

Resolution No. 2006-234

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN
AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BENDER
ROSENTHAL INC. FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE
SHELDON ROAD/STATE ROUTE 99 INTERCHANGE PROJECT**

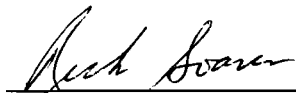
WHEREAS, the City of Elk Grove requires additional services to be provided for the Sheldon Road/State Route 99 Interchange Project, including additional right-of-way management, appraisal services, independent appraisal review, acquisitions and title services; and

WHEREAS, Bender Rosenthal, Inc. has been involved in providing right-of-way services for the project and is very knowledgeable of all of the project constraints and issues and is therefore best qualified to provide the additional required services in a timely and cost-effective manner; and

WHEREAS, Bender Rosenthal, Inc. has previously executed a contract with the City to provide professional right-of-way services for the project for an amount not to exceed \$828,245 and agrees to perform the required additional work for an additional amount not to exceed \$341,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager, or his designee, to execute an amendment to the existing professional services contract with Bender Rosenthal, Inc. (#C-05-556) for right-of-way services for the Sheldon Road/State Route 99-Interchange Project and increase the not-to-exceed compensation for the contract to \$1,169,245.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of September 2006.



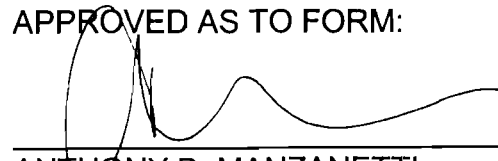
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY



AMENDMENT TO CONTRACT FOR
BENDER ROSENTHAL, INC. – CONSULTANT

THIS AMENDMENT TO CONTRACT identified by the City as Contract Number C-05-556, is made and entered into between City of Elk Grove, a Municipal Corporation (“City”) and Bender Rosenthal, Inc., (“Consultant”). City and Consultant agree to change paragraphs 1.A and 4.A, to add additional services and cost as follows:

1.A. CONTRACT. In addition to the Scope of Work in Exhibit A to this Agreement, Consultant shall do all work, attend all meetings, produce all reports and carry out all activities necessary to complete the services described in the additional SCOPE OF WORK AND STANDARDS FOR SERVICES, attached hereto and incorporated herein by this reference as Exhibit A-1, as requested by the City.

4.A. TERMS. Compensation to the Consultant shall be as set forth in Exhibit B attached hereto and made a part hereof. Total compensation to Consultant shall not exceed \$1,168,684.00 without the advance written consent of City.

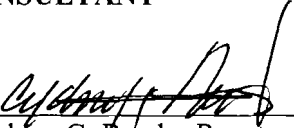
In all other respects, Contract Number C-05-556 shall remain unchanged and in full force and effect.

AGREED to this _____ day of _____, 2006, by the parties as follows.

Approved as to form:

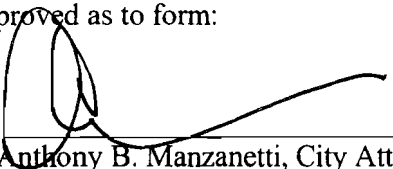
CONSULTANT

Counsel for consultant

By: 
Cydney G. Bender Reents, MAI, Appraiser

Approved as to form:

CITY OF ELK GROVE

By: 
Anthony B. Manzanetti, City Attorney

By: _____
John Danielson, City Manager



EXHIBIT A-1 – Additional Scope of Work

| SERVICE QUOTED IN CONTRACT PAGE NUMBER CITED; or Additional Service | ACTUAL OR ADDITIONAL SERVICES | DIFFERENCE FROM QUOTE |
|--|--|--|
| Task 1 - ROW Management | | |
| Add: Additional Meetings - legal meetings, ROW meetings due to time extension from August 2006 to April 2007 | Original + First Amendment through August 2006 | 36 (4 meetings/mos @ 6 hrs each meeting including preparation) |
| Add: Project Management Functions: Budgeting, Scheduling, Team Coord, etc. due to project time extension. | Original + First Amendment through August 2006 | 9 months @ 80hrs/mos @\$150/hr - Internal Acq. Team Meetings - 4 mtgs/mos @ 4 hrs ea - 2 people. Total 32 hrs/mos - Review of RFRs - 1 RFRs / week @ 4 hrs/review. Total 16 hrs - Team Coordination - Quincy, City ROW, City Eng. - 4 hrs/wk. Total 16 hrs/mos - Water/Sewer Coordination - 4 hrs/wk. Total 16 hrs/mos - Weekly Parcel by Parcel Summary / Budget Updates - 4hrs/week. Total 16 hrs / mos 9 New Analyses |
| Task 2 - Appraisal Services | | |
| Add: Damage Analysis due to Septic & Well | | |
| Add: Appraisal Changes Church of Christ, Newland, SEG, Crossroads, Sheldon Golf | | 6 changes appraisals |
| Add: Update appraisals for Emminent Domain Proceedings | | 20 Parcels |
| Task 2 A - Furniture Fixture & Eqpmt. | | |
| Task 2B - Goodwill Budgeting | | |
| Task 3 - Independent Appraisal Review | | |
| Task 4 - Acquisition Services | | |
| Add: Well / Septic relocation coordination | 9 | Amendment No. 1 Assumed 4 meetings @ 4 hrs /mtg - Actual Coordinating is 8 meetings per parcel |



| | | |
|---|--|--|
| Add; 1st and 2nd Level Reviews | 20 parcels | Coordinate Meeting, Prepare items for meeting, Attend Meeting (12hrs/parcel @ \$110/hr) |
| Add: Proceed with Possession and Use Agreements | 25 Parcels | 8 hrs per Parcel * 25 |
| Add: TCE Document change | 27 Parcels | Parcels *\$110/hr |
| Task 5 - Relocation Assistance | | 3 hrs / parcel @ \$110/hr |
| | 9 month time extension | 4 hrs per month / relocation @ \$110/hr - 9 remaining relocations |
| Task 6 - Title/Escrow Support | | |
| | Continue Negotiations on 27 parcels after RON - Original Scope included only 20 parcels - we assumed 20 more | 8hrs / parcel * 7 parcels @ \$110/hr |
| Task 7 - Emminent Domain Services | Document Transfer - Original Scope included only 20 parcels | 4 hrs / parcel * 7 Parcels @ \$110/hr |
| | EXPERT WITNESS TESTIMONY IS NOT INCLUDED, BUT SHOULD BE BUDGETED FOR BY CITY | Negotiations Beyond Effective OP date are considered an extra service and will be billed at contract rates. |



Exhibit B – Compensation and Method of Payment

| SERVICE QUOTED IN CONTRACT PAGE NUMBER CITED; or Additional Service | Budget Per Unit | |
|--|------------------------|-----------|
| Task 1 - ROW Management | | |
| Add: Additional Meetings - legal meetings, ROW meetings due to time extension from August 2006 to April 2007 | \$900 | \$32,400 |
| Add: Project Management Functions: Budgeting, Scheduleing, Team Coord, etc. due to project time extension. | \$12,000 | \$108,000 |
| | | |
| Task 2 - Appraisal Services | | |
| Add: Damage Analysis due to Septic & Well | \$1,500 | \$13,500 |
| Add: Appraisal Changes Church of Christ, Newland, SEG, Crossroads, Sheldon Golf | \$1,500 | \$9,000 |
| Add: Update appraisals for Emminent Domain Proceedings | \$1,500 | \$30,000 |
| Task 2 A - Furniture Fixture & Eqpmt. | | |
| | | |
| Task 2B - Goodwill Budgeting | | |
| | | |
| Task 3 - Independent Appraisal Review | | |



Task 4 - Acquisition Services

Add: Well / Septic relocation coordination \$1,600 \$14,400

Add; 1st and 2nd Level Reviews \$1,320 \$26,400

Add: Proceed with Possession and Use Agreements \$880 \$22,000

Add: TCE Document change \$330 \$8,910

Caltrans 1st & 2nd Level Reviews were not included in original scope.

Task 5 - Relocation Assistance

\$3,960 \$35,640

Task 6 - Title/Escrow Support

Task 7 - Eminent Domain Services \$880 \$6,160

\$440 \$3,080

EXPERT WITNESS TESTIMONY IS NOT INCLUDED, BUT SHOULD BE BUDGETED FOR BY CITY

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Sub Total \$309,490
 10% Contingency +30,949
TOTAL \$340,439

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| | | Sub Total | \$309,490 | |
| | | 10% Contingency | +30,939 | |
| | | TOTAL | \$340,439 | |

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-234**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)


I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 13, 2006 by the following vote:

AYES : COUNCILMEMBERS: Soares, Scherman, Briggs, Cooper

NOES : COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Leary



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

