

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING CONTRACT AMENDMENT NO. ONE WITH SCHAAF & WHEELER CONSULTING CIVIL ENGINEERS IN THE AMOUNT OF \$529,150 TO AGREEMENT TO PROVIDE FINAL DESIGN, REGULATORY PERMITTING AND OTHER PROFESSIONAL ENGINEERING SERVICES FOR LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (PHASE II CONTRACT)

CITY OF FOSTER CITY

WHEREAS, the City entered into an Agreement to Provide Final Design, Regulatory Permitting and Other Professional Engineering Services for Levee Protection Planning and Improvements Project (CIP 301-657) on October 17, 2016 with Schaaf & Wheeler Consulting Engineers; and

WHEREAS, charges for the work done by Schaaf & Wheeler and their subconsultants on the Phase II Contract exceeded the contract amount authorized by the City Council; and

WHEREAS, staff informed the City Council that these cost overruns had been incurred while the former City Manager was supervising the project and he had, without authority, instructed Schaaf & Wheeler and their subconsultants to continue working despite having exhausted their budget; and

WHEREAS, based on the City Manager's direction, Schaaf & Wheeler continued to perform work on the project in good faith and in order to prevent delays; and

WHEREAS, when the City Council was informed of this unauthorized action by the former City Manager, the City Council undertook a detailed review of the invoices associated with the request for additional funds; and

WHEREAS, the invoices totaled \$990,000; and

WHEREAS, after City Council negotiations with Schaaf & Wheeler, this amount has been reduced by 50% as shown in the proposed contract amendment for Phase II.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOSTER CITY that the City Council does hereby approve the Contract Amendment No. One to Agreement to Provide Final Design, Regulatory Permitting and Other Professional Engineering Services for Levee Protection Planning and Improvements Project (CIP 301-657) and authorizes the Mayor to execute the Contract Amendment No. One in the amount of \$529,150, thereby closing out the billing on this contract.

PASSED AND ADOPTED as a Resolution of the City Council of the City of Foster City at the regular meeting held on the 16th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CATHERINE MAHANPOUR, MAYOR

ATTEST:

PRISCILLA SCHAUS, CITY CLERK