



Agenda Date: 10/19/2020

Agenda Placement: 5C

Upper Valley Waste Management Agency Board Agenda Letter

TO: Board of Directors

FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency

REPORT BY: Steven Lederer, Director, Public Works - 259-8228

SUBJECT: Amendment No. 2 to Agency PSA No. 200367D

RECOMMENDATION

AMENDMENT NO. 2 TO AGENCY PSA NO. 200367D

DISCUSSION AND REQUESTED ACTION: Agency Manager requests approval of and authorization for the Chair to sign Amendment No. 2 to Professional Services Agreement Between Upper Valley Waste Management Agency ("UVWMA") and Colantuono, Highsmith & Whatley, PC (CH&W)

EXECUTIVE SUMMARY

On April 20, 2020, the Agency and Colantuono, Highsmith & Whatley, PC (CH&W) entered into a professional services agreement for general counsel services. The agreement capped CH&W's compensation at an amount not to exceed \$50,000 per year during the term of the agreement. On June 29, 2020, the Agency and CH&W entered into Amendment No. 1 to the agreement to reimburse CH&W for authorized expenses related to work performed by Bartle Wells to develop solid waste rates for fiscal year 2021 (Phase 1) and develop a new, three-year rate methodology for future rate calculations under the franchise agreements (Phase 2). There has been an increase to the scope of work for Phase 2, which was originally budgeted at \$20,000. This increased work is anticipated to cost no more than \$15,000 for a total of \$35,000 for phase 2. In addition, CH&W's work in the first year of his agreement has increased due to drafting of the two franchise agreements between UVWMA and Upper Valley Disposal Service/Clover Flat Sanitary Landfill. CH&W's annual compensation is capped at \$50,000 and this increased work is anticipated to cost no more than \$40,000. Based on the above, the attached amendment to the agreement between the Agency and CH&W increases payment for Phase 2 work by Bartle Wells from \$20,000 to \$35,000 and increases compensation to CH&W for this year only from \$50,000 to \$90,000.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No

What is the revenue source?	Agency Reserves
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	Agency will not be able to pay consultants for services rendered.
County Strategic Plan pillar addressed:	
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Bartle Wells Associates

Bartle Wells Associates was retained through Colantuono, Highsmith & Whatley (“CH&W”) to develop a new, three-year rate methodology for future rate calculations under new franchise agreements (Phase 2). The Professional Services Agreement between UVWMA and CH&W was first amended on June 29, 2020 to include payment to CH&W for actual costs of Bartle Wells Associates. At the time of the first amendment, Phase 2 costs were projected at \$20,000. The scope of work for Phase 2 has increased and actual costs payable to Bartle Wells Associates is \$35,000.

Recommendation: Staff recommends the increase of payment for Bartle Wells Associates Phase 2 from \$20,000 to \$35,000.

Colantuono, Highsmith & Whatley

Scope of work has increased in the first year of his agreement due to extensive amendment of the two franchise agreements between UVWMA and Upper Valley Sanitation Disposal and UVWMA and Clover Flat Landfill. Original Agreement set annual compensation for CH&W to not exceed \$50,000. This amendment would increase compensation in year one only, at a rate not to exceed \$90,000. Absent other agreement, the rate would return to \$50,000 in year two.

SUPPORTING DOCUMENTS

None

Recommendation: Approve
Reviewed By: Steven Lederer