

**APPROVED**  
FEB 15 2006

REPORT OF GENERAL MANAGER

NO. 06-38

DATE February 15, 2006

**BOARD OF RECREATION  
and PARK COMMISSIONERS**

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AMENDMENT NO. 2 TO CONSULTANT CONTRACT NO. 2956 WITH MIRALLES ASSOCIATES., INC., FOR AS-NEEDED ARCHITECTURAL DESIGN, APPRAISAL, CONSTRUCTION MANAGEMENT, AND LANDSCAPE ARCHITECTURE SERVICES

J. Combs \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
S. Huntley \_\_\_\_\_  
B. Jensen \_\_\_\_\_

J. Kolb \_\_\_\_\_  
F. Mok \_\_\_\_\_  
K. Regan \_\_\_\_\_  
\*M. Shull \_\_\_\_\_

*CM for M.S.*

  
General Manager

Approved  \_\_\_\_\_

Disapproved  \_\_\_\_\_

Withdrawn  \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve Amendment No. 2, substantially in the form attached, to Contract No. 2956, changing the name of the as-needed Architectural Design Services Consultant, from Miralles and Wu, LLP to Miralles Associates, Inc., and extending the term of the contract by three years for a new total of nine years, subject to approval of the Mayor, the City Council, and of the City Attorney as to form;
2. Find that the Department does not have, available in its employ, personnel with sufficient time or the necessary expertise to undertake these specialized professional tasks in a timely manner, and, it is more feasible, economical and in the Department's best interest, to secure these services by contract;
3. Direct the Board Secretary to transmit the proposed Amendment to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review as to form; and,
4. Authorize the President and Secretary of the Board to execute the Amendment upon receipt of necessary approvals.

## REPORT OF GENERAL MANAGER

PG. 2

NO. 06-38

### SUMMARY:

On May 3, 2000, the Department entered into a personal services contract with Miralles Associates, Inc., for as-needed architectural design, appraisal, construction management and landscape architecture services. The term was for six (6) years, expiring on May 2, 2006, and the amount was for \$600,000.00. Amendment No. 1 which changed the name to Miralles and Wu, LLP (formerly known as Miralles Associates, Inc.) was executed on December 11, 2003.

Last October 26, 2004, an agreement of merger was filed with the Office of the Secretary of State of the State of California by and between Miralles Associates, Inc., a California corporation ("Surviving Entity") and Miralles and Wu, a California general partnership ("Merging Entity"). This merger was executed by the Office of the Secretary of State on November 5, 2004 (documents attached). The name change is required by the Office of the Controller before they will approve any payment to the consultant.

The firm has been working on, or is scheduled to work on, several Department projects including, but not limited to the following: Mason Park Child Care Center and Evergreen Child Care Center. At this time, the consultant has been assigned work that will extend beyond the current term of the contract. The Department does not have available personnel to perform these specialized professional tasks in a timely manner due to the existing demand on staff workload; therefore, it would be impossible to meet other project requirements and deadlines without the consultant. This Amendment will allow this consultant to continue working on the various projects through completion.

As a result of the architectural survey of salaries report, "2005 Survey for California Architectural Firms" published in 2005, the changing market factors and desire to improve the company's competitiveness, Miralles Associates, Inc., voluntarily reduced the majority of the 2006 hourly rates from those approved in the original contract. The reduced 2006 hourly rates have been made part of the contract amendment as well as the new yearly rates. The minimal adjustment in hourly rates for added years 2007 through 2009 is an acceptable industry practice and conforms to normal cost of living adjustments.

This Amendment is recommended in compliance with all Department and City procedures, policies and laws applicable to the award of the contracts. Principals of the firm are not employees or officials of the City; are free to make recommendations or perform the services specified in the contract; and have no authority, with respect to the City's decisions relating to the project, beyond fulfilling the provisions of the Amendment.

REPORT OF GENERAL MANAGER

PG. 3

NO. 06-38

FISCAL IMPACT STATEMENT:

All compensation to the consultant is provided in the funding of each individual project on which the firm works; therefore, there will be no decrease in revenue or increase in costs to the City General Fund.

Prepared by Gino Ogtong, Management Analyst II, Planning and Development.