



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 12/15/2020

ITEM NO: 6

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**DATE:** December 9, 2020  
**TO:** Mayor and Town Council  
**FROM:** Laurel Prevetti, Town Manager  
**SUBJECT:** Authorize the Town Manager to Amend an Agreement for Employee Safety Compliance and Training Consultant Services with BSI EHS Services and Solutions (West) Inc. (Attachment 1) to:

- a. Extend the Term of the Agreement through June 2021,
- b. Increase the Contract Amount by \$22,000 for a Total Amount not to Exceed \$197,350, and
- c. Approve an Expenditure Budget Adjustment in the Amount of \$59,750 from Available Workers' Compensation Fund.

**RECOMMENDATION:**

Authorize the Town Manager to amend an agreement for employee safety compliance and training consultant services with BSI EHS Services and Solutions (West) Inc. (Attachment 1) to:

- a. Extend the term of the agreement through June 2021,
- b. Increase the contract amount by \$22,000 for a total amount not to exceed \$197,350, and
- c. Approve an expenditure budget adjustment in the amount of \$59,750 from available Workers' Compensation Fund.

**BACKGROUND:**

The Town contracts with BSI to provide safety consultant services to ensure compliance with California's Occupational Health and Safety Administration (Cal-OSHA) regulations, provide on-site safety training classes, and partner with the Town's Health and Safety Committee to promote a safe work environment. The term of the existing agreement between the Town and BSI is January 2018 through December 2020.

**PREPARED BY:** Lisa Velasco  
Human Resources Director

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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DISCUSSION:

During the evaluation of the Town's safety program during FY 2019/20, BSI identified that the development of Control of Hazardous Energy Lockout/Tagout (LOTO) procedures are needed to ensure the safety of Town employees and consultants and satisfy Cal-OSHA regulations. The original agreement for services did not include LOTO procedures in the total cost or scope of services. An amendment to the agreement approved on August 4, 2020 (Attachment 2) incorporated the additional services into the agreement.

Staff requested a mid-year budget adjustment to add the cost of the LOTO procedures through the end of FY 2019/20; however, the consultant has not been able to complete the procedures due to social distancing and shelter-in-place requirements related to COVID-19. The purpose of this request is to authorize the Town Manager to approve a budget adjustment to add the \$59,750 LOTO funds to the FY 2020/21 budget, extend the term of the BSI agreement through June 30, 2021, and to increase the contract amount by \$22,000 to cover services through the extended time period. The \$22,000 was allocated in the FY 2020/21 Adopted Budget and no additional budget action is needed for this amount..

CONCLUSION:

Staff recommends that the Town Council approve a budget adjustment in the amount of \$59,750 and authorize the Town Manager to execute a fourth amendment to the agreement with BSI to extend the term through June 30, 2021 for a total amount not to exceed \$197,350.

FISCAL IMPACT:

The not to exceed cost in the amount of \$115,600 over the three-year term of the agreement as amended (Attachment 3) plus the amount to extend the agreement through June 2021 (\$22,000) is already included in the FY 2020/21 Adopted Budget in the Workers' Compensation Program. The FY 2020/21 Adopted Budget does not include the additional LOTO cost of \$59,750 to fund other services this year, therefore, a budget amendment for this amount is requested. There are sufficient funds available in the Workers' Compensation Fund for the additional LOTO services.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Fourth Amendment to Agreement for Consultant Services with BSI EHS Services and Solutions (West) Inc.
2. Third Amendment to Agreement for Consultant Services with BSI EHS Services and Solutions (West) Inc.

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SUBJECT: Authorize an Amendment and Budget Adjustment to the BSI Safety Agreement

DATE: December 9, 2020

3. Second Amendment to Agreement for Consultant Services with BSI EHS Services and Solutions (West) Inc.
4. First Amendment to Agreement for Consultant Services with BSI EHS Services and Solutions (West) Inc.
5. Agreement for Consultant Services with BSI EHS Services and Solutions (West) Inc.