



**PURCHASING ITEM
FOR
COUNCIL AGENDA
Memo No. CA09-110**

1. Agenda Item Number:
25
2. Council Meeting Date:
November 20, 2008

TO: MAYOR & COUNCIL

3. Date Prepared: October 1, 2008

THROUGH: CITY MANAGER

4. Requesting Department: Public Works

5. SUBJECT: Approve one (1) year extension to the existing annual contract for engineering services with Gavan and Barker, Inc., Contract No. EN0723-101 in an amount not to exceed \$400,000.

6. RECOMMENDATION: Staff recommends that Council approve one (1) year extension to the existing annual contract for engineering services with Gavan and Barker, Inc., Contract No. EN0723-101 in an amount not to exceed \$400,000.

7. BACKGROUND/DISCUSSION: On November 8, 2007, staff recommended and Council approved and awarded this annual contract for park design services for a term of one year with the option to renew for four additional years in an amount not to exceed \$2,000,000. The contract amount for this contract has been adjusted to allow for anticipated park design projects for September 2008 thru November 2009. Improvements anticipated to be completed under this contract include but are not limited to the following: park development, landscaping, irrigation improvements, ramada renovations and court renovations.

8. EVALUATION: Gavan & Barker, Inc. was selected for award of an annual contract for engineering services in accordance with established City policies and procedures. This extension will be the first of four optional one (1) year extensions. The extension with Gavan and Barker, Inc. will run through November 21, 2009.

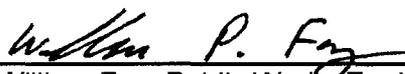
9. FINANCIAL IMPLICATIONS: Project agreements exceeding \$50,000 will be brought forward to Council for approval.

10. PROPOSED MOTION: Move that Council approve one (1) year extension to the existing annual contract for engineering services with Gavan and Barker, Inc., Contract No. EN0723-101 in an amount not to exceed \$400,000.

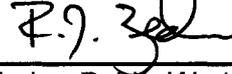
ATTACHMENTS: Notices of Extension EN0723-101

APPROVALS

11. Requesting Department


William Fay, Public Works Engineer

13. Department Head


R.J. Zeder, Public Works Director

12. City Engineer


Sheina Hughes, Assistant Public Works
Director/City Engineer

14. City Manager


W. Mark Pentz

NOTICE OF EXERCISE OF OPTION TO EXTEND
ANNUAL CONTRACT FOR PARK DESIGN
PROJECT NUMBER EN0723-101

The City Council authorized the City of Chandler (hereinafter referred to as "CITY") and Gavan & Barker, Inc., an Arizona corporation, (hereinafter referred to as "ANNUAL CONSULTANT") to enter into an Annual Contract for Park Design (hereinafter referred to as "AGREEMENT") which was approved by the City Council on November 8, 2007 and executed on November 21, 2007.

1. This AGREEMENT authorized CITY the option to extend this AGREEMENT for four one-year terms.
2. CITY hereby gives notice of the exercise of its option to extend the AGREEMENT for one year pursuant to the same terms and conditions as the AGREEMENT.
3. This Notice is hereby incorporated to the AGREEMENT and must be filed with the City Clerk's Office.
4. Section 20, of the above referenced Contract, is hereby; amended by adding additional language Required Compliance With Arizona Procurement Law described in more detail in Exhibit A attached hereto and incorporated herein by reference.
5. All other terms and conditions of the above referenced Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

This Notice is hereby incorporated to the AGREEMENT and must be filed with the City Clerk's Office

This Notice is hereby signed and approved by CITY and ANNUAL CONSULTANT

CITY OF CHANDLER

MAYOR Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney by: 

ENGINEER:

By: 
Title: PRESIDENT

ATTEST: If Corporation

Secretary

WITNESS: (If individual or Partnership)

_____ SEAL

EXHIBIT A

REQUIRED COMPLIANCE WITH ARIZONA PROCUREMENT LAW

Pursuant to the provisions of A.R.S. § 41-4401, the Contractor hereby warrants to the City that the Contractor and each of its subcontractors ("Subcontractors") will comply with all Federal Immigration laws and regulations that relate to the Immigration status of their employees and the requirement to use E-Verify set forth in A.R.S. §23-214(A) (hereinafter "Contractor Immigration Warranty").

A breach of the Contractor Immigration Warranty shall constitute a material breach of this Contract that is subject to penalties up to and including termination of the contract.

The City retains the legal right to inspect the papers of any Contractor or Subcontractor employee who works on this Contract to ensure that the Contractor or Subcontractor is complying with the Contractor Immigration Warranty. The Contractor agrees to assist the City in the conduct of any such inspections.

The City may, at its sole discretion, conduct random verifications of the employment records of the Contractor and any Subcontractors to ensure compliance with Contractors Immigration Warranty. The Contractor agrees to assist the City in performing any such random verifications.

The provisions of this Article must be included in any contract the Contractor enters into with any and all of its subcontractors who provide services under this Contract or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

In accordance with A.R.S. §35-397, the Contractor hereby certifies that the offeror does not have scrutinized business operations in Iran.

In accordance with A.R.S. §35-397, the Contractor hereby certifies that the offeror does not have scrutinized business operations in Sudan.

EXHIBIT A (cont.)

**Consultant Immigration Warranty
To Be Completed by Consultant Prior to Execution of Contract**

A.R.S. § 41-4401 requires as a condition of your contract verification of compliance by the consultant and subconsultants with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of its employees.

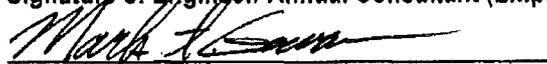
By completing and signing this form and attached Employee Verification Worksheet the Engineer/Annual Consultant shall attest that it and all subconsultants performing work under the cited State contract meet all conditions contained herein.

Project Number: EN0723-101		
Project Name: Annual Park Design		
Street Name and Number:		
City: Chandler	State: AZ	Zip Code:

I hereby attest that:

1. The Engineer/Annual Consultant complies with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of those employees performing work under this contract;
2. All subconsultants performing work under this contract comply with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of their employees; and
3. The Engineer/Annual Consultant has identified all consultant and subconsultant employees who perform work under the contract and has verified compliance with Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214.

Signature of Engineer/ Annual Consultant (Employer) or Authorized Designee:



Printed Name: MARK T. GAVAN

Title: PRESIDENT

Date (month/day/year): 10/13/2008