



Public Works Agency
— Alameda County —

399 Elmhurst Street
Hayward, CA 94544-1307
(510) 670-5480

October 31, 2012

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street, Suite 536
Oakland, CA 94612-4305

Dear Board Members:

SUBJECT: EXECUTE MODIFICATION NO. 1 TO AGREEMENT NO. 3685 WITH NINYO AND MOORE, INC. TO EXTEND THE AGREEMENT PERIOD SIX MONTHS FROM DECEMBER 31, 2012 THROUGH JUNE 30, 2013.

RECOMMENDATION:

Approve and authorize the president of the Board to execute Amendment No. 1 to Contract #3685 between Alameda County ("County") and NINYO & MOORE (Principal: Terry Wang; Location: Oakland, CA) to extend the contract period six months (6) from December 31, 2012 to June 30, 2013 to provide professional hazardous materials consulting services during the extension period with no increase in the original amount of \$700,000.

DISCUSSION/SUMMARY:

Hazardous materials consulting services are needed to provide site assessments of Agency and District Capital Improvement Program (CIP) and facilities maintenance projects in order to comply with federal and state environmental laws and regulations. Ninyo & Moore was selected to provide support services in assisting District and Agency staff in complying with the environmental laws and regulations. During the contract period Ninyo & Moore was tasked to assist staff in responding to technical permit conditions that were beyond the capability of the SLEBs. This work resulted in substantial mitigation cost savings to the District. In addition Ninyo & More is assisting staff in performing site assessment that may extend beyond the current contract period and it is most cost effective to extend the contract for a period of 6 months in order to complete the current assignment. It is therefore requested that the President of the Board be authorized to execute this Agreement to extend the contract period to June 30, 2013.

SELECTION CRITERIA PROCESS:

The Agency selects its professional environmental services consultants through a competitive process. In June 2008, Request for Qualifications (RFQs) was advertised in the Alameda News Group newspapers and on the County Website. RFQs were mailed to environmental consultants who previously contracted with the Agency, and also to environmental consultants in the "Public Works Agency Consultant Database."

Statements of Qualifications (SOQs) received were reviewed by a three-member panel of Public Works Agency professional environmental staff and scored in conformance to specific written criteria. The top three consultants receiving the highest scores were invited to make oral presentations before the panel. Based upon the SOQs and the

additional information received during the oral interviews, (1) Ninyo & Moore ranked first followed by Treadwell & Rollo. Geocon was ranked third. In accordance with Agency consultant selection guidelines, contract negotiations were entered with the top ranked firm. The selected firm meets the SLEB requirements by subcontracting at least 20% of the invoiced amount under this Agreement to Alameda County Certified SLEBs. *To date, Ninyo & Moore has achieved 11.1% Small Local Emerging Business (SLEB) subcontractor participation. Ninyo and Moore is on track to meet its SLEB commitment during the time extension period.*

FINANCING:

There will be no impact on the County General Fund. Funding for this contract in the amount \$700,00 is available and budgeted in Fund 21801, Budget Org. 270301, Account 610261, Program 99999 (Professional and Specialized Services).

Yours truly,



Daniel Woldesenbet, Ph.D., P.E.
Director of Public Works

Attachment

c: Andrew J. Massey, Deputy County Counsel
Patrick O'Connell, Auditor-Controller
County Counsel
CAO

MODIFICATION NO. 1

TO

AGREEMENT (C-3685) WITH NINYO AND MOORE

January 13, 2009 through December 31, 2013

Prime Consultant	Location	Dollar Value of Contract Award	Local Business Participation		Small Business Participation	
			% Utilization	Dollar Amount	% utilization	Dollar Amount
Ninyo and Moore*	Oakland, CA	\$700,000	n/a	n/a	20%	\$140,000
Payments to Date to Certified SLEB Partners						
			SLEB			
Name		Address	% of Payments to Date		Dollar Amount	
Schutze & Assoc. SLEB Cert. # 08-91183		44358 South Grimmer Boulevard Fremont, CA 94538	0.8		\$5,100	
Curtis & Tompkins SLEB Cert. #09-00015		2323 5th Street Berkeley, CA 94710	8.7		\$51,868	
PLS Surveys SLEB Cert. #04-90425		2220 Livingston Street Oakland, CA 94606	0		\$0	
Vapor Tech SLEB Cert # 09-00314		1348 66 th Street Berkeley, California 94702	1.5		\$9,222.50	
Confirmed Utilization/ Payments			11.1%		\$66,190.50	
* Contract payments to date to Ninyo and Moore total \$597,591.02.						

MODIFICATION NO. 1 OF
AGREEMENT (C-3685) WITH NINYO & MOORE

This Modification No. 1 (the "Modification") is made as of _____, 2012, by the County of Alameda ("County") and Ninyo & Moore ("Contractor") with respect to that agreement for hazardous materials consulting services (the "Agreement") executed on January 13, 2009 by the parties.

WITNESSETH

Whereas County and Contractor desire to extend the term of the Agreement from December 31, 2009 through June 30, 2013;

NOW, THEREFORE, County and Contractor agree as follows:

- A. The term of the Agreement is extended from December 31, 2012 through June 30, 2013.
- B. The total amount to be paid by the County shall not exceed the original sum of \$700,000.

All provisions of the Agreement, except as modified by this Modification, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Modification on the dates shown below their respective authorized signatures.

NINYO & MOORE

ALAMEDA COUNTY

By Terence K Wang

Signature

TERENCE K WANG

Name

GEN. MGR

Title

Date: 11/7/12

By _____

PRESIDENT, BOARD OF SUPERVISORS

Date:

Approved as to Form

DONNA ZIEGLER, County Counsel

By Donna Ziegler