



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 13-0644, **Version:** 1

Approve and authorize the Contracts/Purchasing Officer or designee to sign Professional Services Agreement (PSA) Amendment No.1 with GeoRestoration, Inc., for mitigation, monitoring and reporting for the fuel spill cleanup at Lake Nacimiento and Lake San Antonio through June 30, 2017. The maximum cost for the amendment is \$1,690,632, with a maximum cost of the agreement totaling \$2,252,302.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the Contracts/Purchasing Officer or designee to sign Professional Services Agreement (PSA) Amendment No.1 with GeoRestoration, Inc., for mitigation, monitoring and reporting for the fuel spill cleanup at Lake Nacimiento and Lake San Antonio through June 30, 2017. The maximum cost for the amendment is \$1,690,632, with a maximum cost of the agreement totaling \$2,252,302.

SUMMARY/DISCUSSION:

The Monterey County Water Resource Agency (MCWRA) sought and received approval from the County Board of Supervisors on August 28, 2012 for the Fuel Spill Clean-Up Management Services Agreement (hereinafter "Agreement") requesting reimbursement from the County for \$335,557 for fuel spill clean-up expenses (net of reimbursements) paid with MCWRA funds prior to June 30, 2012. As noted in the Agreement, the County assumed liability for all costs related to the fuel spill clean-up at Nacimiento and San Antonio Reservoirs.

The agreement also directed the County to pay, beginning in FY 2012-13; ongoing costs to GeoRestoration, a geological firm for fuel spill clean-up, monitoring, fuel extraction, and regulatory reporting activities and to pay ongoing project management services costs to MCWRA.

The CAO-Budget and Analysis Division requested Risk Management to assume responsibility for the payment, and tracking of the fuel spill costs on behalf of the County. Risk Management requested and received support from the Board of Supervisors' Budget Committee on May 13, 2013 to authorize the transfer of General Fund Contingency funds for \$1,018,685 to the newly created Lakes Fuel Spill Budget Unit 8429 for FY 2012-13 costs related to the San Antonio and Nacimiento Lakes Fuel Spill. The transfer was approved by the Board of Supervisors on June 11, 2013.

The County is required to remediate and fulfill sampling, groundwater monitoring and semi-annual reporting pursuant to Regional Water Quality Control Board (RWQCB) finding letters, dated 10/10/07 and 7/20/09. Water Resources Agency is currently utilizing GeoRestoration, Inc.-Geologist, for these services. The original agreement, dated November 23, 2009, between Monterey County Water Resources Agency (WRA) and GeoRestoration, provided services through June 30, 2013 for a not to exceed amount of \$561,670.

Although that contract currently remains in effect, the original \$561,670 funding has been exhausted. Accordingly, the WRA negotiated and started to draft an amendment increasing fees by \$1,690,632 an extended the contract period through June 30, 2017. Risk Management finalized that amendment, attached hereto and marked "Amendment No.1. Although the amendment has been executed, only amounts specifically approved by the Board for payment out of the Internal Service Fund (ISF) totaling \$22,299.34 have been paid beyond the original amount to date. No further amounts will be paid unless the Board approves the amendment and

approval of the amendment will allow reimbursement to the General Liability ISF for the \$22,299.34, previously approved. Risk Management will assume, as supported by the Budget Committee, CAO - Budget & Analysis, Auditor-Controller, and County Counsel, the responsibility for management, oversight, direct payment and the tracking of the fuel spill costs on behalf of the County.

The increased amount specified in the amendment is for continued required monitoring and is based on Water Resources Agency and GeoRestoration, Inc.'s estimates of such costs through June of 2017 (see Attachment A) per Board Order dated August 28, 2012, Agreement No. A-12305.

It is Risk Management's intent to utilize the services of a licensed engineering firm in FY 2013-14 to evaluate whether an updated clean-up plan is warranted, to facilitate an immediate and full remediation. Until such time, GeoRestoration, Inc. will still be needed to fulfill the monitoring requirements. However, the underlying contract provides for 30 days notice of termination, should the implementation of an immediate and full remediation plan prove to be *safer* or a more *cost effective* course of action.

OTHER AGENCY INVOLVEMENT:

The attached PSA has been approved by County Counsel as to legal form; the Auditor-Controller as to fiscal terms; and Risk Management for insurance and indemnity provisions. Additionally, Risk Management met and reviewed the subject Professional Services Agreement (PSA) Amendment No.1 with CAO - Budget & Analysis, Auditor-Controller, and County Counsel; and they have executed same and concur with the above stated recommendations.

FINANCING:

This amendment will be funded from the Lakes Fuel Spill Budget Unit 8429 and is included in the FY 2012-13 budget and the FY 2013-14 budget, subject to adoption on June 25, 2013.

Prepared by: _____
Steve Mauck, Risk Manager
Date: _____

Approved by: _____
Charles McKee, County Counsel
Date: _____

Attachments: Attachment A - Estimate of Professional Services Agreement Charges
GeoRestorations, Inc. Amendment No. 1
Exhibit A - GeoRestoration Original Agreement