

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Environmental Resources

BOARD AGENDA #: *B-1

AGENDA DATE: May 17, 2016

SUBJECT:

Approval of an Increase in Contingency Funding for the Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for Environmental Monitoring, Testing, and Reporting Services at the Fink Road Landfill

BOARD ACTION AS FOLLOWS:

No. 2016-246

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-1

AGENDA DATE: May 17, 2016

CEO CONCURRENCE:



4/5 Vote Required: Yes No

SUBJECT:

Approval of an Increase in Contingency Funding for the Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for Environmental Monitoring, Testing, and Reporting Services at the Fink Road Landfill

STAFF RECOMMENDATIONS:

1. Authorize an additional \$41,360 in contingency funding for the Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for additional, unanticipated but required environmental monitoring, testing, and reporting services at the Fink Road Landfill.

DISCUSSION:

The Department of Environmental Resources (Department), Landfill Division, maintains and operates the Fink Road and Geer Road Landfills. The day-to-day operation and maintenance of the Fink Road Landfill is performed by in-house staff, however, specialized services and expertise are needed in the area of environmental monitoring, testing, analyzing, and reporting. For those specialized services, the Department has historically hired specialized outside expertise. On December 4, 2012, the Department contracted with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc. (SCS), for these specialized services through the end of 2015 through a Professional Design Services Master Agreement (Agreement). Continuation of these services is required to maintain compliance with California's solid waste and groundwater regulatory requirements.

On December 8, 2015, the Board of Supervisors approved and signed Amendment No. 3 to this Agreement, extending the duration of the contract through December 31, 2017, and increasing the original contract amount to the current not to exceed total of \$1,115,491. This not to exceed amount included a contingency amount of \$41,360 that was calculated as 10% of the increase contained within Amendment No. 3.

Contingency funds were contemplated in the initial Agreement and each of the subsequent amendments, because the State Water Board and its regional offices commonly add new monitoring and testing objectives as well as reporting requirements. In these situations, the Water Board does not typically give extensions to mandated deadlines unless there are overwhelming and unavoidable mitigating circumstances. As such, it is imperative that there are sufficient funds available as contingency in the event that the Water Board mandates new or modified groundwater monitoring objectives. Unfortunately, the State Water Board does not consider the difficulty of seeking funding as an unavoidable or mitigating circumstance, therefore, staff must be prepared to act quickly by having contingency funds available.

Approval of an Increase in Contingency Funding for the Master Agreement with Stearns, Conrad, and Schmidt, Consulting Engineers, Inc., for Environmental Monitoring, Testing, and Reporting Services at the Fink Road Landfill

On January 20, 2016, the Central Valley Regional Water Quality Control Board (Regional Board) drafted correspondence to the County requiring modifications of the County's approved Work Plan for Landfill Gas Investigation in the Vicinity of Monitoring Well-26 (Work Plan) that was submitted in November of 2015. These modifications necessitate additional testing, monitoring, and reporting to identify any sources of potential groundwater contamination by April 29, 2016. The required modifications necessitated an unanticipated change in the scope of the Agreement with SCS and are anticipated to cost an additional \$43,832. As a result, \$30,877 of contingencies is being used to cover this additional cost. This will leave an available balance of \$10,483 in approved contingency funds for unanticipated but necessary work. The existing contingency balance is not sufficient to cover any additional unanticipated work that may be required by the Regional Board. Accordingly, staff recommends that the amount approved as contingency funding be increased by an additional \$41,360.

POLICY ISSUE:

The Fink Road Landfill is regulated by the Central Valley Regional Water Quality Control Board, an agency of the State of California, under Waste Discharge Requirements (WDRs) Order R5-2008-0144. The WDRs mandate the prevention of and monitoring for discharges of pollutants to groundwater from the Fink Road Landfill.

FISCAL IMPACT:

If the proposed additional contingency amount of \$41,360 is approved for the funding of any required but unanticipated work within the scope of this Master Agreement, the overall not to exceed amount will be increased to \$1,156,851. Sufficient appropriations exist in the Fiscal Year 2015-2016 Adopted Final Budget for Environmental Resources Fink Road Landfill budget to cover the cost of contingency increase and any necessary work that it might fund.

Cost of recommended action:	\$ 41,360
Source(s) of Funding:	
Fink Road Landfill Fund Balance	\$ 41,360
Funding Total:	<u>\$ 41,360</u>
Net Cost to County General Fund	<u>\$ -</u>

Fiscal Year:	2015-2016
Budget Adjustment/Appropriations needed:	No

Fund Balance as of April 30, 2016:	
Fink Road Landfill budget	\$ 25,396,470

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BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of A Safe Community, A Healthy Community, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services. Landfill services are critical to supporting the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships and environmental regulation.

STAFFING IMPACT:

Existing staff will continue to oversee the work related to this Master Agreement.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources

Telephone: 209-525-6770

ATTACHMENT(S):

None



DEPARTMENT OF ENVIRONMENTAL RESOURCES
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**AMENDED AND RESTATED
AGREEMENT
FOR
PROFESSIONAL DESIGN SERVICES MASTER AGREEMENT

AMENDMENT 5**

This Amendment 5 to the Amended and Restated Agreement for Professional Design Services Master Agreement (the "Agreement") is made and entered into by and between the County of Stanislaus ("County") and Stearns, Conrad and Schmidt Consulting Engineers, Inc. d/b/a SCS Engineers, Inc., hereinafter referred to as ("Consultant") on August 23, 2016.

WHEREAS, as of December 4, 2012, (the "Effective Date") the County and Consultant have entered into a certain Agreement relating to the provision of monitoring, sampling and reporting services (the "Original Agreement"); and

WHEREAS, on March 31, 2014, the County Amended and Restated the Professional Design Services Master Agreement with Consultant to incorporate on an "as needed basis", Prevailing Wage Work for maintenance, surveying, construction oversight, repairs, non-routine service calls, and emergency services and the Original Agreement failed to recognize that work requiring the payment of Prevailing Wage would be required under the Agreement; and

WHEREAS, Amendment No. 2, 3, and 4 increased the not to exceed amount of the Master Agreement to \$1,115,491; and

WHEREAS, The Master Agreement Section 8.20 – Amendments provides that the Agreement may be amended in writing; and

WHEREAS, the County has a need to increase the not to exceed amount in Paragraph 3 – Compensation and Billing, Section 3.1 by \$41,360 to allow for work updating the remaining site life and staging cells at the Fink Road Landfill and to allow for any additional unanticipated work that may be required by the Regional Water Quality Control Board (RWQCB); and

WHEREAS, this amendment is for the mutual benefit of County and Consultant;

NOW, THEREFORE, the County and Consultant agree as follows:

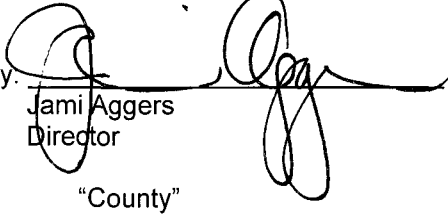
1. Section 3.1 - Compensation is amended as follows:

"3.1. Compensation. For each task or project let under this Agreement Consultant shall be paid in accordance with the fee schedule set forth in Exhibits "C" and "C-1", attached hereto and made a part of this Agreement (the "Fee Schedule"). Consultant shall be compensated on a time and materials basis, based on the hours worked by the Consultant's employees or subcontractors at the hourly rates specified in the Fee Schedule. Fee Schedule rates shall include direct salary costs, employee benefits, and overhead. The rates stated in the Fee Schedule are not adjustable during the term of this Agreement. Consultant's compensation under this Master Agreement shall in no case exceed **One Million, One Hundred Fifty-Six Thousand, Eight Hundred Fifty-One Dollars (\$1,156,851.00)** The County may retain ten percent of all periodic or progress payments made to the Consultant until completion and acceptance of all work tasks and County shall have right to withhold payment from Consultant for any unsatisfactory service until such time service is performed satisfactorily."

2. Except as stated herein, all other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date written above


COUNTY OF STANISLAUS
Department of Environmental Resources

By: 
Jami Aggers
Director
"County"

SCS ENGINEERS INC.

By: 
Pat S. Sullivan, CPP
Senior Vice President
"Consultant"

APPROVED AS TO FORM:
John P. Doering
County Counsel

By: 
Amanda DeHart
Deputy County Counsel