



# Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Arthur Aladjadjian, Public Works Superintendent

Reviewed by: Rob DuBoux, Public Works Director/City Engineer

Approved by: Steve McClary, Interim City Manager

Date prepared: January 13, 2022 Meeting date: January 24, 2022

Subject: Amendment to Agreement with Integrated Performance Consultants, Inc.

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**RECOMMENDED ACTION:** Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Integrated Performance Consultants, Inc. for operation and maintenance services of the Civic Center Water Treatment Facility extending the term of the Agreement for an additional four years.

**FISCAL IMPACT:** Funding for this agreement was included in the Adopted Budget for Fiscal Year 2021-2022 in Account Nos. 515-3010-5611, 515-3010-5640, 515-3010-5656, 515-3010-5725.01, 515-3010-6160, 515-3010-6161, 515-3010-6500 (Civic Center Water Treatment Facility – WTF Maintenance, Equipment Maintenance, Water Quality Testing and Monitoring, Biosolids Disposal, Operating Supplies, Chemical Supplies and Motor Fuel)

**WORK PLAN:** This item was included as item 8.h. in the Adopted Work Plan for Fiscal Year 2021-2022.

**DISCUSSION:** On January 23, 2017 the City entered into an agreement with IPC to provide assistance during the startup of the CCWTF and to provide ongoing operation and maintenance.

On July 23, 2018 the City approved Amendment No. 1 with IPC to make minor modifications to the operation of the CCWTF and be compensated for three months of startup assistance.

On August 27, 2018 the City approved Amendment No. 2 for additional services that included additional assistance to the construction contractor of the CCWTF during the initial startup.

The original agreement was for a term of five years and Staff recommends amending the agreement for an additional four years. A four-year extension is being recommended to provide continuous operation of the complex wastewater treatment facility. This extension will also extend into the construction of Phase Two. Maintaining the operation of the wastewater treatment plant with IPC during the construction is critical to ensure that the treated wastewater is meeting the Regional Board's effluent requirements. Staff recommends authorizing the Mayor to execute Amendment No. 3 extending the term of the agreement for an additional four years. By executing Amendment No. 3, the level of service to the City will continue uninterrupted.

ATTACHMENTS: Amendment No. 3 with Integrated Performance Consultants, Inc.

**AMENDMENT NO. 3 TO AGREEMENT**

THIS AMENDMENT NO. 3 TO AGREEMENT is made and entered in the City of Malibu on January 24, 2022, by and between the CITY OF MALIBU, hereinafter referred to as City, and Integrated Performance Consultants, Inc. hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

**RECITALS**

- A. On January 23, 2017, the City entered into an Agreement with Consultant for operation, maintenance, and management of the Civic Center Water Treatment Facility (the "Agreement").
- B. On July 23, 2018, the City approved Amendment No. 1 to the Agreement amending the Scope of Services and Compensation to make minor modifications to the operation of the Civic Center Water Treatment Facility and to provide an additional three months of startup assistance.
- C. On August 27, 2018, the City approved Amendment No. 2 to the Agreement to include assistance to the construction contractor of the Civic Center Water Treatment Facility during the initial start up of the treatment plant.
- D. The City desires to amend the Agreement to extend the term of the Agreement.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

- 1. Section 2.0 – Term of Agreement, of the Agreement, is hereby extended to January 23, 2026.
- 2. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
- 3. All terms and conditions of the Agreement not amended by this Amendment No. 3 remain in full force and effect.

This Agreement is executed on \_\_\_\_\_, 2022, at Malibu, California, and effective as of January 23, 2022.

CITY OF MALIBU:

\_\_\_\_\_  
PAUL GRISANTI, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

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JOHN COTTI, Interim City Attorney

CONSULTANT:

  
\_\_\_\_\_  
By: Mardi Meadors  
Title: President