

REPORT OF GENERAL MANAGER

NO. 04-127

DATE April 22, 2004

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: APPROVAL OF AMENDMENT NO. 1 TO SUPPLEMENTAL AGREEMENT TO CONTRACT NO. 2675 WITH CALVIN R. ABE AND ASSOCIATES FOR AS-NEEDED LANDSCAPE ARCHITECTURAL SERVICES

* K. Chan	<u>kc</u>	J. Combs	_____
H. Fujita	_____	J. Kolb	_____
M. Mariscal	_____	F. Mok	_____
K. Regan	_____	G. Stigile	_____



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve Amendment No. 1 to the Supplemental Agreement to Contract No. 2675, extending the term of the contract an additional year for a new total of ten (10) years and increasing the amount of the contract an additional \$100,000.00 for a new total of \$900,000.00;
2. Find that the Department does not have available in its employ, personnel 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 Department's best interest to secure these services by contract;
3. Direct the Board Secretary to transmit the proposed Amendment to the Mayor in accordance with Executive Directive No. 16, concurrently to the City Attorney for review as to form, and to the City Council for approval; and,
4. Upon receipt of necessary approvals, authorize the President and Secretary of the Board to execute the Amendment.

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SUMMARY:

On August 2, 1995, the Department entered into a personal services contract with Calvin R. Abe & Associates for as-needed landscape architectural design services. The contract was for a term of three (3) years and the amount was for \$300,000.00. There have been four amendments made to this contract for a total term of seven (7) years and contract amount of \$800,000.00.

On July 9, 2003, the Board, through Board Report No. 03-234, approved Supplemental Agreement No. 1 for Consulting Contract No. 2675 with Calvin R. Abe and Associates for As-Needed Landscape Architectural Services. This supplemental agreement extended the term of the contract by two (2) years for a total contract term of nine (9) years. Subsequent to this approval, staff discovered that the consultant had been awarded work that exceeded its contract ceiling of \$800,000.00. It is anticipated that the consultant's work on various projects will extend through 2005. It is therefore recommended that the supplemental agreement with this firm be extended by an additional year and that the contract amount be increased by an additional \$100,000.00. Increasing the contract term and amount will allow the consultant to continue working on the Del Rey Lagoon - Outdoor Improvements (#1272B) project through its completion.

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

All compensation to the consultant is provided in the funding of each individual project that the firm works on; therefore, there will be no decrease in revenue or increase in costs to the City.

This report was prepared by Cid Macaraeg, Sr. Management Analyst I, Contract Administration.

**AMENDMENT TO SUPPLEMENTAL AGREEMENT NO. 1
TO CONTRACT NO. 2675 BETWEEN THE CITY OF LOS ANGELES,
DEPARTMENT OF RECREATION AND PARKS
AND CALVIN R. ABE AND ASSOCIATES, INC. FOR AS-NEEDED LANDSCAPE
ARCHITECTURAL SERVICES**

This Amendment to Supplemental Agreement No. 1 to Contract No. 2675 is made and entered into this _____ day of _____, 2004, by and between the City of Los Angeles, a municipal corporation, acting by order of and through its Board of Recreation and Park Commissioners (hereinafter referred to as DEPARTMENT) and Calvin R. Abe and Associates, Inc. (hereinafter referred to as CONSULTANT).

WITNESSETH

WHEREAS, DEPARTMENT and CONSULTANT have previously entered into CONTRACT No. 2675 which expired on August 1, 2002, and

WHEREAS, DEPARTMENT, on July 9, 2003, approved the extension of the term of CONTRACT No. 2675 by two (2) years to July 31, 2004; and

WHEREAS, CONSULTANT has been awarded several projects the total cost of which is expected to exceed the contract ceiling amount of \$800,000.00; and

WHEREAS, the CITY has a continuing need for the services of CONSULTANT with respect to on-going projects; and

WHEREAS, CONSULTANT is available and willing to perform the balance of the services required by DEPARTMENT with respect to the CONTRACT under the same terms, covenants and conditions as are contained in CONTRACT No. 2675; and

WHEREAS, the services to be provided by CONSULTANT are of a technical, professional of scientific nature, are temporary and occasional in character, and, due to the circumstances CONSULTANT is uniquely qualified to perform such services, and pursuant to Charter Section 1022, it is more economical and feasible for CONSULTANT to perform the work;

NOW, THEREFORE, in consideration of the premises and of the terms, covenants and considerations set forth herein and in Contract No. 2675, the parties hereto covenant, agree and represent as follows:

1. The term of this Supplemental Agreement No. 1 shall commence on August 1, 2002, and expire on July 31, 2005.
2. ARTICLE VII - FEES - REIMBURSABLE EXPENSES - PAYMENT - EXTRA SERVICES is hereby amended to read in its entirety as follows:

A. FEES

As compensation for CONSULTANT'S services pursuant to this contract, DEPARTMENT shall pay CONSULTANT in accordance with the hourly labor category rates enumerated below for each of the calendar years specified herein:

HOURLY LABOR RATES

	<u>2003</u>	<u>2004</u>	<u>2005</u>
Senior Principal	\$122	\$125	\$128
Principal	\$108	\$111	\$114
Project Manager	\$ 96	\$ 99	\$102
Project Designer	\$ 82	\$ 84	\$86
Licensed Staff	\$ 72	\$ 74	\$76
CAD Operator	\$ 67	\$ 69	\$71

B. TOTAL COST

Total Agreement amount over the ten (10) year period shall not exceed \$900,000.

3. The "Standard Provisions for City Contracts" (Rev. 10/03) are incorporated herein by reference and are intended to supercede prior versions of the City's Standard Provisions incorporated into this Agreement as previously amended.

4. All other terms and conditions of the CONTRACT shall remain unchanged.

IN WITNESS WHEREOF, parties hereto have caused this Supplemental Agreement No. 1 to be executed by their duly authorized representatives.

Executed this _____ day
of _____, 2004

THE CITY OF LOS ANGELES, a
municipal corporation, acting by and
through its Board of Recreation and Park
Commissioners

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 2004

CALVIN R. ABE AND ASSOCIATES,
INC.

By _____
PRESIDENT

Approved as to Form:
ROCKARD J. DELGADILLO
City Attorney

By _____
SECRETARY

Date: _____

By _____
SR. ASSISTANT CITY ATTORNEY