RESOLUTION - ACTION REQUESTED 2014-241

MEETING: May 27, 2014

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Approve the Fourth Amendment to the Agreement with Analytical Environmental Services

RECOMMENDATION AND JUSTIFICATION:
Approve the Fourth Amendment to the Agreement with Analytical Environmental Services to Extend the Term of the Agreement to June 30, 2014, to Perform Environmental Assessments for the Disaster Recovery Initiative (DRI) Road Projects, and Authorize the Public Works Director to Sign the Amendment.

The West Whitlock portion of the project is still being reviewed by the California Development Block Grant (CDBG) and Public Works is awaiting their approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On March 27, 2012, the Board approved a Professional Services Agreement with AES in the amount of $35,470 to prepare the NEPA and CEQA Environmental Documents for Mariposa County’s $8.5 million DRI grant awarded through the California Development Block Grant (CDBG) program.

On September 25, 2012, Resolution No. 12-484, the Board approved the First Amendment for an additional $37,224 which increased the total not-to-exceed amount to $72,694.

The First Amendment directed AES to prepare an analysis of Cultural Resources for the three North County Roads (Schilling, Dogtown and Bondurant Mine Roads) which were not included in the original scope of work. The First Amendment did not include the analysis of Cultural Resources for the West Whitlock Road portion of the project. The analysis of the Cultural Resources for West Whitlock Road is what is before Board today.

On May 7, 2013, Resolution No. 13-172, the Board approved the Second Amendment extending the completion date of the AES Agreement to December 31, 2013.

On August 13, 2013, Resolution No. 13-346, the Board approved the Third Amendment for an additional $48,846 which increased the total not-to-exceed amount to $121,540.
The Third Amendment directed AES to prepare the Cultural Resources analysis for the West Whitlock Road portion of the project and include that information in a second NEPA Environmental Document to be submitted to the State Historic Preservation Office (SHPO) for their review and approval as required by Federal law.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Do not approve. Outstanding invoices will not be processed.

**FINANCIAL IMPACT:**
No financial impact

**ATTACHMENTS:**
AES Fourth Amendment DRI Roads (DOC)
AES Third Amendment DRI Roads (PDF)
AES First Amendment DRI Roads (PDF)
AES Second Amendment DRI Roads (PDF)
AES Agreement-DRI Roads (PDF)

**CAO RECOMMENDATION**
Requested Action Recommended

**RESULT:** ADOPTED BY CONSENT VOTE [UNANIMOUS]

**MOVER:** John Carrier, District V Supervisor

**SECONDER:** Merlin Jones, District II Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier
FOURTH AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT

THIS FOURTH AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT is made and entered into this 27th day of May 2014, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “County” and Analytical Environmental Services (AES), hereinafter referred to as “Consultant”.

WHEREAS, the County and Consultant have heretofore entered into an Agreement dated March 27, 2012, wherein Consultant agreed to perform environmental assessments for the Disaster Recovery Initiative (DRI) roads project; and

WHEREAS, County and Consultant entered into the First Amendment to increase the compensation in the not-to-exceed amount of $37,224 bringing the total compensation to $72,694; and,

WHEREAS, County and Consultant entered into the Second Amendment extending the term of the Agreement to December 31, 2013; and,

WHEREAS, County and Consultant entered into the Third Amendment amending the Scope of Work increasing the Agreement in the not-to-exceed amount of $48,846 bringing the total compensation to $121,540; and,

WHEREAS, County and Consultant desire to extend the term of the Agreement to June 30, 2014.

NOW THEREFORE, the parties in consideration of the mutual covenants hereby agree as follows:

1. Paragraph 1.01 “TERM OF CONTRACT” is hereby amended to extend the term of the Agreement to June 30, 2014.

2. Except as herein amended, the Agreement dated March 27, 2012, together with the First Amendment dated September 25, 2012 amending the Scope of Work and increasing compensation to $72,694; the Second Amendment dated May 7, 2013 extending the term of the Agreement to December 31, 2013, and the Third Amendment dated August 13, 2013 amending the Scope of Work and increasing the compensation $121,450, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

PETER M. REI, Public Works Director

CONTACTOR: AES

ADDRESS: 1801 7th Street, Suite 100
Sacramento, CA 95811

APPROVED AS TO FORM

STEVEN W. DAHLEM, County Counsel