

DEPARTMENT: Public Works – Solid Waste

BY: Jim Petropulos
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RECOMMENDED ACTION AND JUSTIFICATION:

Authorize amendment to the current Personal Service Agreement for the County Composting Facility project with Fred Solomon to provide reimbursement for approved expenses in addition to the previously authorized flat monthly rate of \$1,200.00.

Mr. Solomon's original contract for pre-construction services was revised to provide for a flat monthly rate in lieu of an hourly rate. In revising the contract, the provision for reimbursement of pre-approved expenses was inadvertently omitted.

County Counsel reviewed Mr. Solomon's request (Attachment 1) that the current contract (Attachment 2) for services relevant to the compost facility project be amended to provide for reimbursement of preapproved expenses in addition to the flat monthly rate of \$1,200.00. County Counsel explains the Board action required in Attachment 3 to amend the current contract and provides a new section, "Article 4 – Compensation" to replace section 4.01 of the current contract.

Mr. Solomon has taken an active role in reviewing environmental, design, and budgetary issues. His assistance with acquiring funding from the Park and USDA has been invaluable during a time when the solid waste division workload was tremendous and the Solid Waste Manager position vacant. The project was able to move forward due to his involvement. Mr. Solomon continues to provide technical assistance and resolves critical issues on the project. As the project approaches the construction phase, he will have to attend meetings in Sacramento and Red Bluff, CA; participate in conference calls on a regular basis that may require international tolls; and provide reports to the County and other consultants on project-related issues. At this stage, Mr. Solomon's involvement will continue to increase, along with a corresponding increase in his travel and meeting expenses. If the County was charged on an hourly basis, the cost for his services would easily exceed \$3,000.00 per month. Mr. Solomon continues to charge the current flat rate for the remainder of the pre-construction phase, however, expenses are going to escalate. Funds for these expenses have been budgeted for in FY 2002-2003 Solid Waste Projects Budget 604-0404. It was originally anticipated that the preapproved expenses would be reimbursed. It has been a contractual error that prevents the County from reimbursing Mr. Solomon for his preapproved expenses to date on this project contract.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board approved the current Personal Services Agreement with Mr. Solomon to provide pre-construction services at a flat monthly rate of \$1,200.00 in June 2002. The purpose of this agreement is to provide pre-construction services that included reviewing preliminary design options and various technological options for the composting facility project. Mr. Solomon's previous agreement contracted for services billed at an hourly rate of \$75. The change from an hourly rate to a flat rate contract resulted in a cost savings to the County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Public Works has a tremendous workload and negative action may delay completion of the pre-construction work on the compost facility project.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget:	\$ _____	<u>Attachment 1 - Memo from Fred Solomon - 4 pgs</u>
Additional Funding Needed:	\$ 0	<u>Attachment 2 - Personal Service Agreement - 7 pgs</u>
Source:		<u>Attachment 3 - Memo from County Counsel - 2 pgs</u>
Internal Transfer	_____	_____
Unanticipated Revenue	_____ 4/5's vote	_____
Transfer Between Funds	_____ 4/5's vote	_____
Contingency	_____ 4/5's vote	_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: 93-46 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 (X) Approved
 () Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

_____ Requested Action Recommended
 _____ No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

CAO: 

ARTICLE 4. COMPENSATION

Section 4.01, In consideration for the services to be performed by CONTRACTOR, COUNTY agrees to pay CONTRACTOR:

The total sum of FOURTEEN THOUSAND FOUR HUNDRED DOLLARS (\$14,400) for services as described above. The total sum to be paid to CONTRACTOR includes all labor, materials, and other expense excluding approved travel expenses; to be incurred by CONTRACTOR in the performance of the services described herein. Payment shall be made upon submission of a formal claim approved by the appropriate official of the County Department described in the Preamble of this AGREEMENT, as follows:

- Total sum to be paid upon completion of services,
or
- Incremental payments based on the following schedule:
Flat rate of \$1,200 per month plus approved expenses.