

**Meeting Date:** 8/16/2016

**Report Type:** Consent

**Report ID:** 2016-00815

**Title: Supplemental Agreement: S.P. Cramer & Associates for Lower American River Rotary Screw Trap Project**

**Location:** Citywide

**Recommendation:** Pass a Motion authorizing the City Manager, or his designee, to execute a supplemental agreement with S. P. Cramer & Associates, Inc. in the amount of \$4,154, to cover unanticipated taxes associated with the Lower American River Rotary Screw Trap Project being administered by the City-County Office of Metropolitan Water Planning (CCOMWP), increasing the agreement total not-to-exceed amount to \$104,019.

**Contact:** Tom Gohring, Executive Director, (916) 808-1993, Citywide and Community Support, Sacramento City-County Office of Metropolitan Water Planning

**Presenter:** None

**Department:** Community Support

**Division:** CCOMWP

**Dept ID:** 80004101

**Attachments:**

1-Description/Analysis

2-Contract

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### **City Attorney Review**

Approved as to Form  
Joe Robinson  
8/2/2016 3:47:24 PM

### **Approvals/Acknowledgements**

Department Director or Designee: Tom Gohring - 7/27/2016 4:40:52 PM

## Description/Analysis

**Issue Detail:** The City-County Office of Metropolitan Water Planning (CCOMWP) has partnered with the U.S. Fish and Wildlife (FWS) and U.S. Bureau of Reclamation (Reclamation) to monitor salmon and steelhead populations in the American River. The City entered into Agreement 2016-0238 with S.P. Cramer & Associates for the purchase and placement of rotary screw traps to study the abundance, timing, size, survival, and behavior of downstream migrant fish populations.

S.P. Cramer & Associates is located in Oregon. The original not-to-exceed amount of \$99,865 did not factor in taxes since Oregon does not have sales tax and the screw traps were purchased in Oregon. However, they were delivered to West Sacramento, making them subject to California use tax.

**Policy Considerations:** The supplemental amount of \$4,154 will cause the original contract amount to exceed the \$100,000 City Manager approval threshold, therefore requiring City Council approval. This Project will aid fish habitat restoration efforts for the lower American River, consistent with goals of the Water Forum Agreement.

**Economic Impacts:** None.

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** This report concerns administrative activities and government fiscal activities that do not constitute a “project” as defined by the CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) and are not subject to the provisions of CEQA (CEQA Guidelines 15060(c)(3)).

**Sustainability:** Implementation of the Project is consistent with the City of Sacramento’s Sustainability Master Plan Goals:

Sustainability Goal No. 7 - Parks, Open Space, and Habitat Conservation are promoted by the second co-equal objective of the Water Forum Agreement “To preserve the fishery, wildlife, recreational, and aesthetic values of the lower American River.”

**Commission/Committee Action:** None.

**Rationale for Recommendation:** S.P. Cramer & Associates has purchased and placed the rotary screw traps required under the grant. These traps were purchased in Oregon and delivered to West Sacramento, which resulted in the assessment of California use tax. This tax was not included in the original contract amount.

**Financial Considerations:** This Project has no impact on the City’s General Fund. This Project is funded through a grant from FWS. There are sufficient Habitat Management

Element Funds (Fund 7104) in the USFWS Restoration grant project (G14140200) to cover the additional \$4,154.

**Local Business Enterprise (LBE):** Not applicable.

Requires Council Approval:  N  Y  
Council Meeting Date: 08/16/2016

Real Estate     Other Party Signature Needed     Recording Requested

**General Information**

Contract Type: Professional Services  
PO Type: NPRO  
\$ Not to Exceed: \$104,018.75  
Other Party: S.P. Cramer & Associates  
Project Name: 2016 LAR Rotary Screw Trap  
Project Number: G14140201  
Bid Transaction #:

Attachment #: 1  
Original Doc #: 2016-0238  
Certified Copies of Document:  
Deed:  
Tax ID # (if applicable):  
Preferences:  
LBE  SBE  DBE  MWBE

**Department Information**

Department: Citywide/Community Support    Division: C.C.O.M.W.P.  
Project Manager: Tom Gohring    Supervisor: Tom Gohring  
Contract Services: Virginia Smith    Division Manager: Tom Gohring  
Phone Number: (916) 808-1995    Date: 07/28/2016    Org Number: 80004101  
Comment:

**Review and Signature Routing**

Department	Signature or Initial	Date
Project Manager:		
Accounting:		
Contract Services:		
Supervisor:		
Division Manager:	<i>TR</i>	<i>7-9-16</i>

City Attorney	Signature or Initial	Date
City Attorney:	<i>[Signature]</i>	<i>8-9-16</i>

Name and Phone Ext:

Send Interoffice Mail     Notify for Pick Up

Authorization	Signature or Initial	Date
Department Director:		
City Manager: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>		

Contract Cover/Routing Form: Must Accompany ALL Contracts; however, it is not part of the contract.

(Sticker)

**For City Clerk Processing**

**Finalized:**  
Initial:  
Date:

**Imaged:**  
Initial:  
Date:

**Received:**  
(City Clerk Stamp Here)

**SUPPLEMENTAL AGREEMENT**

**Project Title and Job Number: 2016 LAR Rotary Screw Trap**  
**Purchase Order #: 32362**

**Date: 7/21/16**  
**Supplemental Agreement No.: 1**

The City of Sacramento ("City") and S.P. Cramer & Associates, Inc. ("Contractor"), as parties to that certain Professional Services Agreement designated as Agreement Number 2016-0238, including any and all prior supplemental agreements modifying the agreement (the agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

- 1. The not-to-exceed amount specified in Exhibit B of the Agreement is amended as follows:

**The agreement not-to-exceed price is increased by \$4,153.75 to pay for unanticipated California use tax imposed on purchase of the rotary screw traps.**

- 2. In consideration of the additional and/or revised services described in section 1, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Contractor's fees and expenses, is **increased by \$4,153.75**, and the Agreement's maximum not-to-exceed amount is amended as follows:

Agreement's original not-to-exceed amount:	<u>\$99,865.00</u>
Net change by previous supplemental agreements:	<u>0</u>
Not-to-exceed amount prior to this supplemental agreement:	<u>\$99,865.00</u>
<b>Increase</b> by this supplemental agreement:	<u>\$4,153.75</u>
New not-to-exceed amount including all supplemental agreements:	<u>\$104,018.75</u>

- 3. Contractor agrees that the new not-to-exceed amount specified in section 2, above, shall constitute full compensation for Contractor's performance of the Agreement.
- 4. Contractor warrants and represents that the person or persons executing this supplemental agreement on behalf of Contractor has or have been duly authorized by Contractor to sign this supplemental agreement and bind Contractor to the terms hereof.
- 5. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

**Approval Recommended By:**

  
\_\_\_\_\_  
Project Manager

**Approved As To Form By:**

  
\_\_\_\_\_  
City Attorney

**Approved By:**

  
\_\_\_\_\_  
Contractor

**Attested To By:**

**Approved By:**

\_\_\_\_\_  
City of Sacramento

\_\_\_\_\_  
City Clerk