

## Memorandum

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Peter Krause, Director of Parks and Recreation

Date: February 16, 2009

Subject: Consideration of Supplemental Agreement Number 1 with HNTB providing for a reduction in fee associated with the Park and Trail Master Plan and authorize the City Manager to sign the supplemental agreement.

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### **Council Action Requested:**

1. Council is requested to consider Supplemental Agreement #1 to the Agreement with HNTB, providing for a reduction in fee, for creation of the Park and Trail Master Plan; and
2. Authorize the City Manager to execute the agreement.

### **Background Information:**

Staff presented an Engineering Services Agreement with the Architectural and Engineering firm of HNTB for the development of a Park and Trails Master Plan on July 17, 2006. The goal of the plan was to create a blueprint that would give specific guidance for the city's development of its park system for the next five years and set trends and standards for its long term park and recreation goals. Some specifics of the agreement included:

- Appraisal of existing resources
- Community survey
- HNTB gave City Council a report on the results of their community survey at the August 2, 2007 Council Meeting.
- Relationship between needs and resources
- Plan development and presentation

The agreement included a specific time frame of 270 days (April 2007) for the plan to be completed. Staff received the plan for a preliminary review in October 2008. HNTB presented the plan to Council at the January 20, 2009 meeting.

The attached supplemental agreement will:

1. Reduce the original contract fee from ninety thousand dollars (\$90,000) to eighty thousand (\$80,000) in recognition of HNTB's failure to meet the contract deadlines;
2. Set specific dates for the city to submit comments back to HNTB (March 9, 2009) and specific time (12 days after receipt of city's comments) for HNTB to update and finalize the plan for Council adoption.

There are certainly many factors associated with HNTB's failure to meet the terms of the original agreement including extension of the time devoted to the community survey in order to gather information from a wide range of citizens. Staff too owns a portion of the delay by not maintaining stricter oversight. But ultimately, the contract included an extension provision for the engineer to request additional time and HNTB failed to request such an extension.

Staff recommends City Council approve the supplemental agreement and authorize the City Manager to execute.

**Financial Considerations:**

The original contract with HNTB for the park plan was \$90,000, of which \$64,620 has been paid to date. This supplemental agreement will reduce the contract amount by \$10,000 to a total of \$80,000.

**Attachments:**

Park and Trail Master Plan Supplemental #1

**Staff Contact:**

Peter Krause, Park and Recreation Director

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**SUPPLEMENTAL AGREEMENT No. 1**

This Supplemental Agreement, Number 1, to the ENGINEERING SERVICES CONTRACT, dated July 6, 2006 (the Agreement), between City of Burleson (City) and HNTB Corporation (Engineer) is made effective as of February 24, 2009.

1. HNTB shall perform all services outlined in the ENGINEERING SERVICES CONTRACT.
  
2. In conjunction with the performance of the foregoing Services, Engineer shall provide the following submittals/deliverables (Documents) to City as outlined in the ENGINEERING SERVICES CONTRACT: As per Prime Engineering Services Contract.
  
3. Engineer shall perform the Services and deliver the related Documents according to the following schedule:
  - Receive City Council and City Staff comments – March 9, 2009, and
  - Deliver completed master plan, that addresses council and staff comments, for council approval within 12 working days of receipt of council and city staff comments
  
4. In return for the performance of the foregoing obligations, City shall pay to Engineer the amount of (\$10,000) less than the original agreement, reducing the total compensation of the contract to \$80,000.00, payable according to the following terms: As outlined on terms of the ENGINEERING SERVICES CONTRACT.

Except to the extent modified herein, all terms and conditions of the Engineering Services Contract shall continue in full force and effect.

City of Burleson  
(City)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

HNTB Corporation  
(Engineer)

Signature: William S Forbes

Name: William S. Forbes, P.E.

Title: Associate Vice President

Date: 2/9/09