RESOLUTION - ACTION REQUESTED 2017-185

MEETING: April 4, 2017

TO: The Board of Supervisors

FROM: Mike Healy, Interim Public Works Director

RE: Approve 5th and Final Contract Amendment for Pinnacle ART LLC

RECOMMENDATION AND JUSTIFICATION:
Approve 5th and Final Contract Amendment for Pinnacle ART LLC Increasing the Total Compensation by $18,854.75 to a Grand Total of $148,370.00; and Authorize the Board of Supervisors Chair to Sign the Amendment.

This contract provided for the Grade III Wastewater Operator Services required by the State to operate the Don Pedro and Yosemite West Wastewater Facilities. At the November 22, 2016 meeting of the Board of Supervisors the department put forward the 4th Amendment to this agreement which was at the time thought to be the last action undertaken through this contract. As we were performing the project close out and final review of project costs we discovered an invoice that should have been placed against this contract which was charged in error to another contract activity being performed by this vendor. This amendment will serve to place the cost of this activity against the appropriate contract. This will be the final action undertaken by this project.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has previously passed an Agreement and four (4) Amendments to this Project Agreement to provide Grade III Wastewater Treatment Operator services to the Don Pedro and Yosemite West Wastewater Treatment Facilities, this final Amendment will allow the department to complete final billing and process a payment appropriately that was charged to another contract in error.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Should this Amendment not be approved the Department will be unable to repair an accounting error and charge services under this project appropriately.

FINANCIAL IMPACT:
None, sufficient resources are available to fund this activity

ATTACHMENTS:
Pinnacle ART Contract (PDF)
Pinnacle ART 1st Amend (PDF)
Pinnacle ART 2nd Amend. (PDF)
Pinnacle ART 3rd Amend. (PDF)
CAO RECOMMENDATION
Requested Action Recommended

Dallin Kimble
Dallin Kimble, Interim CAO 3/28/2017

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Menetrey, Smallcombe, Jones, Long, Cann
FIFTH AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT

THIS FIFTH AMENDMENT TO PROFESSIONAL SERVICE AGREEMENT is made and entered into this 28th day of February 2017, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “County” and Pinnacle Asset Integrity Services, LLC, d.b.a. PinnacleART, hereinafter referred to as “Consultant”.

WHEREAS, the County and Consultant have heretofore entered into an Agreement dated November 25, 2014, wherein Consultant agreed to provide treatment process evaluation, reliability centered maintenance, risk analysis, operator surveillance approaches, the development of Standard Operating Procedures, assess operations and maintenance programs and provide a highly experienced California State Certified Grade IV or Grade V Wastewater Treatment Plant Operator to assist to implement the O & M improvement strategies for the Yosemite West Wastewater Treatment Plants; and,

WHEREAS, County and Consultant entered into the First Amendment dated March 17, 2015 to increase the compensation in the amount of One Hundred Thousand Dollars ($100,000) for total compensation of One Hundred Thousand Eighteen Dollars ($118,000) to provide additional services as a State Certified Grade IV or Grade V Wastewater Treatment Plant Operator.

WHEREAS, County and Consultant entered into the Second Amendment dated May 3, 2016 to extend the terms of the Agreement to December 31, 2016 to provide general technical support for the Yosemite and Don Pedro Wastewater Treatment Plants.

WHEREAS, County and Consultant entered into the Third Amendment dated July 12, 2016 to increase the compensation by Ten Thousand Dollars ($10,000) for a total compensation of One Hundred Twenty-Eight Thousand Dollars ($128,000) for continued general technical support for the Yosemite West and Don Pedro Wastewater Treatment Plants.

WHEREAS, County and Consultant entered into a Fourth Amendment dated November 22, 2016 to increase the compensation by One Thousand Five Hundred Sixteen ($1,516) for a Total Compensation of One Hundred Twenty Nine Thousand Five Hundred Sixteen Dollars ($129,516)
for continued general technical support for the Yosemite West and Don Pedro Wastewater Treatment Plants.

WHEREAS, County and Consultant desire to increase the compensation in the amount of Eighteen Thousand Eight Hundred Fifty-Four Dollars and 75/100 (18,854.75) for a total compensation of One Hundred Forty-Eight Thousand Three Hundred Seventy Dollars and 75/100 (148,370.75) to close out the contract for general technical support for the Yosemite West and Don Pedro Wastewater Treatment Plants.

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

1. Paragraph 4.01 “COMPENSATION” is hereby amended to increase the Agreement in the amount of $18,854.75 for total compensation of $148,370.75.

2. Except as herein amended, the Agreement dated November 25, 2014, together with the First Amendment dated March 17, 2015, the Second Amendment dated May 3, 2016, the Third Amendment dated July 12, 2016, and the Fourth Amendment dated November 22, 2016 shall remain in full force and effect until April 30, 2017.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

[Signature]
Marshall Long, Chair
Mariposa County Board of Supervisors

4-4-17
(Date)

CONTACTER:

PinnacleART

02/20/2017
(Date)

APPROVED AS TO FORM

STEVEN W. DAHLEM
County Counsel

(Date)

ATTEST:

Rene’ LaRoche
Clerk of the Board of Supervisors

4-4-17
(Date)