



Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Yolanda Bundy, Environmental Sustainability Director

Approved by: Steve McClary, City Manager

Date prepared: February 8, 2023 Meeting date: February 27, 2023

Subject: Amendment No. 2 to Agreement with Rincon Consultants, Inc

RECOMMENDED ACTION: Authorize the Mayor to execute Amendment No. 2 to Agreement with Rincon Consultants, Inc. (Rincon) to increase the total agreement compensation from \$190,000 to \$340,000 and extend the term of the agreement one-year so that it will now expire June 30, 2024.

FISCAL IMPACT: Funding will be included in the Mid-Year Budget Amendment for Fiscal Year 2022-2023 in Account No. 101-3003-5100 (Clean Water).

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023. This is part of normal City operations.

DISCUSSION: On June 28, 2021, the City entered into an agreement with Rincon to provide on-call / as needed environmental services, such as stormwater management, water quality compliance, and general project management. On May 23, 2022, due to unforeseen events, such as emergency stormwater response, increased inspections for illicit discharges and site BMPs, and key employee departures, the Council approved Amendment No. 1 to the contract increasing the total compensation \$40,000 to \$190,000. Because of continued staff vacancies, and the heavy rains this season, staff has utilized Rincon more than expected. To consistently meet regulatory requirements and to provide essential customer service, staff will be recommending appropriating an additional \$150,000, in the Mid-Year Budget, to increase the total agreement compensation from \$190,000 to \$340,000.

Staff is also requesting Council extend the term of the original on-call Agreement through June 30, 2024. Extending the current agreement will ensure continuity of environmental services.

ATTACHMENTS: Amendment No. 2 to Agreement with Rincon Consultants, Inc.

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT is made and entered in the City of Malibu on February 27, 2023 by and between the CITY OF MALIBU, hereinafter referred to as City, and Rincon Consultants, Inc., hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On June 28, 2021, the City entered into an Agreement with Consultant for certain projects relating on-call environmental consulting services (the "Agreement").
- B. On May 9, 2022, the City increased the compensation for services by \$150,000, for a total amount not to exceed \$190,000.
- C. The City again desires to amend the Agreement to extend the term of the agreement and to increase the contract compensation for services.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

- 1. Section 2.0 - Term of Agreement, is hereby amended to provide that the Agreement will remain in effect until June 30, 2024, unless otherwise terminated or extended as provided in the Agreement.
- 2. Section 4.0 - Compensation for Services. The City shall pay the Consultant for its professional services rendered and costs incurred pursuant to this Agreement in accordance with the Scope of Work's fee and cost schedule (Exhibit B). The cost of services shall be increased by \$150,000, for a total amount not to exceed \$340,000. No additional compensation shall be paid for any other expenses incurred, unless first approved by the City Manager, or her designee.
- 3. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
- 4. All terms and conditions of the Agreement not amended by this Amendment No. 2 remain in full force and effect.

This Agreement is executed on _____, 2023, at Malibu, California, and effective as of February 13, 2023.

CITY OF MALIBU:

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

CONSULTANT:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney



By: TORIN R. SNYDER
Title: Principal, Rincon Consultants, Inc.



City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

Compensation for Services (Exhibit B)

The City shall pay the Consultant for its professional services rendered and costs incurred pursuant to this Agreement in accordance with the Scope of Work's fee and cost schedule. No additional compensation shall be paid for any other expenses incurred, unless first approved by the City Manager, or his designee. On call consulting services shall be provided on a time and materials cost basis, and adhere to contractually agreed upon rates. Work will be conducted only upon authorization from the City of Malibu.

The Consultant shall submit to the City, by no later than the 10th day of each month, its bill for services itemizing the fees and costs incurred during the previous month. The City shall pay the Consultant all uncontested amounts set forth in the Consultant's bill within 30 days after it is received.

Rincon Fee Schedules

Professional, Technical and Support Personnel*	Hourly Rate
Principal II	\$247
Director II	\$247
Principal I	\$227
Director I	\$227
Senior Supervisor II	\$211
Supervisor I	\$201
Senior Professional II	\$180
Senior Professional I	\$165
Professional IV	\$149
Professional III	\$134
Professional II	\$118
Professional I	\$108
Associate III	\$98
Associate II	\$93
Associate I	\$84
Project Assistant	\$77
Senior GIS Specialist	\$144
GIS/CADD Specialist II	\$129
GIS/CADD Specialist I	\$115
Technical Editor	\$115
Production Specialist	\$91
Clerical	\$77

*Professional classifications include environmental scientists, urban planners, biologists, geologists, marine scientists, GHG verifiers, sustainability experts, cultural resources experts and other professionals. Expert witness services consisting of depositions or in-court testimony are charged at the hourly rate of \$350
All rates shall include overhead costs including, but not limited to salaries, benefits, insurance, office expenses, mileage and courier service. If staff substitutions are necessary, or if staff is promoted, the original rates listed will still apply.

Equipment	Day Rate
Brass Sample Sleeves, Bailers, Disposable Bailers	\$25
Water Level Indicator, DC Purge Pump	\$40
Hand Auger Sampler	\$55
Oil-Water Interface Probe	\$85
Four Gas Monitor or Photo-Ionization Detector	\$120
Soil Vapor Extraction Monitoring Equipment	\$140
Flame Ionization Detector	\$200
Trimble GPS (sub-meter accuracy)	\$190
UAS Drone	\$250
Pettersson Bat Ultrasound Detector/Recording Equipment	\$150
Spotting or Fiberoptic Scope	\$150
Amphibian/Vernal Pool Field Package (digital camera, GPS, thermometer, decon chlorine, waders, float tube, hand net, field microscope)	\$150
Remote Field Package (digital camera, GPS, thermometer, binoculars, tablet and mifi, Delorme Satellite Beacon, 24-hour safety phone)	\$125
Sound Level Metering Field Package (anemometer, tripod and digital camera)	\$100
Standard Field Package (digital camera, GPS, thermometer, binoculars, tablet, safety equipment, and botanic collecting equipment)	\$95
Fisheries Equipment Package (waders, wetsuits, dip nets, seine nets, bubblers, buckets)	\$50
Water Quality Equipment (DO, pH, turbidity, refractometer, temperature)	\$55
Large Block Nets	\$100
Minnow Trap	\$85
Infrared Sensor Digital Camera or Computer Field Equipment	\$50
Scent Station	\$20
Laser Rangefinder/Altitude	\$10
Net, Hand/Large Seine	\$10/\$50
Pit-fall Traps, Spotlights, Anemometer, GPS Units, Sterilized Sample Jar	\$8
Mammal Trap, Large/Small	\$1.50/\$0.50
Refractometer (salinity) or Turbidity Meter	\$35
Multi Parameter Sonde (temperature, conductivity, turbidity, DO, pH) with GPS	\$150
Boat (20 ft. Boston Whaler or similar)	\$300
Boat (26 ft. Radon or similar)	\$550
Side Scan or Single Beam Sonar	\$700
Underwater and Marine Sampling Gear includes: U/W Photo/Video Camera, SCUBA Equipment (tanks, BCD, regulators, wetsuits, etc.)	\$50/diver
Marine Field Package: (personal flotation devices (PFDs), 100 ft. reel tapes with stainless carabiners, Pelican floats, underwater slates, thermometer, refractometer, anemometer, various field guides)	\$50
L&H Dive Insurance	\$50/diver
Hazard Premium (In or Underwater ONLY per/hour)	\$1.25/hour
Level C Health and Safety	\$60/person

Rincon Classifications

Name	Role	Billing Rate Classification
Kiernan Brtalik, MESM, CPSWQ, QSD/P	Project Manager and Primary Contact	Senior Professional I
Lindsay Ellingson	Assistant Project Manager	Environmental Scientist III
Torin Snyder, PG, CHG, CGP ToR, QSD/P, CPSS	Principal-In-Charge	Principal I



Ryan Thacher, PhD, PE	QA Manager	Director I
Caitlyn Teague, QSD/P, QISP	Water Resources Project Manager	Environmental Scientist IV
Menso de Jong	Stormwater & Water Quality Technical Staff	Environmental Scientist III
Jaime McClain	Stormwater & Water Quality Technical Staff	Marine Biologist III
Peter Doran	Stormwater & Water Quality Technical Staff	Environmental Scientist III
Michelle Carter	Stormwater & Water Quality Technical Staff	Environmental Scientist II
James Grunden	Stormwater & Water Quality Technical Staff	Marine Biologist II
Caleb Yakel	Stormwater & Water Quality Technical Staff	Environmental Scientist I
Jennifer Schwartz, PE, QSD	Spill Response Lead	Senior Environmental Engineer I
Will Salisbury, QSP, GIT	Spill Response Technical Staff	Environmental Scientist III
Ryan Stewart	Spill Response Technical Staff	Environmental Scientist III
Nico Navarro	Spill Response Technical Staff	Environmental Scientist I
Stephanie Stater	Spill Response Technical Staff	Environmental Scientist I
John Donoghue, GISP	Senior GIS Specialist Lead	Senior GIS Specialist
Marcus Klatt	GIS and Data Management Lead	Senior GIS Specialist

Larry Walker Associates Fee Schedule and Classifications

Name	Title	Classification/Role	2021 Billing Rate (\$/hr)
Ashli Desai	President	Strategic Advisor	\$309
Chris Minton	Vice President	Strategic Advisor	\$283
Paul Hartman	Associate	Technical Lead	\$258
Will Lewis, CPESC, CPSWQ	Senior Scientist	Task Lead	\$232
Bryant Alvarado, EIT	Project Engineer II-A	Technical Staff	\$200
Adriel Leon	Project Scientist I-A	Technical Staff	\$170

All rates shall include overhead costs including, but not limited to salaries, benefits, insurance, office expenses, mileage and courier service. If staff substitutions are necessary, or if staff is promoted, the original rates listed will still apply.

On call consulting services shall be provided on a time and materials cost basis, and adhere to contractually agreed upon rates. Work will be conducted only upon authorization from the City of Malibu.