



# Council Agenda Report

City Council Meeting  
05-23-22

**Item  
3.B.7.**

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

Prepared by: Yolanda Bundy, Environmental Sustainability Director

Approved by: Steve McClary, City Manager

Date prepared: May 5, 2022 Meeting date: May 23, 2022

Subject: Amendment to Agreement with Rincon Consultants, Inc.

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**RECOMMENDED ACTION:** Authorize the City Manager to execute Amendment No. 1 to Agreement with Rincon Consultants, Inc. to allow for a one-year extension of the existing agreement through June 30, 2023 with a corresponding compensation for the additional year of service.

**FISCAL IMPACT:** No additional appropriation is required. Funding for this agreement in the amount of \$153,346 was included in the Adopted Budget for Fiscal Year 2022-2023 in Account No. 515-3010-5656-00 (Civic Center Wastewater Treatment Facility).

**WORK PLAN:** This item was included as item 5a in the Adopted Workplan for Fiscal Year 2022-2023.

**DISCUSSION:** The Environmental Sustainability Department currently utilizes consulting firms to assist the City with a groundwater and surface water quality monitoring program. The program was developed as a result of regulatory actions taken by the Los Angeles Regional Water Quality Control Board and the State Water Resources Control Board to address compliance with the Civic Center Wastewater Discharge Prohibition and the subsequent Civic Center Wastewater Treatment Facility (CCWTF). The program also provides data to allow for the use of CCWTF recycled water. On July 22, 2020, the City entered into an agreement with Rincon Consultants which expires on June 30, 2022.

At this time, staff is requesting Council extend the term of the original Agreement for an additional year, such that the agreement will expire on June 30, 2023. The annual rate is remaining the same but due to the extra year, the total compensation is being increased. Because of the existing contract and quality service provided by Rincon at a reasonable rate, a competitive bidding process is unlikely to result in a lower price to the City and it

would cause unnecessary expense or delay due to Rincon already providing the services.

ATTACHMENTS:

1. Amendment No. 1 to Agreement with Rincon Consultants, Inc.

**AMENDMENT NO. 1 TO AGREEMENT**

THIS AMENDMENT NO. 1 TO AGREEMENT is made and entered in the City of Malibu on May 23, 2022 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 22, 2020, the City entered into an Agreement with Consultant for certain projects relating water quality monitoring programs in the Civic Center Area (the "Agreement").
- B. The City desires to amend the Agreement to extend the contract to expire on June 30, 2023.

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, of the Agreement, is hereby extended to June 30, 2023.
- 2. Section 4.0 - Compensation for Services. 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 (Exhibit B). The cost of services shall be \$153,346 per year, for a total amount not to exceed \$460,038. No additional compensation shall be paid for any other expenses incurred, unless first approved by the City Manager, or her designee.
- 3. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
- 4. All terms and conditions of the Agreement not amended by this Amendment No. 1 remain in full force and effect.

This Agreement is executed on \_\_\_\_\_, 2022, at Malibu, California, and effective as of July 1, 2022.

CITY OF MALIBU:

\_\_\_\_\_  
PAUL GRISANTI, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

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

\_\_\_\_\_  
JOHN COTTI, Interim City Attorney

CONSULTANT:



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By: TORIN R. SNYDER  
Title: Principal, Rincon Consultants, Inc.