

DISCUSSION:

On November 3, 2009, the Board of Supervisors approved PSA No. A-11561 with Resource Design Technology in the amount of \$128,700.00 to provide Surface Mining and Reclamation Act (SMARA) annual inspections for the County of Monterey Resource Management Agency - Planning Request for Proposals (RFP) #10209 for a period of three years, from November 3, 2009 to November 3, 2012.

On June 7, 2011, the Contracts/Purchasing Officer executed a County Consent to Assignment for PSA No. A-11561 whereby Resource Design Technology transferred rights, title and interest in the PSA to Benchmark Land Use Group, Inc. (d.b.a. Benchmark Resources) effective May 1, 2010.

On October 23, 2012, the Board of Supervisors approved Amendment No. 1 to PSA No. A-11561 in the amount of \$46,773.50 for a total amount not to exceed \$175,473.50 to provide for an additional year of SMARA annual inspections required by the State of California (State) and to provide for assistance with the Office of Mine Reclamation's (OMR) Lead Agency Review Team (LART) report while a new RFP was completed to select a Consultant to perform the services as required, and extend the term to November 3, 2013.

On October 1, 2013, the Board of Supervisors approved Amendment No. 2 to PSA A-11561 in the amount of \$3,120.00 for a total amount not to exceed \$178,593.50 to include inspection and reporting of an additional mine site, identified as Bureau of Land Management (BLM) Querfurth, also known as Carmel Stone, to meet annual California SMARA guidelines as required by the State of California.

The State of California requires that SMARA annual inspections be completed annually by December 31st. A new Request for Proposals (RFP #10443) is currently being processed to select a Consultant to conduct the required SMARA annual inspections for the new term of 2013 through 2017. Because the new contract will not be in place in time for the Consultant to complete the 2013 inspections, Amendment No. 3 to PSA A-11561 is necessary.

Amendment No. 3 to PSA A-11561 includes the annual inspections for the sixteen (16) mine sites for 2013 and an optional task for assistance with a response to comments made by LART/State Mining and Geology Board (SMGB) Executive Officer's review of the 2013 SMARA annual inspection reports to meet the requirements of the County's SMARA compliance program. Due to changes in the State requirements, there is an increased cost related to the required inspections for 2013 and an additional optional task for support services relating to a recent State audit. Amendment No. 3 will increase this PSA by \$127,520.00 for a total amount not to exceed \$306,113.50 and extends the term to January 31, 2014. Costs have risen for this year due to a change in State requirements for inspections. The contract also includes \$5,920.00 for the optional task.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed Amendment No. 3 as to form and legality, and fiscal provisions, respectively:

Office of the County Counsel
Auditor-Controller's Office

FINANCING:

It is anticipated that there will not be an impact to the General Fund as 1) staff will be requesting that the Board of Supervisors adopt a resolution on October 22, 2013 to increase the Surface Mine Annual Inspection Fee to cover the cost of the inspections for FY 2013-14 and 2) we do not expect to need the consultant services for the optional audit task. With the adoption of the resolution, RMA - Planning will return to the Board of

Supervisors to modify expenditures and revenue, if warranted.

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Approved by: Mike Novo, Director, RMA-Planning, Ext. 5192

Benny Young, Director, Resource Management Agency

This report was prepared with assistance by Shelley Dickinson, Management Analyst I, reviewed by Dalia M. Mariscal-Martinez, Management Analyst II, Shawne Ellerbee, RMA Finance Manager III, and Laura M. Lawrence, Planning Services Manager.

The following attachments are on file with the Clerk of the Board:

Attachment A: Amendment No. 3 to PSA No. A-11561 with Benchmark Land Use Group, Inc. (d.b.a. Benchmark Resources)

Attachment B: Synopsis of PSA