

Meeting Date: 2/9/2016

Report Type: Consent

Report ID: 2016-00128

Title: Contract Amendment for Temporary Fencing Services

Location: Citywide

Recommendation: Pass a Motion: 1) extending the Temporary Fencing Services Contract through December 31, 2017; 2) increasing the not-to-exceed contract amount to \$199,000; and 3) authorizing the City Manager or City Manager's designee to execute the contract amendment as specified.

Contact: Jennifer Chikasawa, Administrative Analyst, (916) 808-5851, Community Development Department and Carl Simpson, Code & Housing Enforcement Chief, (916) 808-8183, Community Development

Presenter: None

Department: Community Development Dept

Division: Housing & Dangerous Buildings

Dept ID: 21001311

Attachments:

1-Description/Analysis

2-Background

3-L&M Contract Supplement 3

City Attorney Review

Approved as to Form

Michael Benner

1/28/2016 12:25:24 PM

Approvals/Acknowledgements

Department Director or Designee: Ryan Devore - 1/26/2016 1:41:15 PM

Description/Analysis

Issue Detail: Council approval is required for a supplemental agreement to the existing contract with L&M Rental Fence, Inc. for temporary fencing services. The Code Enforcement Compliance unit of the Community Development Department (CDD) has an ongoing need for rental services for temporary fencing in order to provide services as specified in Title 8, the Health and Safety Code for the City of Sacramento. This service becomes necessary when a property is not in compliance with City Code, and public safety requires the property to be contained until remediation of the violation(s) is attained or until permanent fencing is acquired. Fencing contains the property and helps to ensure that the entire premise is blocked off from the public to reduce the threat to public safety.

There is currently a contract for temporary fencing services with L&M Rental Fence, Inc. which requires they provide 24 hour services, seven days a week, as requested by staff. Due to increased activity and need for on-call fencing services, it is recommended to increase the total not-to-exceed amount with L&M Rental Fence, Co from \$99,000 to \$199,000 and to extend the contract term through December 31, 2017.

Policy Considerations: The recommendations in this report are consistent with Administrative Policy - 4101 – Procurement of Non-Professional Services.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Housing and Dangerous Buildings Division has experienced a surge in the volume of temporary fencing services due to the increasing number of foreclosures and vacant properties in the city. Many of these properties are beyond repair and require demolition. In many instances these fences remain up around the property for a year or longer accumulating monthly rental fees. It is critical that this service be continued to address the nuisances and unsafe conditions created when properties are not in compliance with building codes and standards as well as other related laws.

Financial Considerations: There is sufficient funding available in the operating budget to support the projected expenditures for the remainder of Fiscal Year 2015/16. Fiscal

Year 2016/17 will be budgeted based on available funding. There is no impact to the General Fund.

Local Business Enterprise (LBE): L&M Rental Fence, Inc. is not a qualified local business enterprise. The minimum LBE participation requirement was waived by the Director of Community Development as staff has determined that the waiver is in the City's best interest as a result of Bid #B12211313002).

BACKGROUND

On-call fencing services are an integral part of code compliance efforts in the City and are performed in accordance with Sacramento City Code, Title 8 Health and Safety. This service becomes necessary when a property is not in compliance with City Code, and public safety requires the property to be contained until remediation of the violation(s) is attained or the property is demolished. Fencing prevents possible entry through breached openings to a structure and helps prevent the property from further damage and a potential threat to public safety.

- In Fiscal Year 2012/13 the Community Development Department completed a public bidding process (City Bid #B12211313002) in which L&M Rental Fence, Inc. was the lowest responsible bidder.
- A one-year contract (C2013-0027) was awarded for on-call temporary fencing services in the amount of \$25,000 to L&M Rental Fence, Inc. for January 1, 2013 through December 31, 2013, with two additional one-year options.
- Due to increased activity and need for on-call fencing services, an additional \$50,000 to the contract in March 2013 (C2013-0027-1).
- Another supplemental agreement was executed in June 2015 for an additional \$24,000 and extended the term through June of 2016 (C2013-0027-2).

**CONTRACT SUPPLEMENT
(Nonprofessional Services)**

Project Title and Job Number: Temporary Fencing Services
Purchase Order #: 0000019722

Date: 11/23/2015
Contract Supplement No.: 3

The City of Sacramento ("City") and L & M Rental Fence Inc,
("Contractor"), as parties to that certain Nonprofessional Services Agreement designated as Agreement Number 2013-0027, including any prior contract supplements modifying the agreement (the agreement and contract supplements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. The scope of Services specified in Exhibit A of the Agreement is amended as follows:

The time of performance is extended to December 31, 2017.

2. In consideration of the additional and/or revised services described in section 1, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Contractor's fees and expenses, is increased by \$100,000, and the Agreement's maximum not-to-exceed amount is amended as follows:

Agreement's original not-to-exceed amount:	<u>\$25,000</u>
Net change by previous contract supplements:	<u>\$74,000</u>
Not-to-exceed amount prior to this contract supplement:	<u>\$99,000</u>
Increase by this contract supplement:	<u>\$100,000</u>
New not-to exceed amount including all contract supplements:	<u>\$199,000</u>

3. Contractor agrees that the amount of increase or decrease in the not-to-exceed amount specified in section 2, above, shall constitute full compensation for the additional and/or revised services specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised services, including costs associated with any changes and/or delays in work schedules or in the performance of other services or work by Contractor.
4. Contractor warrants and represents that the person or persons executing this contract supplement on behalf of Contractor has or have been duly authorized by Contractor to sign this contract supplement and bind Contractor to the terms hereof.
5. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this contract supplement.

Approval Recommended By:

Approved As To Form By:

Project Manager
Approved By:

City Attorney

Contractor
Approved By:

Attested To By:

City of Sacramento

City Clerk