

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS
County of Placer

TO: BOARD OF SUPERVISORS

DATE: June 4, 2013

FROM: KEN GREHM / ^{JD}CHUCK GORDON

SUBJECT: **AMENDMENT NO. 1 TO PROFESSIONAL SERVICES CONTRACT KN021009 WITH APPLIED ENGINEERING AND GEOLOGY (AEG)**

ACTION REQUESTED / RECOMMENDATION

1. Adopt a Resolution to approve Amendment No. 1 to Professional Services Contract KNO21009, with County Counsel and Risk Management's review and approval, with Applied Engineering and Geology (AEG) for additional investigation of ground water contamination at the Auburn Fleet Yard as required by the California Regional Water Quality Control Board. The net County cost for this amendment is \$98,419 and is budgeted in the FY 2012-13 Fleet Services Budget.
2. Authorize the Director of Public Works to execute the Amendment to the PSA.

BACKGROUND / SUMMARY

In July 2010, Public Works was upgrading our Compressed Natural Gas (CNG) fueling system in Auburn. Contaminated soil was discovered while trenching for the new fuel lines. AEG was consulted, and prepared a Work Plan based on requirements from Placer County Environmental Health. Environmental Health approved the work plan and AEG was awarded Professional Services Agreement KNO21009 on July 25, 2011. The work plan required four borings to determine if groundwater was impacted. The groundwater samples were collected and analyzed for contamination. The results indicated traces of contamination that required California Regional Water Quality Board involvement. The Regional Board requested additional investigation to determine the extent of the contamination. Amendment No. 1 is requested to perform additional investigation to comply with the Regional Board requirements.

ENVIRONMENTAL

The proposed action is mandated by the California State Water Board and is exempt from environmental review under Section 15306 "Information Collection" of the California Environmental Quality Act (CEQA) Guidelines.

FISCAL IMPACT

The cost of the amendment is budgeted in the Fleet Services Professional Services budget for this work in Fiscal Year 2012-2013.

Attachments: Resolution
Copy of Amendment

Before the Board of Supervisors County of Placer, State of California

In the matter of: A resolution approving Amendment No. 1 to PSA KN021009, with County Counsel & Risk Management's review & approval, with Applied Engineering and Geology for additional investigation of ground water contamination at the Auburn Fleet Yard. The cost of this Amendment is \$98,419 and is budgeted in the FY 2012-13 Fleet Services Budget.

Resol. No:

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chair, Board of Supervisors

BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Placer, State of California, that this Board authorizes the Chairman of the Board of Supervisors to approve Amendment No. 1 to Professional Services Contract KN021009, with County Counsel and Risk Management's review and approval, with Applied Engineering and Geology (AEG) for additional investigation of ground water contamination at the Auburn Fleet Yard as required by the California Regional Water Quality Control Board. The net County cost for this amendment is \$98,419 and is budgeted in the FY 2012-13 Fleet Services Budget.

Professional Services Agreement - Amendment No. 1

PSA Number: KN021009

Project Title: ENVIRONMENTAL INVESTIGATION-AUBURN FLEET YARD

Description: Professional Services Agreement for Additional Groundwater Investigation at the Auburn Fleet Yard

This PSA Amendment No.1 ("Amendment") for additional professional services not to exceed \$98,419.00, is entered into by and between the County of Placer "COUNTY" and Applied engineering and Geology Inc. "CONSULTANT" this _____ day of _____, and affects **ITEM 1 "BASIS OF AGREEMENT"; ITEM 5 "TIME OF COMPLETION"; ITEM 6 "AMOUNT OF PAYMENT"; Exhibit A "SCOPE OF SERVICES"; and Exhibit C "PAYMENT SCHEDULE"** of the original Professional Services Agreement No.KN021009, dated July 25, 2011. PSA is hereby amended as follows:

a) ITEM 1 – BASIS OF AGREEMENT - This section shall be deleted and replaced in its entirety to read as follows:

1. **BASIS OF AGREEMENT.** CONSULTANT hereby agrees to provide professional services as an independent contractor to design and prepare construction plans, provide bid assistance, provide construction staking services, provide engineering construction support services, prepare record drawings, and perform related engineering services for the additional groundwater monitoring and reporting as described in Exhibit A1 entitled "Scope of Services" attached hereto and by this reference incorporated herein. In exchange, COUNTY agrees to pay CONSULTANT as set forth in Item 6 below.

b) ITEM 5 – TIME OF COMPLETION - This section shall be deleted and replaced in its entirety to read as follows:

5. **TIME OF COMPLETION.** CONSULTANT agrees to complete all tasks listed in the Scope of Services within 400 calendar days from the date that this PSA Amendment No. 1 is fully executed and signed. CONSULTANT shall prepare and follow a schedule, acceptable to the COUNTY, which will result in meeting the completion date with the exception of delays beyond the control of the CONSULTANT. CONSULTANT shall notify the COUNTY when this schedule is not met and the actions being taken to rectify this delay.

c) **ITEM 6 – AMOUNT OF PAYMENT - This section shall be deleted and replaced in its entirety to read as follows:**

6. AMOUNT OF PAYMENT. As full payment for all services as set forth in Exhibits "A1" and "C1" herein, the COUNTY shall pay actual costs based on the proposed budget of each Task as shown in Exhibit "C1" up to a total maximum sum of EIGHTY NINE THOUSAND FOUR HUNDRED SEVENTY TWO DOLLARS (\$89,472.00) to the CONSULTANT as full payment for all services as set forth in Exhibits "A1" and "C1" attached hereto and by this reference incorporated herein.

The COUNTY may approve compensation for additional consulting services in an amount not to exceed EIGHT THOUSAND NINE HUNDRED FORTY SEVEN DOLLARS, (\$8,947.00) to the CONSULTANT if the Scope of Services is modified as described in Exhibits "A1" and "C1".

CONSULTANT shall not be reimbursed for any additional expenses incurred unless prior written approval is given by the COUNTY as allowed under the PSA contingency set forth in Exhibit "C1" or through a fully executed written amendment. CONSULTANT shall not undertake any such work without prior written approval of the COUNTY.

- d) **Exhibit A, SCOPE OF SERVICES, shall be deleted and replaced in its entirety with amended Exhibit A1 "Scope of Services" attached to this amendment.**
- e) **Exhibit C, PAYMENT SCHEDULE, shall be removed and replaced in its entirety with amended Exhibit C1 "Payment Schedule" attached to this amendment.**
- f) **All other sections of this PSA, exhibits, and amendments remain unchanged and in full force and effect.**

IN WITNESS WHEREOF, the parties have hereunto set their hands the year and date first above written.

APPROVED AS TO PROCEDURE

By: _____
Ken Grehm, Director
Department of Public Works

Date: _____

"COUNTY"
COUNTY OF PLACER

By: _____

Date: _____

APPROVED AS TO FUNDS

By: _____
Auditor, Placer County

Date: _____

"CONSULTANT"
Applied Engineering and Geology

By: _____
Officer Signature # 1
(Signature Notarized)

APPROVED AS TO FORM

By: _____
County Counsel, Placer County

Date: _____

By: _____
Print Name and Title
Date: _____

By: _____
Signature # 2
(Signature Notarized)

By: _____
Print Name and Title
Date: _____

ATTACHMENTS:

- Exhibit A1 -Scope of Services
- Exhibit B -Not Used
- Exhibit C1 Payment Schedule
- Exhibit D1 CVRWQCB Letter

Federal Employer Identification Number

"If Consultant is a corporation, PSA must be signed by the following two corporate officers, one from each category: (1) Chairman of the Board, President or any Vice President, and (2), Corporate Secretary, any Assistant Corporate Secretary, Chief Financial Officer or any Treasurer or Assistant Treasurer, unless an authenticated copy of a resolution of the corporation which delegates to a single officer the authority to bind the corporation is attached to this PSA.

If Consultant is another type of business entity, such as a partnership or limited liability company, PSA must be signed by officer(s) possessing legal authority to bind the entity. An authenticated copy of a resolution, partnership agreement, operating agreement or other legal evidence of signature authority must be attached to this PSA."

