



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

FROM:   
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: August 23, 2010

SUBJECT: **Agenda Item IV(g): Consideration of resolution authorizing augmentation of contract with Dudek and Associates, Inc. for work on the Malibu Parks Public Access Enhancement Plan – Public Works Plan and associated Environmental Impact Report.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing an augmentation and amendment of the existing contract with Dudek and Associates, Inc. in the amount not to exceed \$224,000 for work on the Malibu Parks Public Access Enhancement Plan – Public Works Plan and associated Environmental Impact Report.

Background: Dudek and Associates, Inc. has been the Mountains Recreation and Conservation Authority's principal consultant on the preparation of the Malibu Parks Public Access Enhancement Plan-Public Works Plan and Environmental Impact Report since 2007. At its February and July 2010 meetings, the Governing Board authorized contract augmentations to Dudek for \$425,000 and \$550,000, respectively.

During the last two weeks of July, staff determined that the Final EIR (FEIR) would be greatly improved and be more defensible with some modifications that were not addressed in the scope and time line contained in contract scope approved in the Governing Board's July 2010 resolution.

To continue to meet staff's deadline of bringing the FEIR and PWP before the Governing Board and its co-lead agency the Santa Monica Mountains Conservancy for certification on August 23, 2010, Dudek proposed to keep all aspects of the existing contract in place with one change being that for all worked performed between July 28<sup>th</sup> and some point between August 8<sup>th</sup> - August 18<sup>th</sup>, a 20 percent overtime premium would be charged on all project work in excess of 8 hours a day per individual. For accounting purposes, Dudek also suggested that the charges incurred between July 28<sup>th</sup> and that day between August 8<sup>th</sup> - August 18<sup>th</sup> be

accounted for in a separate contract amendment and budget. This separate contract amendment and budget for the expedited work period is the genesis of this requested Governing Board action. Staff proceeded with the contract amendment so as not to jeopardize the work and seeks approval retroactively. Over \$227,000 remained on the existing contract as of July 31, 2010.

Dudek estimated, that at its maximum expenditure burn rate, it could expend up to \$224,000 between July 28<sup>th</sup> and August 8<sup>th</sup>. The proposed augmentation is for an amount not to exceed \$224,000 is on a time and materials basis.

Staff correctly anticipated that Dudek would not expend \$224,000 by August 8<sup>th</sup> and would need substantial premium overtime to adequately prepare the FEIR and PWP for August 23<sup>rd</sup> certification. Dudek will just meet its deadline with extensive overtime through August 18<sup>th</sup>. Because the FEIR preparation will go down to the wire, the arrangement with Dudek is that the 20 percent premium will apply through August 18<sup>th</sup> but it shall not exceed \$224,000. Once August 18<sup>th</sup> passes, the \$224,000 augmentation will have either been fully spent out or expenditures to that part of the contract budget will cease. Thus, post August 18<sup>th</sup>, all charges will go against the contract budget established in the last \$550,000 augmentation (of which over \$227,000 remained on July 31st).

The proposed augmentation can be covered under grant SMM-0776 from the Santa Monica Mountains Conservancy that was approved for a \$1.1 million augmentation in June 2010.