



Legislation Details (With Board Report)

**File #:** 17-0253      **Name:** Amendment 5 to On-Call Landfill Svcs-ES Engineering Services

**Type:** General Agenda Item      **Status:** Passed

**File created:** 3/9/2017      **In control:** Board of Supervisors

**On agenda:** 3/21/2017      **Final action:** 3/21/2017

**Title:** a. Approve retroactive payments and approve Amendment No. 5 to Professional Services Agreement No. A-12755, Multi-Year Agreement #3000\*364, with ES Engineering Services, LLC, a Delaware Limited Liability Company to: provide funding to pay the Contractor for previously rendered on-call landfill monitoring services (Request for Qualifications #10249) in the amount of \$28,520.46 from June 30, 2016 through January 31, 2017; increase the not to exceed amount of \$200,000 by \$300,000 for a total amount not to exceed \$500,000; and extend the expiration date from March 21, 2017 for one (1) additional year through March 21, 2018, for a revised term from March 21, 2012 to March 21, 2018; and  
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 5 to Professional Services Agreement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Amendment No. 1 to PSA, 3. Attachment B - Amendment No. 2 to PSA, 4. Attachment C - Amendment No. 3 to PSA, 5. Attachment D - Amendment No. 4 to PSA, 6. Attachment E - A5 to PSA, 7. Attachment F - PSA, 8. Attachment G - Summary of PSA, 9. Attachment H - Smry PSAs Annl Expdtrs & Balance, 10. Completed Board Order, 11. Fully Executed Agreement between the County of Monterey (Amendment No. 5) and ES Engineering

Date	Ver.	Action By	Action	Result
3/21/2017	1	Board of Supervisors	approved	

a. Approve retroactive payments and approve Amendment No. 5 to Professional Services Agreement No. A-12755, Multi-Year Agreement #3000\*364, with ES Engineering Services, LLC, a Delaware Limited Liability Company to: provide funding to pay the Contractor for previously rendered on-call landfill monitoring services (Request for Qualifications #10249) in the amount of \$28,520.46 from June 30, 2016 through January 31, 2017; increase the not to exceed amount of \$200,000 by \$300,000 for a total amount not to exceed \$500,000; and extend the expiration date from March 21, 2017 for one (1) additional year through March 21, 2018, for a revised term from March 21, 2012 to March 21, 2018; and  
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 5 to Professional Services Agreement.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve retroactive payments and approve Amendment No. 5 to Professional Services Agreement No. A-12755, Multi-Year Agreement #3000\*364, with ES Engineering Services, LLC, a Delaware Limited Liability Company to: provide funding to pay the Contractor for previously rendered on-call landfill monitoring services (Request for Qualifications #10249) in the amount of \$28,520.46 from June 30, 2016 through January 31, 2017; increase the not to exceed amount of \$200,000 by \$300,000 for a total amount not to exceed \$500,000; and extend the expiration date from March 21, 2017 for one (1) additional year through March 21, 2018, for a revised term from March 21, 2012 to March 21, 2018; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment

No. 5 to Professional Services Agreement.

SUMMARY:

Over the last five (5) years, the County of Monterey's Resource Management Agency (RMA) has established several on-call agreements by prequalifying professional firms in specialized fields. The purpose of having on-call consultants is to expedite the procurement process when needing specialized expertise from a professional firm when County staff lacks the expertise or when the volume of work exceeds RMA's capacity. These on-call agreements are utilized across the RMA, and at times used by other County Departments, for specialized expertise in operations, management and specific facility and capital projects.

DISCUSSION:

State regulations require monitoring and reporting for three (3) of the ten (10) County owned closed landfills for up to thirty (30) years after closure. Additionally, the new statewide Industrial General Permit which was adopted by the State effective July 1, 2015, requires more frequent monitoring events and revisions to the Storm Water Pollution Prevention Plan (SWPPP). Therefore, RMA has identified a need for ES Engineering Services, LLC, a Delaware Limited Liability Company (hereinafter, "ES") to continue to provide services associated with on-call landfill management and assist Special Districts Division staff in areas related to state and federally mandates for landfill site inspections, stormwater and groundwater testing, annual detection monitoring reports, as well as analysis and strategies for continued administration of closed landfills within regulatory parameters. The County does not have sufficient staff to provide the level of closed landfill management currently provided by ES and would likely be unable to meet the current State and Federal mandates. Failure to continue this Professional Services Agreement (PSA) could result in the inability of the County to meet the health and safety requirements related to landfill monitoring, inspection and report.

Amendment No. 5 to the PSA between the County and ES will: 1) provide funding to pay ES for previously rendered on-call landfill monitoring services in the amount of \$28,520.46 from June 30, 2016 through January 31, 2017 for expenses associated with monitoring, inspection, groundwater/stormwater sampling, and reporting mandated by State and Federal agencies that were greater than originally anticipated, resulting in charges that exceeded the last agreement amount; 2) increase the not to exceed amount of \$200,000 by \$300,000 for a total amount not to exceed \$500,000; and 3) extend the expiration date from March 21, 2017 for one (1) additional year through March 21, 2018, beyond the anticipated five (5) year PSA term allowed per Request for Qualifications (RFQ) #10249, for a revised term of six (6) years from March 21, 2012 to March 21, 2018. Given that RMA has an ongoing need for these services, additional time beyond the original term of the PSA authorized per RFQ #10249 will be required through March 21, 2018 while County staff works to procure these services under a new RFQ.

Invoices for services rendered between June 30, 2016 and January 31, 2017 were delayed due to the change in ownership from GC Environmental to ES Engineering. New accounting contacts were established, prolonging the time to process the outstanding invoices totaling \$28,520.46.

Attachment G provides a summary of the PSA to date. Attachment H provides a summary of the PSA's annual expenditures and balance.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and Auditor-Controller's Office have reviewed and approved the Amendment No. 5 as to form and legality, and fiscal provisions, respectively.

FINANCING:

The Fiscal Year (FY) 2016-17 adopted County Disposal Sites budget (Fund 001, Department 3000, Unit 8175,

Appropriations Unit RMA 039) includes sufficient appropriations in the County Disposal Site budget 001-3000-8175-RMA039 for permitting, monitoring, and reporting activities related to the County's closed landfills.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

Amendment No. 5 will allow for the best environmental practices for County facilities and operations and will ensure that proper adherence of mandated inspections, storm and groundwater testing, and reporting related to the operations and maintenance of the closed landfills.

Economic Development  
 Administration  
 Health & Human Services  
 Infrastructure  
 Public Safety

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Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services

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

Attachments:

Attachment A - Amendment No. 1 to PSA

Attachment B - Amendment No. 2 to PSA

Attachment C - Amendment No. 3 to PSA

Attachment D - Amendment No. 4 to PSA

Attachment E - Amendment No. 5 to PSA

Attachment F - PSA

Attachment G - Summary of PSA

Attachment H - Summary of PSA's Annual Expenditures and Balance  
(Attachments on file with the Clerk of the Board)