



REPORT TO COUNCIL

City of Sacramento

6

915 I Street, Sacramento, CA 95814-2604

www.CityofSacramento.org

CONSENT

June 1, 2010

Honorable Mayor and
Members of the City Council

Continued to 6-10-10

**Title: Supplemental Agreement No. 3: Master Services Agreement for On-Call
Materials Testing**

Location/Council District: Citywide

Recommendation: Adopt a **Resolution** authorizing the City Manager to approve Supplemental Agreement No. 3 (Agreement No. 2007-0232) in an amount not to exceed \$25,538 to the Master Services Agreement with Kleinfelder for on-call materials testing increasing the Master Services Agreement amount with Kleinfelder from a not to exceed amount of \$250,000 to \$275,538.

Contact: Tim Mar, Supervising Engineer (916) 808-7531

Presenters: None

Department: Transportation

Division: Engineering Services

Organization No: 15001131

Description/Analysis

Issue: Kleinfelder has completed services which exceed its \$250,000 Master Services Agreement amount by \$25,538. During the American Recovery and Reinvestment Act (ARRA) Phase I and Phase II Overlay Projects (R15072016 and R15072018), Kleinfelder provided materials testing services at the request of the City. Upon completion of Phase 1, Kleinfelder was under the \$250,000 agreement limit. When the City requested additional materials testing services for Phase 2, Kleinfelder thought these costs would still remain below their agreement amount and completed the necessary work. After all field charges were compiled, Kleinfelder learned they had exceeded their agreement amount. Staff has reviewed Kleinfelder's work and associated cost and recommends that Kleinfelder be paid for the work as it was necessary to complete the American Recovery and Reinvestment Act (ARRA) Phase I and Phase II Projects.

Policy Considerations: This action requested herein is consistent with the City Code concerning Professional Services Agreements.

Environmental Considerations:

California Environmental Quality Act (CEQA): The approval of supplemental and professional services agreements is not considered a project as defined by Section 15378 of the California Environmental Quality Act guidelines. The recommended action involves no physical construction and has no potential to cause a significant impact to the environment.

Sustainability considerations: 100% of the ARRA Phase I and Phase II projects utilized Rubberized Asphalt Concrete Overlays, which use crumb rubber from old tires that would otherwise go to landfills.

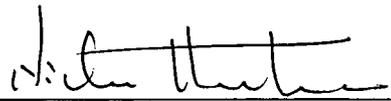
Rationale for Recommendation: Materials testing was required for the City's American Recovery and Reinvestment Act (ARRA) Phase 1 and Phase II Overlay Projects (R15072016 and R15072018). Kleinfelder provided the materials testing for both projects at the direction of City staff and should be compensated for its work despite exceeding its original agreement amount of \$250,000 by \$25,538.

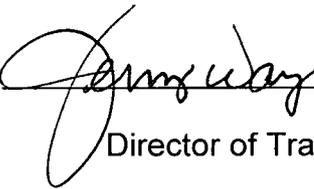
Financial Considerations: As of May 10, 2010, the City's American Recovery and Reinvestment Act (ARRA) Phase 1 and Phase II Overlay Projects (R15072016 and R15072018) have sufficient balances to cover Supplemental Agreement No. 3 with Kleinfelder in the amount of \$25,538. Sufficient funds exist in the ARRA Phase II Project to cover Supplemental Agreement No. 3.

There are no General Funds involved in payment of Supplemental Agreement No. 3.

Emerging Small Business Development (ESBD): Kleinfelder has utilized sub-consultants to meet their 20% ESBD project participation requirements.

The DBE program was suspended during the time the RFP was run for this project, therefore the DBE/UDBE goals are held in abeyance.

Respectfully Submitted by: 
Nicholas Theocharides
Engineering Services Manager

Approved by: 
Jerry Way
Director of Transportation

Recommendation Approved:

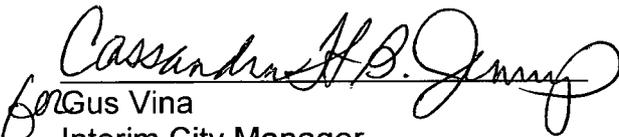

Gus Vina
Interim City Manager

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Attachment 1

Background Information:

Master Service Agreements for materials testing provide for independent assurance testing of soils, concrete, asphalt and other related materials associated with the construction and inspection of capital improvement projects, development projects, and encroachment permits.

Currently, the City has Master Services Agreements for materials testing with four firms. The four (4) firms are Inspection Consultants Inc., Youngdahl & Associates, Wallace Kuhl & Associates, and Kleinfelder. Each firm has a Master Services Agreement in the amount of \$250,000.

Supplemental Agreement No. 1 and Supplement Agreement No. 2 extended the expiration of the Master Services Agreement for each firm to February 2010 and February 2011, respectively.

During the American Recovery and Reinvestment Act (ARRA) Phase I and Phase II Overlay Projects (R15072016 and R15072018), Kleinfelder provided materials testing services at the request of the City. Upon completion of Phase 1, Kleinfelder was under the \$250,000 agreement limit. When the City requested additional materials testing services for Phase 2, Kleinfelder thought these costs would still remain below their agreement amount and completed the necessary work. After all field charges were compiled, Kleinfelder learned they had exceeded their agreement amount.

A Request for Qualifications to provide on-call materials testing will be issued this summer to establish a new list of on-call materials testing consultants. The recommended list of consultants and approval of Master Services Agreements will be presented to Council for approval.

Attachment 2

RESOLUTION NO.

Adopted by the Sacramento City Council

SUPPLEMENTAL AGREEMENT NO. 3 TO THE MASTER SERVICES AGREEMENT WITH KLEINFELDER FOR ON-CALL MATERIALS TESTING

BACKGROUND

- A. Master Services Agreements for materials testing provides for independent assurance testing of soils, concrete, asphalt and other related materials associated with the construction and inspection of capital improvement projects, development projects, and encroachment permits.
- B. Kleinfelder completed services which exceeded their \$250,000 Master Services Agreement amount by \$25,538. The City has reviewed Kleinfelder's work and costs above their agreement and recommends that they be paid for their work since the work was needed and had Kleinfelder not done the work, the City would have compensated another on-call consultant to perform the same work. Approval of Supplemental Agreement No. 3 in the amount of \$25,538 will allow the City to compensate Kleinfelder.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. That the City Manager is authorized to execute Supplemental Agreement No. 3 (Agreement No. 2007-0232) to the Master Services Agreement with Kleinfelder for on-call materials testing in an amount not to exceed \$25,538.