



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Ralph G. Tonseth

SUBJECT: Fifth Amendment to ACT Program
Consultant Agreement-Phase 5

DATE: March 5, 2004

Approved

Date

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Approval of the Fifth Amendment and Continuation Agreement with Anderson Brule Architects, Inc. for consultant services related to Phase 5 of the Acoustical Treatment (ACT) Program, extending the term of the agreement from June 30, 2002 until June 30, 2004 at no increase in the total compensation of \$4,193,921.

BACKGROUND

On December 16, 1997 the City Council authorized execution of an agreement with Anderson Brule Architects, Inc. (ABA), to provide consultant services related to Phase 5 of the ACT Program. On June 9, 1998, the City Council approved the first Amendment to the agreement, increasing the maximum compensation for consulting services for up to an additional 60 dwellings. On May 25, 1999, the City Council approved the Second Amendment to the agreement to increase the percentage of pre-construction walk-through in Phase 5 at no additional cost to the City. On May 15, 2001 the City Council approved the Third Amendment to extend the time for completion to December 31, 2001 at no additional cost to the City. On March 1, 2002 the City Council approved the Fourth Amendment to the agreement, increasing the maximum compensation to allow for post construction acoustical testing, code compliant work associated with the construction and project closeouts and to extend the time of completion to June 30, 2002.

ANALYSIS

All consultant services associated with design and construction administration for Phase 5 were completed before the end of the term of the agreement on June 30, 2002. However, the City has not yet made the final payment request. Payment was withheld pending completion of the Final Project Evaluation Report for Phase 5, which identifies the acoustical success of the project. The Final Evaluation Report has been received and accepted by staff. Staff recommends that the

agreement be extended for the sole purpose of making a final payment to ABA for all work performed pursuant to the terms of the agreement.

PUBLIC OUTREACH

Not applicable.

COORDINATION

Preparation of the proposed Fifth Amendment has been coordinated with the City Attorney’s Office.

COST IMPLICATIONS

There are no cost implications associated with this amendment for extension of the term of the agreement, because the proposed compensation for the additional services performed by ABA is within the total compensation of \$4,319,091 for the agreement.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn*	Amt. For Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
529	4012	Noise Attenuation Treatment - Cat 1	06459 3	\$2,503,000	\$0	Page 39	10/14/03 Ord. No. 26997
		Total		\$2,503,000	\$0		

CEQA

Resolution numbers 67380 and 71451, PP04-03-066.

RALPH G. TONSETH
 Director of Aviation, Airport