

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: General Services Agency

BOARD AGENDA:5.B.1
AGENDA DATE: December 19, 2017

SUBJECT:

Approval of Amendment No. 1 to the Master Agreement with Action Plumbing for
Countywide Services

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2017-0706

On motion of Supervisor Withrow , Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: General Services Agency

BOARD AGENDA:5.B.1
AGENDA DATE: December 19, 2017

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval of Amendment No. 1 to the Master Agreement with Action Plumbing for Countywide Services

STAFF RECOMMENDATION:

1. Approve Amendment No. 1 to adjust the not-to-exceed limit in Independent Contractor Services Master Agreement with Action Plumbing & Rooter, for as-needed plumbing repair services, from \$100,000 to \$284,000, as of November 21, 2017.
2. Authorize the Purchasing Agent to sign the Contract Amendment identified above, and any subsequent amendments to the Agreement on behalf of the County.

DISCUSSION:

GSA-Purchasing (GSA) competitively procures and maintains countywide Master Agreements for a variety of goods and services, such as office supplies, fire extinguisher maintenance, and janitorial services. By combining the needs of multiple County departments, GSA is able to procure these items at lower rates than would otherwise be possible. Among these Master Agreements is a contract with Action Plumbing for as-needed plumbing repairs.

GSA conducted Request for Proposals (RFP) No. 14-69-CB in 2014 for as-needed roofer and plumbing repair services, resulting in execution of an agreement to Action Plumbing for an amount not to exceed \$100,000. Departmental needs have grown since the Action Plumbing agreement was established, and while Board-approved department budgets already allow for this increased usage, the agreement itself must be adjusted to keep pace. The Action Plumbing agreement was originally executed within the spending authority limits of the County Purchasing Agent, but increasing departmental usage now requires Board approval for continued use of the agreement.

Approval of the Action Plumbing amendment adjusts the agreement not-to-exceed spending limits, but no other provisions of the agreement.

POLICY ISSUE:

The Stanislaus County Purchasing Policy requires Board of Supervisors approval for contracts exceeding \$100,000. This requirement is based upon California Government Codes § 25212, et seq, and § 25502.5, et seq, which establish the powers of the Board of Supervisors and the Purchasing Agent.

FISCAL IMPACT:

Based on current usage trends and departmental budgets, GSA-Purchasing anticipates approximately \$284,000 will be spent during the term of the agreement, which runs through June 30, 2019.

Appropriations for departmental use of the agreement are requested at the departmental level and therefore, no increase in appropriations is being requested as part of the amendment.

BOARD OF SUPERVISORS' PRIORITY:

Approval of the recommended action supports the Board's priorities of Efficient Delivery of Public Services and Effective Partnerships by providing time and cost-efficient contracted services to County departments.

STAFFING IMPACT:

Existing GSA staff will continue to manage the existing agreement.

CONTACT PERSON:

Keith D. Boggs, GSA Director/Purchasing Agent	Telephone: (209) 525-7640
Brad Diemer, Purchasing Manager	Telephone: (209) 525-6319

ATTACHMENT(S):

1. Amendment No. 1 to Action Plumbing Master Services Agreement

**FIRST AMENDMENT
TO AGREEMENT FOR INDEPENDENT CONTRACTOR SERVICES
ACTION PLUMBING & ROOTER**

This Amendment No.1 to the Agreement for Independent Contractor Services ("Amendment No. 1") by and between the County of Stanislaus ("County") and Michael Lewis DBA Action Plumbing & Rooter ("Contractor") is made and entered into on November 21, 2017.

WHEREAS, the County and Contractor entered into an Agreement for Independent Contractor Services dated November 1, 2014, ("the Agreement"); and

WHEREAS, Paragraph 17 of the Agreement provides for the Agreement to be amended, modified, changed, added or subtracted from by mutual consent of both parties; and

WHEREAS, the County's cumulative departmental needs have increased and exceed the original \$100,000 Not-To-Exceed amount in Section B (Compensation) Paragraph 4 of the Agreement; and

WHEREAS, County departments are individually responsible for obtaining Board approval for expenditures exceeding \$100,000; and

WHEREAS, the County seeks to more efficiently handle departmental needs through the use of departmental Service Purchase Orders based upon Board-approved agreement limits and departmental budgets;

NOW THEREFORE, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 4 of Section B (Compensation) of Exhibit A to the Agreement is amended to read:

"The parties hereto acknowledge that this Agreement for Independent Contractor Services identifies the County's minimum service expectations and constitutes a Master Agreement for use by County departments at each department's individual discretion. The parties hereto acknowledge the maximum amount to be paid by the County for services under the term of this Agreement shall not exceed \$284,000, including, without limitation, the cost of any subcontractors, consultants, experts or investigators retained by the Contractor to perform or to assist in the performance of its work under this Agreement.

County departments may obtain services from Contractor under this Agreement through the issuance of annual departmental Service Purchase Orders, limited by the Agreement's not-to-exceed amount identified herein, and by each department's Board-approved budget amounts for such expenditures. Departments may request Contractor's services on an as-needed basis, referencing this Agreement and the department's Service Purchase Order number. Each County department shall be individually responsible for reporting to the Board and obtaining Board approval of budgetary and expenditure amounts as required by County policy."

All other terms and conditions of the Agreement shall remain in full force and effect.

(Signatures on the next page)

or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

8.23 Severability: If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party is materially impaired, which determination as made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

8.24 Counterparts: This Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

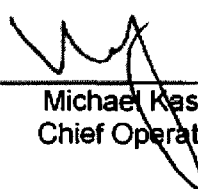
8.25 Corporate Authority: The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers:

COUNTY OF STANISLAUS

By: 
Matt Machado, Director
Department of Public Works

INTERWEST CONSULTING GROUP

By: 
Michael Kashiwagi, PE
Chief Operations Officer

APPROVED AS TO FORM:

John P. Doering
County Counsel

By: 
Amanda DeHart
Deputy County Counsel