



Staff Report

TO: Honorable Mayor and Members of the Town Council
FROM: Sean Rabé, Town Manager
DATE: October 13, 2020
RE: Contract Amendment with AECOM for the Costco Retail Warehouse

Recommendation

Staff recommends the Town Council adopt the attached resolution and authorize the Town Manager to enter into a fifth contract amendment with AECOM for litigation support for the Environmental Impact Report associated with the Costco Retail Warehouse project. This contract amendment for \$15,000 will bring AECOM's total allowable compensation under the contract to \$436,282.

Issue Statement and Discussion

The Town of Loomis entered into a professional services agreement with AECOM in July 2017, for the preparation of the Environmental Impact Report (EIR) for the Costco Retail Warehouse project in the amount not to exceed \$199,935. The Town Council has approved four contract amendments since then, which have increased the contract amount to \$421,282.

This fifth contract amendment is specific to litigation support for the defense of the EIR. Approval of the amendment will bring the total amount of the contract to \$436,282. Staff recommends the Town Council approve the amendment.

Staff is prepared to answer any questions you may have.

CEQA Requirements

There are no CEQA implications associated with the recommended action.

Financial and/or Policy Implications

The additional scope costs of \$15,000 will be fully borne by the project applicant.

Attachments

- A. Resolution
- B. Contract Amendment #5

TOWN OF LOOMIS

RESOLUTION NO. 20 - XX

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS
AMENDING THE JULY 11, 2017 CONTRACT FOR SERVICES BETWEEN
THE TOWN OF LOOMIS AND AECOM**

WHEREAS, the Town and AECOM entered into the July 11, 2017 Contract for Services ("Contract"), to retain AECOM to prepare an environmental impact report (EIR) for the Costco Retail Warehouse project; and

WHEREAS, the Town and AECOM entered into the July 11, 2018 Contract for Services ("Contract"), to retain AECOM to prepare an environmental impact report (EIR) for the Costco Retail Warehouse project; and

WHEREAS, the Town Council has approved four subsequent contract amendments for AECOM for additional services required to complete the environmental process, bringing the total allowable compensation under the contract to \$421,594; and

WHEREAS, the Town has received litigation challenges on the certification of the EIR and project approvals; and

WHEREAS, AECOM will be critical in the defense of the EIR during the litigation process, with such work requiring additional compensation; and

WHEREAS, the Town and AECOM now desire to approve a Fifth Contract Amendment to the Contract to increase the total allowable compensation under the Contract to \$436,282.

NOW, THEREFORE, IT IS MUTUALLY AGREED by parties hereto to amend said Contract as follows:

- I. Amendment. Section 3.A of the Contract is hereby amended by replacing the figure \$421,282 with \$436,282.
- II. Remaining Terms Unaffected:
Except as expressly provided herein, nothing in this Amendment shall be deemed to waive or modify any of the other provisions of the Contract. In the event of any conflict between this Amendment and the Contract, the terms of this Amendment shall control.

PASSED AND ADOPTED by the Town Council of the Town of Loomis this 13th day of October, 2020, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Mayor

ATTEST:

Town Clerk

AMENDMENT NO. 5
TO THE CONTRACT FOR SERVICES
BETWEEN THE TOWN OF LOOMIS AND AECOM
DATED JULY 11, 2017

This Amendment No. 3 to the Contract for Services between the Town of Loomis ("Town") and AECOM ("AECOM") which was entered into on July 11, 2017, is made and entered into this 13th Day of October 2020 (the "Effective Date").

RECITALS

WHEREAS, the Town and AECOM entered into the July 11, 2018 Contract for Services ("Contract"), to retain AECOM to prepare an environmental impact report (EIR) for the Costco Retail Warehouse project; and

WHEREAS, the Town Council has approved four subsequent contract amendments for AECOM for additional services required to complete the environmental process, bringing the total allowable compensation under the contract to \$421,594; and

WHEREAS, the Town has received litigation challenges on the certification of the EIR and project approvals; and

WHEREAS, AECOM will be critical in the defense of the EIR during the litigation process, with such work requiring additional compensation; and

WHEREAS, the Town and AECOM now desire to approve a Fifth Contract Amendment to the Contract to increase the total allowable compensation under the Contract to \$436,282.

NOW, THEREFORE, IT IS MUTUALLY AGREED by parties hereto to amend said Contract as follows:

- I. Amendment. Section 3.A of the Contract is hereby amended by replacing the figure \$421,282 with \$436,282.
- II. Remaining Terms Unaffected:

Except as expressly provided herein, nothing in this Amendment shall be deemed to waive or modify any of the other provisions of the Contract. In the event of any conflict between this Amendment and the Contract, the terms of this Amendment shall control.

IN WITNESS WHEREOF the parties hereto have executed this Amendment as of the Effective Date.

<p>Town of Loomis</p> <p>By: _____ Sean Rabe, Town Manager</p> <p>Attest:</p> <p>By: _____ Charleen Strock, Town Clerk</p>	<p>AECOM</p> <p>By: _____</p> <p>Approved as to form:</p> <p>By: _____ Jeffrey Mitchell, Town Attorney</p>
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