RESOLUTION - ACTION REQUESTED 2017-429

MEETING: June 27, 2017

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Approve a Fourth Amendment with Willdan Engineering for Road Commissioner

RECOMMENDATION AND JUSTIFICATION:
Approve a Fourth Amendment to the Professional Services Agreement with Willdan Engineering, Increasing the Not-To-Exceed Amount by $20,000, for a total compensation of $105,000 and extend the term of the contract to October 31, 2017 to continue to retain Doug Wilson as the County Road Commissioner; and Authorize the Board of Supervisors Chair to Sign the Amendment.

Doug Wilson is registered as a Civil Engineer in the State of California and has been serving the County as acting Road Commissioner since February 2015. Section 2006 of the Streets and Highways Code requires that appointees as Road Commissioner be a California Registered Civil Engineer. Staff recommends Mr. Wilson continue serving as Road Commissioner, providing invaluable guidance and direction to Public Works staff.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On December 20, 2016 Resolution 2016-668 was approved to increase compensation by $20,000.
On June 14, 2016, a second amendment, Resolution 2016-290, was approved to increase compensation by $15,000 and extend the term of Agreement to June 30, 2017.
On December 8, 2015, the first amendment, Resolution 2015-579, was approved to increase the compensation by $40,000.
On February 3, 2015, Resolution 2015-56 was adopted appointing Doug Wilson as the acting Road Commissioner for the County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Board could choose to not approve the amendment and provide alternative direction to the Director of Public Works regarding compliance with Streets and Highways Code.

FINANCIAL IMPACT:
Funding for this agreement has been requested in the submitted FY17-18 Roads budget.
ATTACHMENTS:
Willdan 3rd Amendment Road Commissioner (2) (PDF)
Willdan 2nd Amendment Road Commissioner (DOCX)
Willdan 1st Amendment Road Commissioner (PDF)
Willdan PSA 15-032 (PDF)
Willdan Eng, 4th amd Rd Comm (DOC)

CAO RECOMMENDATION
Requested Action Recommended

Dallin Kimble
Dallin Kimble, County Administrative Officer 6/20/2017

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
FOURTH AMENDMENT TO AGREEMENT FOR ROAD COMMISSIONER

THIS FOURTH AMENDMENT TO AGREEMENT FOR ROAD COMMISSIONER is made and entered into this 27th day of June, 2017, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “County”, and Willdan Engineering, hereinafter referred to as “Contractor”.

WHEREAS, the County and Contractor have heretofore entered into a Contract dated May 26, 2015, wherein Contractor agreed to provide services as Road Commissioner; and

WHEREAS, County and Contractor entered into the First Amendment dated December 8, 2015 to increase compensation by Forty Thousand Dollars ($40,000) for a total of Fifty Thousand Dollars ($50,000) for continued services.

WHEREAS, County and Contractor entered into the Second Amendment dated June 14, 2016 to increase compensation by Fifteen Thousand Dollars ($15,000) for a total compensation of Sixty Five Thousand Dollars ($65,000) and to extend the term of the Agreement to June 30, 2017.

WHEREAS, County and Contractor entered into the Third Amendment dated December 20, 2016 to increase compensation by Twenty Thousand Dollars ($20,000) for total of Eighty Five Thousand Dollars ($85,000).

WHEREAS, County and Contractor desire to amend said Contract extend the term of the agreement to October 31, 2017 and to increase the compensation by Twenty Thousand Dollars ($20,000) for a total compensation of One Hundred Five Thousand Dollars ($105,000) to be provided to Contractor;
NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1.01 “TERM”, is hereby amended to extend the term of Agreement to October 31, 2017.

2. Paragraph 4.01, “COMPENSATION”, is hereby amended to provide that an additional Twenty Thousand Dollars ($20,000) will be added to the amended contract price of Eighty Five Thousand Dollars ($85,000), making the total compensation paid to Contractor the not to exceed amount of One Hundred Five Thousand Dollars ($105,000).

3. Except as herein amended, the agreement dated May 26, 2015 together with the First Amendment dated December 8, 2015, the Second Amendment dated June 14, 2016 and the Third Amendment dated December 20, 2016 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:  

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

CONTRACTOR:

[Signature]
Willdan Engineering

ATTEST:

[Signature]
RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHLEM
County Counsel