

FIRST AMENDMENT TO AGREEMENT

This AMENDMENT TO AGREEMENT is dated for identification this 15th day of March, 2018 and amends that certain agreement for environmental health & safety services dated January 1st, 2018, made by and between the Town of Los Gatos, ("Town,") and the BSI EHS Services and Solutions (West) Inc., ("Consultant.")

RECITALS

- A. Town and Consultant entered into a Consultant Services Agreement on January 1st, 2018, ("Agreement"), a copy of which is attached hereto and incorporated by reference as Attachment 1 to this Amendment.

AMENDMENT

1. Section 2.6 Compensation. Compensation for Consultant's professional services shall not exceed \$115,600 over the term of the agreement (\$33,200 annually for Safety Training Services, Safety Committee Support, and Annual Program Review, plus \$16,000 over the course of the agreement for Job Hazard Analysis), inclusive of all costs. Payment shall be based upon Town approval of each task. Rates will remain unchanged for the initial 3-year term. To maintain parity with economic circumstances, BSI may elect to increase rates for the 4th and/or 5th year contract options. Annual rate table increases shall not exceed 3% of the preceding year's rate table fees in the years after 2020. However, if in any of the years after 2019 the Bureau of Labor Statistics Employment Cost Index in Northern California is greater than 4.5%, the parties agree to renegotiate rates for the final two years of this contract.
2. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos

By: Laurel Prevetti
Laurel Prevetti, Town Manager

Approved as to Consent:

By: Christy Foster
Christy Foster
Director of Healthcare

Department Approval:

Lisa Velasco
Lisa Velasco
Human Resources Director

Approved as to Form:

Robert Schultz
Robert Schultz, Town Attorney

Attest:

Shelley Neis 5/31/18
Shelley Neis, CMC, Clerk Administrator



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/01/2018

ITEM NO: 04

DATE: APRIL 24, 2018
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., IN AN AMOUNT
NOT TO EXCEED \$115,600

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), in an amount not to exceed \$115,600.

BACKGROUND:

On December 19, 2017, the Town Council authorized the Town Manager to execute a new agreement for employee safety compliance and training consultant services with BSI EHS Services and Solutions (West) Inc. (Attachment 2) in an amount not to exceed \$147,600 over a three-year term. After the authorization and before the consultant began providing services, the Town identified that the cost over the three-year term for one element of the contract had been overstated. The not to exceed cost for Safety Training Services, Safety Committee Support, and Annual Program Review is \$33,200 annually for three-years totaling \$99,600 plus an additional flat amount of \$16,000 allocated to the special project of Job Hazard Analysis for a total of \$115,600. The amount allocated to the Job Hazard Analysis project was overstated in the original amount resulting in a total of \$147,600.

PREPARED BY: LISA VELASCO
Human Resources Director

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

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EMPLOYEE SAFETY COMPLIANCE AND TRAINING CONSULTANT SERVICES
WITH BSI EHS SERVICES AND SOLUTIONS (WEST) INC., IN AN AMOUNT NOT TO
EXCEED \$115,600

APRIL 24, 2018

DISCUSSION:

The purpose of this report is to request authority for the Town Manager to amend the existing agreement with BSI to accurately reflect the not to exceed amount of \$115,600 versus the amount of \$147,600 contained in the original agreement executed in December 2017.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to execute an amendment to the agreement with BSI to accurately reflect the total three-year cost.

COORDINATION:

This report was coordinated with the Parks and Public Works Department.

FISCAL IMPACT:

The annual fiscal impact for this amendment will reduce the not to exceed amount from \$49,200 annually to \$38,533 annually or \$115,600 over the course of three years. Funding to support this agreement is included in the adopted budget for FY 2017/18 in the Workers' Compensation Program.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

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