

# South Bay Cities Council of Governments

September 8, 2014

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, Executive Director

RE: Fourth Amendment to GSE Solutions, LLC Professional Services Agreement

## **Adherence to Strategic Plan:**

***Goal A: Environment, Transportation, and Economic Development.*** *Facilitate, implement and/or educate members and others about environmental, transportation, and economic development programs that benefit the South Bay.*

## **Background**

The South Bay Cities Council of Governments (SBCCOG) and GSE Solutions LLC (Consultant) entered into a Professional Services Agreement as of January 9, 2012 (the "Agreement") wherein the SBCCOG engaged the services of the Consultant as an independent contractor to assist the SBCCOG's member agencies to promote energy efficiency. The term was extended for an additional 24 months on December 10, 2012 and on May 13, 2013 an amendment increased the amount to \$288,000 from \$115,000 which was for only one year.

Additional funding for the total contract is required because tasks were added to complete the SCE/SCG Partnership Strategic Plan grant work when staff working on that program left the employment of the SBCCOG. The Consultant took over the SBCCOG work until a replacement was hired. In addition, SBCCOG staff is anticipating additional work will be required to assist South Bay cities in completing energy efficiency projects before the end of the year. There are currently 11 projects with approximately 2M kWh worth of savings to be completed.

## **Amendment**

The purpose of this amendment is to revise the allocated budget for remainder of the term (to December 31, 2014). The estimated not-to-exceed budget for work performed from January 1, 2013 through December 31, 2014 will be increased from \$288,000 to \$348,000, which is an additional \$60,000 (approximately \$15,000 per month). All other provisions of the Agreement remain in full force and effect. This contract is funded entirely through Southern California Edison (SCE) and Southern California Gas Company (SCG) Partnership funds.

## **RECOMMENDATION**

Recommend that the SBCCOG Board approve the Fourth Amendment to the Agreement by and between the SBCCOG and GSE Solutions, LLC for an amount not-to-exceed of \$348,000 through December 31, 2014.

Prepared by Kim Fuentes

**FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

This Fourth Amendment to Professional Services Agreement ("Fourth Amendment") is made as of September 25, 2014 by and between the South Bay Cities Council of Governments, a California joint powers authority ("SBCCOG") and GSE Solutions, LLC ("Consultant").

**RECITALS**

- A. SBCCOG and Consultant entered into a Professional Services Agreement as of January 9, 2012 (the "Agreement") wherein SBCCOG engaged the services of Consultant as an independent contractor to provide specified professional services to SBCCOG as set forth in Exhibit A of the Agreement to assist the SBCCOG's member agencies to promote energy efficiency.
- B. The first amendment was on January 26, 2012 to extend the term of the contract to December 31, 2012.
- C. On December 10, 2012, the second amendment extended the term to December 31, 2014.
- D. On May 13, 2013 the third amendment amended the budget to \$288,000.
- E. In this fourth amendment, the parties desire to revise the allocated budget for the remainder of the term (December 31, 2014).

**NOW, THEREFORE**, in consideration of the foregoing, the parties agree to amend the Agreement as follows:

The not-to-exceed budget is hereby amended increasing the amount to \$348,000 for the 24 month term from January 1, 2013 through December 31, 2014 covering Tasks 1-7 of the Agreement. Any additional monies for this work will be on a task order basis.

Except as modified above, all other provision of the Agreement remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first written above.

"SBCCOG"  
South Bay Cities Council of Governments

"Consultant"  
GSE Solutions, LLC

By: \_\_\_\_\_  
James F. Goodhart (Signature)

By: \_\_\_\_\_  
Greg Stevens

Title: Chair

Title: Principal Engineer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
SBCCOG Secretary – Marcy Hiratzka