



MARIPOSA COUNTY

Public Works • (209) 966-5356



RESOLUTION - ACTION REQUESTED 2016-346

MEETING: June 28, 2016

TO: The Board of Supervisors

FROM: Tony Stobbe, Public Works Director

RE: Approve the Fifth Amendment to the Agreement with Analytical Environmental Services

RECOMMENDATION AND JUSTIFICATION:

Approve the Fifth Amendment to the Agreement with Analytical Environmental Services (AES) Extending the Term of the Agreement to August 31, 2016, and Increasing the Compensation Amount by \$1,256.48; and Authorize the Director of Public Works to Sign the Amendment.

All of the required work performed under this agreement has been closed out with the exception of tasks associated with receiving an approved Cultural Resource Assessment, and the costs associated with obtaining Archaeological Resources Protection Act permits. Both of these items were required by the Bureau of Land Management (BLM) and were outside the scope of the initial agreement. As was requested by the Board, staff revisited this work with the consultant and has concluded that this required work was both necessary and vital in order to fulfill all the necessary environmental requirements to construct the project, and recommends approval of the amendment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 27, 2012, the Board approved a Professional Services Agreement with AES in the amount of \$35,470 to prepare the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) Environmental Documents for Mariposa County's \$8.5 million Disaster Recovery Initiative grant awarded through the California Development Block Grant (CDBG) program.

On September 25, 2012, Resolution No. 12-484, the Board approved the First Amendment for an additional \$37,224 which increased the total not-to-exceed amount to \$72,694.

On May 7, 2013, Resolution No. 13-172, the Board approved the Second Amendment extending the completion date of the AES Agreement to December 31, 2013.

On August 13, 2013, Resolution No. 13-346, the Board approved the Third Amendment for an additional \$48,846 which increased the total not-to-exceed amount

to \$121,540.

On May 27, 2014 Resolution No. 2014-241, the Board approved the Fourth Amendment to extend the Term of the Agreement to June 30, 2014.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the Amendment. An outstanding invoice will not be able to be processed for payment.

FINANCIAL IMPACT:

Sufficient funding for this ammendment is available in the project budget.

ATTACHMENTS:

AES Fifth amend 12-041 (DOC)
AES 4th amdmt (PDF)
AES 3rd amdmt (PDF)
AES 2nd amdmt (PDF)
AES 1st amdmt (PDF)
AES C# 12-041 (PDF)
AES Amendment Justification (PDF)

CAO RECOMMENDATION

Requested Action Recommended



Mary Hodson, CAO 5/5/2016

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long, Kevin Cann

EXCUSED: John Carrier

FIFTH AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT

THIS FIFTH AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT is made and entered into this 26th day of April 2016, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “**County**” and Analytical Environmental Services (AES), hereinafter referred to as “**Consultant**”.

WHEREAS, the **County** and **Consultant** have heretofore entered into an Agreement dated March 27, 2012, wherein **Consultant** agreed to perform environmental assessments for the Disaster Recovery Initiative (DRI) roads project; and

WHEREAS, **County** and **Consultant** entered into the First Amendment on September 25, 2012 to increase the compensation in the not-to-exceed amount of \$37,224, bringing the total compensation to \$72,694; and,

WHEREAS, **County** and **Consultant** entered into the Second Amendment on May 7, 2013 extending the term of the Agreement to December 31, 2013; and,

WHEREAS, **County** and **Consultant** entered into the Third Amendment on August 13, 2013 to increase the compensation in not-to-exceed amount of \$48,846, bringing the total compensation to \$121,540; and,

WHEREAS, **County** and **Consultant** entered into the Fourth Agreement on May 27, 2014 to extend the term of the Agreement to June 30, 2014; and


WHEREAS, **County** and **Consultant** desire to extend the term of the Agreement to June 30, 2016 and increase the compensation in the not-to-exceed amount of \$1,256.48, bringing the total compensation to \$122,796.48.

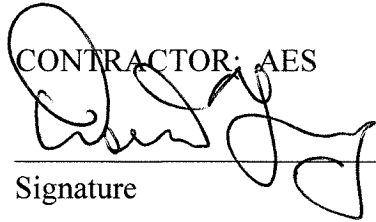
NOW THEREFORE, the parties in consideration of the mutual covenants hereby agree as follows:

1. Paragraph 1.01 “**TERM OF CONTRACT**” is hereby amended to extend the term of the agreement to June 30, 2016.
2. Paragraph 4.01 “**COMPENSATION**” is hereby amended to increase compensation in the not-to-exceed amount of \$1,256.48, bringing total compensation to \$122,796.48.
3. Except as herein amended, the Agreement dated March 27, 2012, together with the First Amendment dated September 25, 2012, the Second Amendment dated May 7, 2013, the Third Amendment dated August 13, 2013, and the Fourth Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

 6/29/16
TONY STOBBE, Date
Public Works Director

CONTRACTOR: AES
 6-23-16
Signature Date

APPROVED AS TO FORM


STEVEN W. DAHLEM Date
County Counsel