



Legislation Text

File #: 23-0056, **Version:** 1

Chief Administrative Office, Facilities Division, recommending the Board:

- 1) Authorize the Purchasing Agent to sign Amendment I to Agreement for Services 4592 with National Analytical Laboratories, Inc. to increase compensation by \$70,000 for an amended not-to-exceed amount of \$140,000 and to increase the term an additional two years, expiring March 17, 2025, to provide on-call environmental testing at various County operated locations;
- 2) Make findings pursuant to Article II, Section 210b(6) of the El Dorado County Charter and 3.13.030 Section C of County Ordinance 5116 the ongoing aggregate of the work performed under this Agreement is temporary or occasional in nature and the work to be performed is not sufficient to warrant the addition of permanent staff; and
- 3) Authorize the Purchasing Agent to execute any necessary amendments relating to Agreement for Services 4592, excluding term extensions and increases to the not-to-exceed amount, contingent upon approval by County Counsel and Risk Management.

FUNDING: Accumulative Capital Outlay Fund, General Fund.

DISCUSSION / BACKGROUND

On March 18, 2020 the Purchasing Agent executed Agreement for Services No. 4592 with National Analytical Laboratories, Inc. to provide as-needed environmental testing at various County operated locations. The agreement was established for three years with a not-to-exceed amount of \$70,000. Over the past year, the County has had an increased need for Radon sampling in South Lake Tahoe which has depleted the majority of funds on this contract.

The current agreement only has approximately \$6,500 available and an amendment is necessary to increase compensation so that these services remain available. The Division also seeks to add an additional two years to the term. Should the amendment be approved the revised not-to-exceed amount will be \$140,000 with an amended expiration date of March 17, 2025. Changes also include ancillary updates to Article X Consultant to County; Article XIII Independent Contractor; Article XIV Fiscal Considerations; Article XVI Default, Termination, and Cancellation; Article XVII Notice to Parties; Article XIX Indemnity; Article XX Insurance; Article XXIII Conflict of Interest; Article XXIV Nondiscrimination; and Article XXX Contract Administrator. The Amendment also adds Article XXXVI Force Majeure; Article XXXVII Waiver; and Article XXXVIII Electronic Signatures.

The Division does not anticipate utilizing all of this additional \$70,000 but needs that flexibility during these uncertain times.

Objective and unbiased environmental testing and analysis is a construction industry standard to ensure protection of workers and other staff that may occupy a location. The County does not operate an accredited laboratory to perform the testing.

Due to the fact these services are primarily utilized in urgent or highly complicated situations on a temporary or occasional nature it is further recommended the Board make findings pursuant to Article II, Section 210b(6) of the El Dorado County Charter and section 3.13.030, C of County Ordinance

5116 that the ongoing aggregate of the work performed under this Agreement is not sufficient to warrant the addition of permanent staff.

ALTERNATIVES

The Board could decline this amendment and the Division will be limited in responding to environmental testing issues.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel
Procurement & Contracts

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

Funding is available in both the Accumulative Capital Outlay Fund and the Division's Operating Budget (General Fund) for Fiscal Year 2022-23 and shall be budgeted in the future fiscal year.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure/Public Safety

CONTACT

Chuck Harrell
Facilities Division Manager