combs _____
A. Coroalles _____
J. Duggan _____
J. Kolb _____

H. Fujita _____
*W. Lukehart WLF
L. Barth _____


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Approve Supplemental Agreement No. 1 to CONTRACT NO. 2748 with Mel Bilow, dba M.B.& A. increasing the contract amount an additional \$300,000.00 for a new total of \$900,000.00 and extending the term for an additional three (3) years for a new total of nine (9) years;
2. Find that the Department does not have available in its employ personnel with sufficient time and the necessary expertise to undertake these specialized professional tasks in a timely manner and it is more feasible and economical as well as in the Department's best interest, to secure these services by contract; and,
3. Direct the Board Secretary to transmit the proposed Agreement to the Mayor in accordance with Executive Directive No. 16, concurrently to the City Attorney for review as to form, and upon the Mayor's and City Attorney's approval, authorize the President and Secretary of the Board to execute the Agreement.

SUMMARY:

On August 21, 1996, the Board executed a contract with Mel Bilow, dba as M.B.& A., for as-needed mechanical engineering services. The contract was for a term of three (3) years, with a maximum compensation to the consultant of \$300,000.00.

On July 21, 1999, the Board under Board Report No. 316-99, authorized Amendment No. 1, extending the term of the contract an additional three years for a new total of six (6) years, and increasing the amount of the contract by an additional \$300,000.00 for a new total of \$600,000.00.

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The consultant is working on the following projects: Branford Recreation Center - Child Care Center (#1617D) and Ernest Debs - Park Development (#1167A).

Unfortunately, the consultant's contract expired in August 2002 and can no longer be amended. In order for the consultant to be paid for work already performed and/or in progress, a Supplemental Agreement is required. M.B. & A is the recognized mechanical engineer of record for all of the subject projects, and has completed work for which he has not yet been paid. It will be necessary to extend this Agreement for the foreseeable life of the projects. Staff is therefore recommending that the Board approve this Agreement, extending the original contract, amended for an additional three (3) years, and increasing the original contract amount as amended by an additional \$300,000.00.

The Department does not have Mechanical Engineers on staff to perform the needed services at this time. The Department does have one other Mechanical firm under contract, however, they specialize in swimming pools and are currently working on several pool projects. Therefore, until the Department is able to solicit new mechanical engineering consultants, it is imperative that this contract be extended in order to continue with the Department's work on all projects requiring the expertise of a mechanical engineer.

The firm has agreed in writing to comply with and/or has submitted the appropriate, executed forms (listed below) as outlined on the CAO's "Analysis of Proposed Contract" form and the Standard Provisions For City Contracts, revised 10/01:

Child Care and Child Support Declaration Statements

Affirmative Action Program

Business Tax Registration Certificate

Equal Benefits Ordinance

MBE/WBE Policy

Living Wage, Service Worker Retention Ordinance

Insurance Requirements

The Board should note that compensation to the consultant is provided by the project's funding. Therefore, there will be no decrease in revenue or increase in costs to the City.

This Supplemental Agreement is recommended in compliance with all Department and City procedures, policies and laws applicable to the award of the 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 contract.

Prepared by Veronica Buenrostro, Management Assistant.