



Council Agenda Report

City Council Meeting
08-12-19

**Item
3.B.9.**

To: Mayor Wagner and the Honorable Members of the City Council

Prepared by: Andrew Sheldon, Environmental Sustainability Manager

Reviewed by: Craig George, Environmental Sustainability Director

Approved by: Reva Feldman, City Manager

Date prepared: July 24, 2019 Meeting date: August 12, 2019

Subject: Amendment to Agreement with Rincon Consultants, Inc.

RECOMMENDED ACTION: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Rincon Consultants, Inc. to allow for a six-month extension of the existing agreement through December 31, 2019, and increase the Compensation for Services by \$140,000.

FISCAL IMPACT: Funding for water quality monitoring services in the amount of \$200,000 was included in the Adopted Budget for Fiscal Year 2019-2020 in Account No. 515-3010-5656-00 (Civic Center Wastewater Treatment Facility).

DISCUSSION: On June 25, 2018, the Council authorized the City Manager to execute Amendment No. 2 to extend the term of the PSA with Rincon Consultants, Inc. (Rincon) to assist with a water quality monitoring program in the Civic Center Area. The current term of the agreement ended June 30, 2019.

The existing water quality monitoring program was developed to address Los Angeles Regional Water Quality Control Board and the State Water Resources Control Board requirements for Civic Center Wastewater Discharge Prohibition and Civic Center Water Treatment Facility (CCWTF) regulatory compliance. The program includes monitoring for the CCWTF waste discharge/water reclamation permit and associated requirements for the Civic Center Groundwater Basin, and the Memorandum of Understanding with the Regional Board concerning the phasing of the CCWTF.

In order to maintain ongoing compliance with state regulations and allow sufficient time for staff to advertise and circulate a Request for Proposal (RFP), review proposals, schedule interviews, select a consultant, negotiate contract terms, draft a professional

services agreement and make a recommendation to City Council, staff is recommending that the current contract term be extended until December 31, 2019, with the required funding.

ATTACHMENTS: Amendment No. 3 to Agreement with Rincon Consultants, Inc.

AMENDMENT NO. 3 TO AGREEMENT

THIS AMENDMENT NO. 3 TO AGREEMENT is made and entered in the City of Malibu on August 26, 2019, by and between the CITY OF MALIBU, hereinafter referred to as City, and Rincon Consultants, Inc. hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On July 13, 2015 the City entered into an Agreement with Consultant for certain projects relating water quality monitoring programs in the Civic Center Area. (the "Agreement").
- B. On August 28, 2017, the Parties amended the terms and conditions of the Agreement, extending the contract to expire on June 30, 2018.
- C. On June 28, 2018, the Parties amended the terms and conditions of the Agreement, extending the contract to expire on June 30, 2019.
- D. The City desires to amend the Agreement to extend the Term of the Agreement, such that the Agreement will now expire on December 31, 2019 and increase the Compensation of Services by \$140,000 such that the contract will now total \$590,000.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

- 1. Section 2.0 – Term of Agreement, is hereby extended to December 30, 2019.
- 2. Section 4.0 – Compensation for Services is hereby amended to read: The City shall pay the Consultant for its professional services rendered and costs incurred pursuant to this Agreement in accordance with the Scope of Work's fee and cost schedule. The cost of services shall not exceed \$590,000, reflecting an addition of \$140,000 to the originally approved amount (added by Amendment No. 3 to the Agreement). No additional compensation shall be paid for any other expenses incurred, unless first approved by the City Manager, or her/his designee.
- 3. All terms and conditions of the Agreement not amended by this Amendment No. 3 remain in full force and effect.

This Agreement is executed on _____, 2019, at Malibu, California, and effective as of July 1, 2019.

CITY OF MALIBU:

REVA FELDMAN, City Manager

ATTEST:


HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

CONSULTANT:

 7/31/19
By: ~~Michael P. Gialketsis~~ John F. Disher, Jr.
Title: President, Rincon Consultants, Inc.