



AGENDA REPORT

Meeting Date: May 5, 2015

Item Number: D-8

To: Honorable Mayor & City Council

From: Raj Patel, Assistant Director of Community Development / City Building Official

Subject: AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND CITADEL ENVIRONMENTAL SERVICES, INC. FOR CONSULTING SERVICES RELATED TO ENVIRONMENTAL COMPLIANCE MONITORING SERVICES AT 9876 WILSHIRE BOULEVARD HILTON REVITALIZATION – PHASE 2 SHORING AND EXCAVATION PROJECT; AND APPROVAL TO OBTAIN A PURCHASE ORDER IN THE AMOUNT OF \$13,942 FOR A NOT TO EXCEED AMOUNT OF \$63,207.

Attachments: 1. Agreement

RECOMMENDATION

Staff recommends that the City Council move to approve Amendment No. 1 to the Agreement between the City of Beverly Hills and Citadel Environmental Services, Inc. (Citadel) for work completed during Phase 2 – Shoring and Excavation of the 9876 Wilshire Boulevard – Beverly Hilton Revitalization Project; and approve a Purchase Order for these services for a not-to-exceed amount of \$63,207. Funds for this consultant are fully paid for by the developer as required by the Project Conditions of Approval.

INTRODUCTION

The selection of Citadel Environmental Services, Inc. was reviewed and jointly agreed to by the Beverly Hills Unified School District and the City to provide environmental compliance oversight services. The current Agreement No. 618-14 for Phase 2 was for the scope of work completed during the period September 22, 2014 through January 5, 2015. The Agreement was executed for a not-to-exceed amount of \$49,265, under the City Manager's signature authority. The very limited scope of work during Phase 2 allowed for a maximum number of monitoring hours during the period of performance and due to a change in construction schedule, the period of performance was extended

to January 6 – January 31, 2015. This Amendment covers an added scope of work and services for the period; totaling \$13,942.

DISCUSSION

Staff recommends that the City Council move to approve Amendment No. 1 and a Purchase Order for Citadel Environmental Services, Inc. for environmental compliance services completed after the original Agreement termination date of January 5, 2015. The additional scope of work increases the total not-to-exceed Agreement amount to \$63,207. In order to remain in compliance with the project "Conditions of Approval," the environmental compliance monitor is required to be on-site during all phases of construction. To prevent a delay in the construction schedule the consultant was retained and continued to work for an extended period of time, past the agreement termination date.

This Amendment covers an added scope of work related to monitoring services for an extended period, concluding January 31, 2015, at the completion of Phase 2. During January 6 – January 31, 2015, Citadel reviewed hazardous materials reports and provided oversight of the developer's implementation of all mitigation measures as per the requirements of the "Conditions of Approval" for the 9876 Wilshire Boulevard – Beverly Hilton Revitalization Project. Additional services included expanded monitoring during daytime and night hours, and weekends, which were not included in the original scope of work. Their site monitoring and report review services are billed at an hourly rate and the invoice for the services rendered during that extended period of time is \$13,942.

Phase 1, Demolition was completed in September 2014. Phase 2, Shoring and Excavation was originally estimated to be completed in January 5, 2015, due to changes in construction schedule, it concluded January 31, 2015. Phase 3 – Waldorf Astoria Build-Out is currently under construction with an estimated completion date of January 2017.

FISCAL IMPACT

There is no fiscal impact to the City as a result of the approval of this Amendment No. 1 to Agreement No. 618-14 and Purchase Order. All costs associated with the performance of these specialized professional consulting services are paid by the developer of the 9876 Wilshire Boulevard – Beverly Hilton Revitalization Project.



Approved By
Susan Healy Keene, AICP
Director, Community Development

Council will be advised if agreement is not signed by Tuesday.

Attachment 1

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN
THE CITY OF BEVERLY HILLS AND CITADEL
ENVIRONMENTAL SERVICES, INC. FOR CONSULTING
SERVICES RELATED TO ENVIRONMENTAL
COMPLIANCE MONITORING SERVICES AT 9876
WILSHIRE BOULEVARD HILTON REVITALIZATION -
PHASE 2 SHORING AND EXCAVATION PROJECT

NAME OF CONTRACTOR: Citadel Environmental Services, Inc.

RESPONSIBLE PRINCIPAL OF CONTRACTOR: Loren Witkin, Principal

CONTRACTOR'S ADDRESS: 1725 Victory Blvd.
Glendale, CA 91201
Phone: (818) 246-2707
Attention: Loren Witkin, Principal

CITY'S ADDRESS: City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210
Attention: SUSAN HEALY-KEENE,
AICP, DIRECTOR, COMMUNITY
DEVELOPMENT

COMMENCEMENT DATE: September 22, 2014

TERMINATION DATE: January 31, 2015

CONSIDERATION: Original Agreement: Not-to-exceed
\$49,265.00

Amendment No. 1: Not-to-exceed
\$13,942.00

Total Not-to-exceed: \$63,207.00

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND CITADEL ENVIRONMENTAL SERVICES, INC. FOR CONSULTING SERVICES RELATED TO ENVIRONMENTAL COMPLIANCE MONITORING SERVICES AT 9876 WILSHIRE BOULEVARD HILTON REVITALIZATION - PHASE 2 SHORING AND EXCAVATION PROJECT

This Amendment No. 1 is to that certain Agreement between the City of Beverly Hills ("CITY"), and Citadel Environmental Services, Inc. ("CONTRACTOR"), dated November 21, 2014 and identified as Contract No. 618-14 ("Agreement").

CITY and CONTRACTOR desire to amend the Agreement to extend the term of the Agreement, to modify the Scope of Work and compensate CONTRACTOR for the additional services.

NOW, THEREFORE, the parties agree as follows:

Section 1. CONSIDERATION shall be amended as set forth on the cover sheet of this Amendment No. 1, and more particularly described in Exhibit B hereto.

Section 2. TERMINATION DATE shall be amended as set forth on the cover sheet of this Amendment No. 1.

Section 3. Exhibit A – "Scope of Services" of the Agreement is hereby amended to add and incorporate the additional scope of work described in Exhibit A of this Amendment No. 1.

Section 4. Exhibit B of the Agreement is hereby amended to add and incorporate the additional compensation as described in Exhibit B of this Amendment No. 1.

Except as specifically amended by this Amendment No. 1, the remaining provisions of the Agreement shall remain in full force and effect.

EXECUTED the _____ day of May 2015, at Beverly Hills, California.

CITY OF BEVERLY HILLS
A Municipal Corporation

JULIAN A. GOLD, M.D.
Mayor of the City of Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk

CITADEL ENVIRONMENTAL SERVICES, INC.

LOREN I. WITKIN
President and Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

MAHDI ALUZRI
Interim City Manager

SUSAN HEALY KEENE
Director of Community Development

KARL KIRKMAN
Risk Manager

EXHIBIT A

SCOPE OF SERVICES

ADDITIONAL SCOPE OF WORK AND BUDGET - PHASE 2 - 9876 WILSHIRE BLVD. REVITALIZATION

TASK 1.0: ENVIRONMENTAL COMPLIANCE MONITOR - SHORING AND EXCAVATION PHASE

Citadel will provide a full-time Environmental Compliance Monitor who is deemed qualified by the Director of Community Development, the City of Beverly Hills, and the Beverly Hills Unified School District. We understand the Environmental Compliance Monitor shall have a field office accessible to the District, parents and local residents that is to be provided by the Developer.

The Environmental Compliance Monitor (ECM) will maintain a daily log and provide monthly reports to the City and School Districts, as well as conduct a weekly meeting with the project construction manager(s) and invite City and School District representatives to attend all meetings. The ECM will oversee that the developer implements all mitigation measures, as outlined in the Mitigation Monitoring Plan.

TASK 2.0 and 3.0: ENVIRONMENTAL COMPLIANCE CONSULTATION, MEETINGS, REPORTS & NEWSLETTER

Citadel will provide as needed environmental compliance consultation in an array of environmental compliance services. Estimated pricing for select services is provided in the compensation section for budgetary purposes. Service categories may include:

- Review of hazardous materials reports, abatement submittals, environmental permits, and any other plans; and
- Assistance in the preparation of the 1st Quarterly Community Newsletter.

The scope of peer review services is limited to those plans specifically requested by the client to be peer reviewed and shall consist of a "table top" review for completeness. Citadel will not be responsible for verifying the accuracy or veracity of the underlying data (i.e., field investigations, replicating sampling, etc.).

**EXHIBIT B
COMPENSATION**

TASK 1.0: ENVIRONMENTAL COMPLIANCE MONITOR (ADDITIONAL SERVICES)

Daily Shift Rate (8.0 hours at \$77/hour)	\$616.00
73 day shifts at \$616.00/shift	\$44,968.00
17 night shifts at \$616.00/shift	\$10,472.00
Environmental Compliance Monitor (overtime) 27.75 hours at \$97.50/hour	<u>\$2,705.63</u>
TASK 1.0 ESTIMATED TOTAL ADDITIONAL (through Jan 30, 2015)	\$58,145.63

TASK 2.0: ENVIRONMENTAL COMPLIANCE CONSULTATION

Environmental Compliance Manager/Consultation 12.75 Hours at \$137.00/hour	\$1,746.75
Environmental Compliance Monitor 6.5 hours at \$65.00/hour	\$422.50
Administration/Data Entry 0.25 Hours at \$55.00/hour	<u>\$13.75</u>
TASK 2.0 ESTIMATED TOTAL ADDITIONAL	\$2,183.00

TASK 3.0: ENVIRONMENTAL COMPLIANCE CONSULTATION (1Q NEWSLETTER)

Environmental Compliance Manager 7.25 Hours at \$137.00/hour	\$993.25
Environmental Compliance Monitor 4.5 hours at \$65.00/hour	\$292.50
Administration/Data Entry 22.0 Hours at \$55.00/hour	\$1,210.00
Reimbursables (mailing)	<u>\$382.20</u>
TASK 3.0 ESTIMATED TOTAL ADDITIONAL	<u>\$2,877.95</u>

ESTIMATED PROJECT TOTAL **\$63,206.58**

Contract Agreement 618-14 Total \$49,265.00

ESTIMATED PROJECT TOTAL ADDITIONAL (through Jan 31, 2015) **\$13,941.58**