RESOLUTION NO. 19-0466

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE BERGER PARTNERSHIP, P.S., FOR DESIGN OF THE 36TH AND MERIDIAN PARK PHASE ONE

WHEREAS, by passing Resolution 19-0449 on March 12, 2019, the City Council authorized execution of a Professional Services Agreement ("Agreement") with The Berger Partnership, P.S. ("Berger") for the 36th and Meridian Park Phase One Design and Construction Administration Services; and

WHEREAS, due to safety concerns at the proposed site entry, the City requested Berger to prepare revised design concepts for review and consideration; and

WHEREAS, the changes to the park layout design include the parking lot location, access drives, play area, amphitheater, restroom, and shelter; and

WHEREAS, the additional design work requires an amendment to the Agreement's scope of work and compensation; and

WHEREAS, the parties desire to amend the Agreement to include the additional work required;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to enter into the First Amendment to Professional Services Agreement, attached hereto, between the City of Edgewood and The Berger Partnership, P.S.


Daryl Eidinger, Mayor

ATTEST:

Rachel Pitzel, CMC
City Clerk
FIRST AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF EDGEWOOD
AND THE BERGER PARTNERSHIP, P.S.

Section I. Date and Parties.

This First Amendment to Professional Services Agreement ("First Amendment"), is dated the 24th day of July, 2019, by and between the CITY OF EDGEWOOD, a Washington municipal corporation ("City"), and THE BERGER PARTNERSHIP, P.S. ("Consultant"). This First Amendment amends the Professional Services Agreement dated March 13, 2019, by and between the City and Consultant (the "Agreement").

Section II. General Recitals.

A. The City and Consultant entered into the Agreement for the purposes of allowing the Consultant to perform work on the 36th and Meridian Park, Phase One Project – Design and Construction Administration (Design).

B. Since the time of execution of the Agreement, the City has requested Consultant provide revised concepts for review and consideration before proceeding with the Design, which requires changes to the original Scope of Work and Compensation provisions in the Agreement.

C. The parties have now determined that an amendment to the Agreement is required, as set forth in this First Amendment and its Exhibit.

Section III. Amendments to the Agreement.

A. Section 1. Services by Consultant. Section 1 of the Agreement is hereby amended to include and attach a new Exhibit A-1, a copy of which is attached hereto and incorporated herein by this reference.

B. Section 4. Compensation and Hourly Rate. Section 4 of the Agreement is hereby amended to read as follows:

- TIME AND MATERIALS NOT TO EXCEED. Compensation for these services shall not exceed $284,200.00 $304,700.00, including all applicable tax, without written authorization and will be based on billing rates and rates and reimbursable expenses attached hereto as Exhibit “B.”

Section IV. Other Terms Unchanged. All other terms of the Agreement remain unchanged and enforceable. This First Amendment is intended to modify the terms and conditions of the Agreement only insofar as such modifications are set forth herein. In the case of any conflict...
between the terms of the Agreement and the terms of the First Amendment, the provisions of the First Amendment shall control.

CITY OF EDGEWOOD

By: ____________________________
   Its: Mayor, Daryl Ethinger

Date: 07/24/19, 2019

THE BERGER PARTNERSHIP, P.S.

By: ____________________________
   Printed Name: Greg Powers
   Its: Principal

Date: 07/17/19, 2019

ATTEST:

______________________________
City Clerk, Rachel Pitzel

APPROVED AS TO FORM:

______________________________
Ann Marie Soto, Interim City Attorney
Mayor Daryl Eidinger  
Mr. Jeremy Metzler, Public Works Director
City of Edgewood
2224 104th Avenue East
Edgewood, WA 98372

Scope of Work for Additional Services Request No.1 – 36th and Meridian Park, Park Design Changes

Dear Mayor Eidinger and Mr. Metzler:

This additional services request is for design changes to specific elements of the park. This request amends our contract dated 3/1/19. The scope of work includes changes to the layout of the park including the parking lot location, access drives, play area, amphitheater, restroom, and shelter. This proposal outlines the scope of work, deliverables, and estimated fees.

Design Changes
At the request of the City we provided park design options to respond to the need to relocate the parking lot access drive away from Meridian Ave. E to 36th St. E. per the preferred Option 1 and on which this request is based.

Specific services include the following:

- Confirm specifics on park access drive location and detail.
- Prepare hand drawn sketch to confirm revised design (incorporating PRAB comments on preferred option).
- Update CAD base for project use.
- Update illustrative plan rendering for City approval and future RCO update.
- Rework of previous 30% drawings to conform to new park configuration changes, including layout, grading, and drainage.
Based on the scope of services identified at this time, we have established a fee for landscape architectural services as follows:

- Berger Partnership $15,000.00
- Sub consultants (includes 10% mark-up) $5,500.00
- Civil Engineer (KPFF)

Total $20,500.00

If you have questions, would like more information, or wish to make any modifications, please do not hesitate to contact us. We look forward to working with you on the development of 36th and Meridian Park.

Sincerely,
 Berger Partnership PS

[Signature]

Greg Brower, PLA
Principal