



## Legislation Text

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**File #:** 23-0616, **Version:** 1

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Planning and Building Department, Tahoe Planning, Stormwater, and Vacation Home Rental Division, recommending the Board consider the following:

- 1) In accordance with Section 3.13.030 of County Ordinance Code, Contracting Out, find that specialty skills and qualifications not expressly identified in County classifications are involved in the performance of the Agreement 4955 with MDK, LLC., dba Western Environmental Testing Laboratory;
- 2) Approve and authorize the Chair to sign Amendment I to Agreement 4955 with MDK, LLC., dba Western Environmental Testing Laboratory, for the provision of as-needed laboratory testing and analysis services for erosion control and water quality projects in the Tahoe Basin, extending the term of the Agreement by three (3) years with an updated term of July 7, 2020 through July 6, 2026, with no changes to total compensation or the Scope of Work and increasing rates as outlined in the amended rate schedule; and
- 3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 4955, including amendments which do not increase the compensation or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** Public Utilities Franchise Fees.

### **DISCUSSION / BACKGROUND**

On July 5, 2017, as a result of RFQ 17-918-020, the County's Purchasing Agent approved Agreement for Services 526-S1710 between the County and MDK, LLC, dba Western Environmental Testing Laboratory (MDK, LLC.) to assist the Planning and Building Department (Department) with providing laboratory testing and analysis services for erosion control and water quality projects in the Tahoe Basin, in the amount of \$45,000, and a term of three (3) years.

On July 6, 2020, following the expiration of Agreement for Services 526-S1710, the County's Purchasing Agent approved Agreement 4955 with MDK, LLC, in the amount of \$45,000 and a term of three (3) years.

Based on the ongoing need for as-needed laboratory testing and analysis services for erosion control and water quality projects in the Tahoe Basin, staff are recommending that the Board consider and approve Amendment I to Agreement 4955. This proposed Amendment I replaces the current Fee Schedule with an Amended Fee Schedule (Exhibit B-1) and extends the term of the Agreement by an additional three (3) years with a revised expiration date of July 6, 2026. This proposed Amendment I also includes other minor administrative changes; however, there are no changes to the not-to-exceed amount of \$45,000 or to the Scope of Work. This Amendment will allow for the continuation of as-needed services for the Department that require specific technical skills and have sensitive time frames and schedules.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made throughout the Agreement. These changes included: updating the

Compensation for Services Article to update the invoice recipient; updating the Notice to Parties Article to update the County's notice recipients; replacing the articles for Ownership of Data, Consultant to County, Confidentiality, Independent Contractor, Audit by California State Auditor, Default, Termination, and Cancellation, Indemnity, Conflict of Interest, Nondiscrimination, Business License, Licenses, and Contract Administrator in their entirety to address recent changes in state law and revised standard County contract language. Similarly, three (3) new articles, Force Majeure, Waiver, and Electronic Signatures were added to for the same purpose. Exhibit C, "California Levine Act Statement", has been incorporated into the Conflict of Interest Article to address Government Code section 84308 (SB 1439, the Levine Act), regarding campaign contributions by Contractor, if any, to any officer of the County.

### **ALTERNATIVES**

The Board may choose not to approve proposed Amendment I to Agreement 4955. If the current Agreement expires, staff will need to begin the process to execute a new contract, which could result in a delay of laboratory testing and analysis services for erosion control and water quality projects in the Tahoe Basin should the need arise during that period.

### **PRIOR BOARD ACTION:**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have approved the proposed Amendment.

### **CAO RECOMMENDATION**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. Funding for these services has been included in the Department's Fiscal Year 2023-24 budget, and funding for these services beyond Fiscal Year 2023-24 will be included in subsequent years' budgets accordingly.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment I; and
- 2) The Clerk of the Board will forward one (1) fully-executed original of Amendment I to the Chief Administration Office, Procurement and Contracts Division, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure: Provide, operate, and maintain our infrastructure, public facilities, and associated services that protect our community, environment, and economic well-being.

### **CONTACT**

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Planning and Building Department