

Memo

TO: Mayor and City Council
FROM: Larry Kwarsick, Planning Director
SUBJECT: Environmental Science Associates (ESA) – Professional Services Agreement Amendment

In March of this year the City entered into a contract with ESA to provide technical support in the development of the update of the City's Shoreline Master Program. Specifically the work involved the preparation of a Shoreline Inventory, Analysis, and Characterization report. The contract amount was \$13,300. The work was completed on schedule. A copy of the report is attached.

While the consultant's work was completed on time and delivered to the Department of Ecology for review on time, the review by DOE was delayed completion of the project by several months. The review by DOE required additional work not contemplated in the original contract and as a result the total project costs are \$16,149.75; an amount \$2,849.75 over the contract amount. Through negotiations ESA has agreed to split the overage equally, as neither the City nor ESA anticipated the extent of the work required to address DOE's additional requests.

ESA CZM Grant Invoicing				
Invoice Number	Dates	Amount Billed	Original Contract Amount	\$13,300
93078	3/15/2011 - 3/31/2011	\$450.00	Contract Amendment Sought by ESA	\$1,425
93356	4/1/2011 - 4/29/2011	\$4,156.25		
93922	5/1/2011 - 5/31/2011	\$7,306.25		
94001	6/1/2011-6/24/2011	\$1,381.00		
95214	7/1/2011 - 9/30/2011	\$2,455.00		
95217	10/1/2011 - 10/31/2011	\$401.25		
Total		\$16,149.75		\$14,725

All costs are to be paid under the Coastal Zone Management Grant and the allocation of grant funds to the work has been approved and authorized by DOE. Thus far the City has paid the consultant \$11,912.50. The contract amendment will authorize the payment of \$2,812.50 to ESA (the final payment on the contract) for which the city will seek reimbursement under the grant agreement.

Recommendation: The contract amendment has been reviewed by Jeff Arango and me who recommend the Council's authorization for Mayor to sign the contract amendment. Upon the Council's approval, staff will process the final unpaid project invoices to the maximum allowed under the amended contract.

Motion for consideration: I move to authorize the Mayor to sign the contract amendment with ESA increasing the total project cost from \$13,300 to \$14,725.

Environmental Science Associates
Amendment to Professional Services Agreement
www.esassoc.com

ESA Amendment No. 1	
ESA Project No.	211142

THIS AMENDMENT ("Amendment") is made and entered into this ___ day of November, 2011, by and between Environmental Science Associates (hereinafter ESA), a California corporation and the City of Langley ("Client") and amends the parties' Agreement dated the 14th day of March, 2011 (Original Agreement).

RECITALS

1. ESA and Client previously entered into an Agreement for professional services.
2. The parties now wish to enter into an Amendment to said Agreement under which ESA will perform additional services for Client.

TERMS AND CONDITIONS

1. Scope of Work
The additional Scope of Work and budget covered by this Amendment is shown in Attachment A, which is attached to this document and made a part of this Amendment.
2. Price
Payment to ESA under this Amendment, including expense reimbursement, shall not exceed \$1,425. Total new Contract Amount is \$14,725.
3. Effect of Amendment
Except as amended herein, the parties' Original Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto have executed this Amendment by their duly authorized agents as of the day and year first above written.

City of Langley
112 Second Street
PO Box 366
Langley WA 98260

Environmental Science Associates
5309 Shilshole Ave NW, Suite 200
Seattle, WA 98107

By: _____
(Signature) (Date)

By: _____
(Signature) (Date)

Name: _____
(Printed Name)

Name: _____
(Printed Name)

Title: _____

Title: _____

**Attachment A:
Amendment to scope of work to provide technical support for the City's Shoreline Master Program Update
City of Langley, WA
November 2011**

The City of Langley has asked ESA to provide technical support for the City's SMP, specifically assistance with the shoreline inventory and characterization. We understand that the City has received a grant from the Department of Ecology (Ecology) to update its SMP and that work under the grant must be consistent with the scope of work contained in the Grant Agreement (#G1100124). Under this contract amendment ESA will update the Draft Inventory and Characterization Report per comments received from the Department of Ecology. The total amount of the work shall not exceed \$1,425 unless amended.

Tasks and Estimated Cost

ESA will produce a Final Shoreline Inventory and Characterization Report incorporating responses to comments from the Department of Ecology on the June 2011 draft.