



City Council Staff Report

Date: March 16, 2011

CONSENT CALENDAR

Subject: APPROVAL OF AMENDMENT NO. 4 TO CONSULTING SERVICES AGREEMENT WITH MSW CONSULTANTS FOR SOLID WASTE CONTRACT MANAGEMENT

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

On June 29, 2009, the City entered into Agreement No. 5859 with MSW Consultants to provide contract administration, oversight, and technical assistance related to the City's Franchise Agreement with Palm Springs Disposal Services. The agreement and three subsequent amendments expired on December 31, 2010. Amendment No. 4 extends the term of the agreement to December 31, 2011, and increases the total maximum compensation by \$13,950 to \$66,270.

RECOMMENDATION:

- 1) Approve Amendment No. 4 to Agreement No. 5859 with MSW Consultants for solid waste contract management services, in an additional amount not to exceed \$13,950 for 12 additional months, ending December 31, 2011, total agreement amount shall not exceed \$66,270; and
- 2) Authorize the City Manager to execute all necessary documents.

STAFF ANALYSIS:

The City entered into a Franchise Agreement (Agreement No. 4727) with Palm Springs Disposal Services (PSDS) effective July 1, 2003. The current agreement expires on June 30, 2016. This amendment provides for an audit for AB 939 fees.

FISCAL IMPACT:

Section 5.04 (b) (5) "Financial Review" of the franchise agreement with PSDS requires that PSDS pay for the Financial Review required under the agreement. Therefore, the City has recovered a portion of the cost of the services provided by MSW Consultants specifically related to the financial review of its business operations, in the amount of \$36,940.00. Sufficient funds are available in the Sustainability Account No. 138-1270-43200.

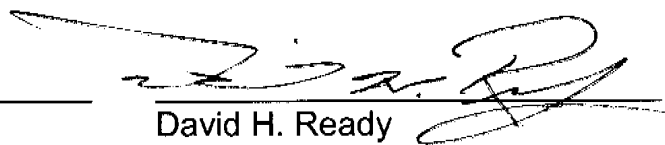
SUBMITTED:

Recommended by:



David J. Barakian
City Engineer &
Director of Public Works

Approved by:



David H. Ready
City Manager

Attachments:

1. Amendment No. 4

AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT NO. 5859
WITH MSW CONSULTANTS FOR
SOLID WASTE CONTRACT MANAGEMENT

The following articles of Agreement No. 5859 are hereby amended as follows:

SECTION 1.4 "Term" - is hereby modified to read: Unless earlier terminated in accordance with Section 9.5 of this Agreement, this Agreement shall continue in full force and effect for a period commencing on June 29, 2009 and ending on December 31, 2011, unless extended by mutual written agreement of the parties.

Exhibit "A" "Scope of Services" - (2nd Paragraph) is hereby modified to read: The term of this agreement will be 130 weeks commencing on June 29, 2009 through December 31, 2011.

Perform Audit of AB 939 and Diversion Facility Fees (for four fiscal years 2005-2008)

1. Prepare for audit. Obtain info from City; notify PSDS of needed information.
2. Perform on-site review of tonnage records.
3. Review and analyze tonnage data; compile work papers; review findings with PSDS.
4. Prepare draft audit report.
5. Review draft audit report with City and PSDS and update as needed.
6. Meet with City staff to review audit findings.

Provide Ongoing Contract Management Services:

1. Provide ongoing contract management.

Rate shall remain at \$155 per hour

Original:

City Manager Approval:	June 29, 2009
Contract Amount	\$ 22,320
Expired	August 31, 2009

Purchase Order Number(s):	10-0279
Agreement Number:	5859

Amendment #1:

City Engineer Approval:	September 10, 2009
Amount	\$ (0) zero dollars
Expired	October 26, 2009

Amendment#2:

City Engineer Approval:	December 1, 2009
Amount of This Amendment	\$ (0) zero dollars
Expired	December 31, 2009

Amendment#3:

Council Approval	January 6, 2010
Amount of this Amendment	\$30,000
To Expire	December 31, 2010
Amended Contract Total:	\$ 52,320
Account Number(s):	125-1270-43200

Amendment#4:

Council Approval	March 16, 2011
Amount of this Amendment	\$13,950
To Expire	December 31, 2011
Account Number	138-1270-43200

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the parties have executed this Amendment as of the dates stated below.

“City”
CITY OF PALM SPRINGS

Date _____ By: _____
David H. Ready, City Manager

ATTEST:

By: _____
City Clerk

“FIRM”
MSW Consultants
27393 Ynez Road, Suite 259
Temecula, CA 92591

Date: _____ By: _____
David L. Davis, CMA Principal