



Legislation Text

File #: 12-0944, **Version:** 3

Environmental Management recommending the Board authorize the Chair to sign Amendment I to Agreement 088-S1311 with NewPoint Group, Inc. to assign the agreement to Crowe Horwath, LLP for assistance with solid waste franchise negotiations.

FUNDING: County Service Area No. 10 Solid Waste Budget.

Fiscal Impact/Change to Net County Cost

No change to Net County Cost. The term, compensation rates and total not to exceed amount of this Agreement remain unchanged.

Background

The County's current solid waste collection franchises are set to expire December 31, 2014 and the County is preparing to engage in good faith negotiations for the purpose of entering into new Franchise Agreements with the existing Franchisees: Amador Disposal Service, American River Disposal, El Dorado Disposal, Sierra Disposal, and Tahoe Truckee Sierra Disposal.

On May 8, 2012, the Board of Supervisors directed County staff to engage in good faith negotiations with its franchise haulers for the purpose of entering into new franchise agreements (Legistar Item 12-0508). The County aims to include a standard rate setting methodology, along with strategies from the Countywide Solid Waste Management Plan, into any new Franchise Agreements that are brought to the Board of Supervisors as a result of the negotiations. The overarching goal of the County is to ensure that the residents and businesses within the Franchise Areas are receiving efficient, high quality, and cost-effective services.

On August 7, 2012, the Board of Supervisors approved Agreement No. 088-S1311 with NewPoint Group, Inc. for a total not-to-exceed amount of \$79,000 for a term of three years to assist with negotiations with the County's franchise haulers. NewPoint Group, Inc. agreed to conduct rate, customer satisfaction, and comparative franchise surveys; provide franchise term and franchise agreement recommendations, attend negotiation meetings; prepare reports summarizing the outcome of the negotiations; and assess the advantages and disadvantages of using separate or combined franchise agreements for collection and Material Recovery Facility operations.

Previously, NewPoint Group, Inc. conducted a comprehensive, countywide solid waste services review (Legistar Items 08-0196, 08-0305, and 08-1431). Additionally, NewPoint Group, Inc. was instrumental in developing the El Dorado County Solid Waste Management Plan that was approved by the Board of Supervisors on January 31, 2012 (Legistar Item 12-0319). NewPoint Group, Inc. worked with the County to develop the Solid Waste Rate Setting Policies and Procedures Manual for South Lake Tahoe that was approved on April 19, 2012 (Legistar Item 12-0494), and are currently working with the Environmental Management to develop a Rate Setting Policies & Procedures Manual for unincorporated El Dorado County (excluding the South Lake Tahoe Franchise Area).

Reason for Recommendation

On October 1, 2012, all of the employees of NewPoint Group, Inc. became employed by Crowe Horwath, LLP. Because no NewPoint Group, Inc. employees remain, the entirety of the remaining work to be performed under the Agreement would need to be performed by Crowe Horwath, LLP. For this reason, it was necessary to assign Agreement No. 088-S1311 with NewPoint Group, Inc. to Crowe Horwath, LLP by way of Amendment, with the effective date of the assignment to be October 1, 2012. The term and compensation amounts of the Agreement will remain unchanged; however, the titles of the employee positions have been updated in the proposed Amendment.

NewPoint Group, Inc. acknowledges and agrees that all existing indemnity and insurance obligations of NewPoint Group, Inc. will remain in full force and effect as set forth in the Agreement for all services performed prior to October 1, 2012, and Crowe Horwath, LLP agrees to assume all Consultant's duties, responsibilities, and obligations, including insurance and indemnity obligations, for all services performed under the terms and conditions of Agreement, beginning October 1, 2012.

Former NewPoint Group, Inc. employees now employed by Crowe Horwath, LLP continued to provide services outlined in the scope of Agreement No. 088-S1311 for Environmental Management from October 1, 2012 to March 18, 2013. Amending the Agreement will allow Crowe Horwath, LLP, as the new Consultant, to receive payment for completed work and resume providing services under the Agreement.

Action(s) to be taken following Board approval

Upon execution by the Chair, the Clerk of the Board's Office will forward copies of the Amendment to the Environmental Management Department for distribution, encumbrance, and administration.

Contact

Gerri Silva, MS, REHS, Director of Environmental Management

Concurrences

County Counsel, Risk Management