



Legislation Details (With Board Report)

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| File #: | A 19-040 | Name: | PSA - Benchmark Land Use Group (SMARA) |
| Type: | BoS Agreement | Status: | Passed |
| File created: | 3/11/2019 | In control: | Board of Supervisors |
| On agenda: | 3/26/2019 | Final action: | 3/26/2019 |

Title:

- a. Approve Amendment No. 4 to Professional Services Agreement (PSA) No. A-12261 with Benchmark Land Use Group, Inc. dba Benchmark Resources to: include additional services associated with Surface Mining and Reclamation Act (SMARA) annual inspections; reallocate funding in the amount of \$76,825 for 2018 and 2019 annual mine inspections and technical assistance; increase not to exceed amount by \$87,093 to fund the remaining portion of the 2019 services for a total amount not to exceed \$476,813; and to extend the expiration date for one (1) year beyond the maximum term allowed per Request for Proposals (RFP) #10443 through March 31, 2020, for a revised term from April 1, 2014 to March 31, 2020; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 4 to PSA No. A-12261.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Amendment No. 4 to PSA, 3. Attachment B - Amendment No. 3 to PSA, 4. Attachment C - Amendment No. 2 to PSA, 5. Attachment D - Amendment No. 1 to PSA, 6. Attachment E - PSA, 7. Attachment F - Summary of PSA, 8. Attachment G - Summary of PSA Annual Expenditures and Balance, 9. Item No. 42 Completed Board Order, 10. Fully Executed Agreement Between Monterey County and Benchmark Land Use Group, Inc. Amendment No. 4

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 3/26/2019 | 1 | Board of Supervisors | approved | Pass |

a. Approve Amendment No. 4 to Professional Services Agreement (PSA) No. A-12261 with Benchmark Land Use Group, Inc. dba Benchmark Resources to: include additional services associated with Surface Mining and Reclamation Act (SMARA) annual inspections; reallocate funding in the amount of \$76,825 for 2018 and 2019 annual mine inspections and technical assistance; increase not to exceed amount by \$87,093 to fund the remaining portion of the 2019 services for a total amount not to exceed \$476,813; and to extend the expiration date for one (1) year beyond the maximum term allowed per Request for Proposals (RFP) #10443 through March 31, 2020, for a revised term from April 1, 2014 to March 31, 2020; and

b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 4 to PSA No. A-12261.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 4 to Professional Services Agreement (PSA) No. A-12261 with Benchmark Land Use Group, Inc. dba Benchmark Resources to: include additional services associated with Surface Mining and Reclamation Act (SMARA) annual inspections; reallocate funding in the amount of \$76,825 for 2018 and 2019 annual mine inspections and technical assistance; increase not to exceed amount by \$87,093 to fund the remaining portion of the 2019 services for a total amount not to exceed \$476,813; and to extend the expiration date for one (1) year beyond the maximum term allowed per Request for Proposals (RFP) #10443 through March 31, 2020, for a revised term from April 1, 2014 to March 31, 2020; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment

No. 4 to PSA No. A-12261.

SUMMARY/DISCUSSION:

Benchmark Land Use Group, Inc. dba Benchmark Resources (Benchmark) was selected for their expertise and capabilities necessary to provide State of California Surface Mining and Reclamation Act (SMARA) annual inspection services for the County of Monterey Resource Management Agency (RMA) - Land Use and Community Development through a competitive selection process in accordance with County policies and State laws under Request for Proposals (RFP) #10443. A Professional Services Agreement (PSA) was executed in the amount not to exceed \$389,720 for a period of four (4) years with the option to extend the PSA for one (1) optional one (1) year period to allow for annual mine inspections and condition compliance review for sixteen (16) mine operations in the County.

The maximum term allowed for the PSA per RFP #10443 is April 1, 2014 through March 31, 2019. Additional time and funding are required to allow Benchmark to continue to provide the State required SMARA inspection services for one (1) additional year.

Amendment No. 4 to the PSA with Benchmark will reallocate funding in the amount of \$76,825 for 2018 and 2019 annual mine inspections and technical assistance: increase the not to exceed amount of \$389,720 by \$87,093 for a total amount not to exceed \$476,813 to fund the remaining portion of the 2019 services; and will extend the expiration date from March 31, 2019 for one (1) additional year beyond the maximum five (5) year term allowed per RFP #10443, for a revised term of April 1, 2014 to March 31, 2020, to allow RMA staff to procure these services under a new RFP. Services include SMARA annual inspections, financial assurance verification, and review of conditional use permit compliance for fourteen (14) mines. Currently, RMA Land Use and Community Development staff is proceeding with a RFP to ensure competitive bidding practices are followed. This new RFP process will be implemented prior to the expiration of the proposed Amendment No. 4.

Attachment F provides a summary of the PSA to date. Attachment G provides a summary of the PSA annual expenditures and balance.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management and Auditor-Controller's Office have reviewed and approved Amendment No. 4 as to form and legality, and fiscal provisions, respectively.

FINANCING:

It is anticipated that there will not be an impact to the General Fund. Services provided under this PSA are funded by the Surface Mine Annual Inspection Fee paid by mine operators to the County. Cost for services are included in the FY 2018-19 Adopted Budget in the amount of \$64,160 and the FY 2019-20 Recommended Budget in the amount of \$102,520.

BOARD OF SUPERVISORS' STRATEGIC INITIATIVES:

The recommended action allows for SMARA inspections to ensure that mine operators are compliant with County policies and State laws for the safety of County residents and supports the Board of Supervisors' Strategic Initiatives as indicated below:

- Economic Development
- Administration

X Health & Human Services
X Infrastructure
X Public Safety

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Reviewed by: John Dugan, AICP, RMA-Deputy Director of Land Use and Community Development

Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Amendment No. 4 to PSA

Attachment B - Amendment No. 3 to PSA

Attachment C - Amendment No. 2 to PSA

Attachment D - Amendment No. 1 to PSA

Attachment E - PSA

Attachment F - Summary of PSA

Attachment G - Summary of PSA Annual Expenditures and Balance