



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
City Attorney

SUBJECT: Amendment to Richard Avelar & Associates Expert Agreement
DATE: October 6, 2005

RECOMMENDATION

Adoption of a resolution authorizing the City Attorney to negotiate and execute a third amendment to the agreement with Richard Avelar & Associates for expert services, increasing compensation by \$75,000, for a total amount not to exceed \$175,000, and extending the term through December 31, 2006.

BACKGROUND

On September 4, 2002, the City Attorney executed an agreement with Richard Avelar & Associates to provide expert services relating to construction litigation for a term ending July 15, 2004, in a total amount not to exceed \$15,000. Since that time, the agreement has been amended to extend the term through December 31, 2005, and to increase compensation to a total amount not to exceed \$100,000.

ANALYSIS

Richard Avelar & Associates has provided expert analysis and consultation services regarding the nature and scope of defects existing in the City's Environmental Services Building at the Water Pollution Control Plant. Litigation against the general contractor concerning these defects is ongoing. The continuing services of this consultant are necessary to assist the City Attorney's Office with evaluating remedial measures that will presumably be proposed by the defendant during settlement negotiations. The consultant's services will also be necessary during pre-trial proceedings and at trial if an agreement cannot be reached.

OUTCOMES

Execution of the third amendment to the agreement with Richard Avelar & Associates will allow expert services to continue throughout construction litigation.

PUBLIC OUTREACH

Not applicable.

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Subject: Expert Agreement

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COORDINATION

This memorandum has been coordinated with the Environmental Services Department.

BUDGET REFERENCE

Fund #	Appn #	Appn Name	RC #	Total Appn	Amt. For Contract	2005-2006 Proposed Budget Page*	Last Budget Action
513	0762	ESD Non-Personal/Equipment	700760	29,517,643	\$75,000	VIII-48	

*The 2005-2006 Adopted Operating Budget was approved by the City Council on June 21, 2005.

CEQA

Not a Project.

Richard Doyle, City Attorney

cc: Del Borgsdorf