

Council Meeting  
October 16, 2012

Honorable Mayor and Members  
of the Torrance City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: General Services – Approve contract amendment for Henderson and El Retiro Libraries Accessibility Upgrades.**

**Expenditure: \$ 9,080**

**RECOMMENDATION**

Recommendation of the General Services Director that City Council approve a third contract amendment with Withee Malcolm Architects (C2009-142) to increase the contract by \$9,080 for a new not to exceed amount of \$129,680 for construction administration services for Henderson and El Retiro Libraries Accessibility Upgrades (FEAP#711) and extend the term for additional year to December 31, 2013.

**Funding** Funding is available in FEAP 711- Accessibility Upgrades

**BACKGROUND**

The Americans with Disabilities Act was signed into law in 1990. Since that time, the City has made progress in upgrading City facilities to achieve ADA compliance. As part of the ongoing effort, the Human Resources Building, and the five branch libraries were earmarked for ADA upgrades, which included parking, improved access to City facilities by both citizens and employees with disabilities, compliant restrooms and proper signage.

On July 28, 2009, City Council approved a consulting agreement with Withee Malcolm Architects for \$99,800 to provide architectural design services which included, structural, mechanical, electrical, and plumbing (MEP) plans for branch libraries and Human Resources.

On March 16, 2010, City Council approved a contract amendment for \$20,800 for civil engineering work at Walteria and El Retiro Library and additional architectural services for the Human Resources Building for a not to exceed contract amount of \$120,600.

On December 6, 2011, City Council approved a contract amendment to extend the term for an additional year to December 31, 2012 for construction period on two branch libraries.

**ANALYSIS**

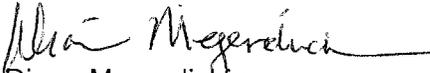
Two of the five branch libraries have been completed under F.E.A.P. #711 (Facility, Equipment, Automation Projects): North Torrance Library and Walteria Library. Henderson Library was the next library scheduled for the upgrades and the construction contract was awarded on September 25th, 2012.

The branch libraries are closed one at a time so as not to impact the citizens, and the closures are also in conjunction with the funding for this F.E.A.P. (Facilities, Equipment, Acquisition, and Program) which is spread over several fiscal years.

Staff is requesting Council approve a contract amendment (C2009-142) with Withee Malcolm Architects to extend the term for additional year to December 31, 2013 and approve an additional \$ 9,080 for a new not to exceed amount of \$ 129,680. The amount will cover the construction administration services for Henderson Library and El Retiro Library which includes: interpretation of plans, request for information (RFI), shop drawings and submittal review during the construction period.

Respectfully submitted,

SHERYL BALLEW  
General Services Director

  
By Diane Megerdichian  
Business Manager

CONCUR:

  
Sheryl Ballew  
General Services Director

  
LeRoy J. Jackson  
City Manager

Attachment A: Withee Malcolm Architects Contract Amendment

### THIRD AMENDMENT TO AGREEMENT (C2009-142)

This Third Amendment to Agreement C2009-142 is made and entered into as of \_\_\_\_\_, 2012, by and between the CITY OF TORRANCE ("CITY"), a municipal corporation, and WITHEE MALCOLM ARCHITECTS, LLP, a Limited Liability Partnership ("CONSULTANT").

#### RECITALS:

- A. CITY and CONSULTANT entered into an Agreement as of July 28, 2009, whereby CONSULTANT agreed to provide architectural design services for accessibility upgrades at the Human Resources Building and five (5) branch libraries.
- B. CITY and CONSULTANT previously entered into a First Amendment to Agreement C2009-142 (the "First Amendment"), by which the parties agreed to expand the original scope of work and to increase the Agreement Sum to be paid to CONSULTANT. The parties then entered into a Second Amendment to extend the Term of the Agreement.
- C. CITY AND CONSULTANT now wish further to extend the Term of the Agreement and to increase the scope of services to be performed by CONSULTANT and to increase the Agreement Sum.

#### AGREEMENT:

1. Paragraph 1, entitled "SERVICES TO BE PERFORMED BY CONSULTANT," is amended to add the additional services identified in Exhibit A to this Third Amendment.
2. Paragraph 2, entitled "TERM," is amended to read in its entirety as follows:

"2. TERM

Unless earlier terminated in accordance with Paragraph 4 below, this Agreement will continue in full force and effect from the Effective Date through December 31, 2013."

3. Paragraph 3.A, entitled "COMPENSATION," is amended to read in its entirety as follows:

"A. CONSULTANT'S Fee

For services rendered pursuant to this Agreement, CONSULTANT will be paid in accordance with the Proposal, provided, however, that in no event will the total amount of money paid the CONSULTANT, for services initially contemplated by this Agreement, exceed the sum of \$129,680 ("Agreement Sum"), unless otherwise first approved in writing by CITY."

4. In all other respects, the Agreement entered into as of July 28, 2009, between CITY and CONSULTANT, as amended by the First Amendment and the Second Amendment, is ratified and reaffirmed and is in full force and effect.

CITY OF TORRANCE,  
A municipal corporation

WITHEE MALCOLM ARCHITECTS, LLP,  
A limited liability partnership

By \_\_\_\_\_  
Frank Scotto, Mayor

By \_\_\_\_\_  
Dale Malcolm, Principal

ATTEST:

By \_\_\_\_\_  
Sue Herbers, City Clerk

APPROVED AS TO FORM:  
JOHN L. FELLOWS III  
City Attorney

By \_\_\_\_\_

**EXHIBIT A**  
**To Third Amendment to Agreement (C2009-142)**  
**Architectural/ Engineering Additional Services**

**Provide additional architectural and engineering services for Henderson Library and El Retiro Library Accessibility Upgrades for \$9,080.00**

**Construction Observation Services which include interpretation of plans, RFI responses, shop drawing and submittal review, jobsite meetings during construction (bi-weekly and not to exceed four 2-hour meetings), and punch list walk with contractor and client.**

**This contract amendment will also extend the contract term for an additional year to December 31, 2013.**

