


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Environmental Services	<b>CEQA:</b> Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.	<b>Coordination:</b> CAO, CMO – Budget Office	<b>Dept. Approval:</b> /s/ Kerrie Romanow
<b>Council District(s):</b> City-wide			<b>CMO Approval:</b>  8/3/2022

**SUBJECT: SECOND AMENDMENT TO THE MASTER CONSULTANT AGREEMENT WITH BSI AMERICA PROFESSIONAL SERVICES, INC. FOR SAFETY PROFESSIONAL SERVICES**

**RECOMMENDATION:**

Approve the Second Amendment to the Master Consultant Agreement with BSI America Professional Services, Inc. for safety professional services, increasing the amount of compensation by \$250,000 for a total agreement not to exceed \$540,000, and extending the term of the agreement from August 31, 2022, to February 28, 2023.

**BASIS FOR RECOMMENDATION:**

On October 28, 2019, the City Manager's Office awarded BSI Services and Solutions (West), Inc. (BSI) a Master Agreement for Consulting Services totaling \$290,000. On November 10, 2021, the City was notified of the reorganization and merging of subsidiary companies to BSI America Professional Services, Inc. On March 1, 2022, the City Manager's Office authorized the first Amendment to the Master Agreement changing all references from BSI Services and Solutions (West), Inc. to BSI America Professional Services, Inc. The Environmental Services Department has issued six service orders to date, totaling \$230,981 for various projects including air sampling for residual Polychlorinated Biphenyls in a digester tank, an asbestos survey on a drainpipe, updates to the safety training program, ergonomic evaluations of field tasks, an industrial hygiene exposure assessment, and most importantly, temporary safety coverage for the San José-Santa Clara Regional Wastewater Facility (RWF). The original amount was used much quicker than expected due to the unanticipated resignation of the RWF Safety Officer during a critical time at the RWF with an increase in Capital construction projects, unforeseen COVID-19 impacts, and staff shortages. The last service order was put in place for BSI to resource two safety professionals to provide temporary safety coverage at the RWF for 40 hours a week until the recruitment of a permanent Safety Officer is completed and to support the transition period.

The purpose of this increase in compensation and extension of time is to provide the RWF with the critical safety coverage and technical expertise necessary to maintain operational safety compliance and assist in any unforeseen accidents and emergencies. The safety professionals will also be onsite to provide daily support for all operations and maintenance personnel and guidance on a range of environmental health and safety activities such as confined space entry, lock out/tag out, fall protection, hazardous materials, etc. They will also continue to provide essential coordination and maintain communication with the Capital Improvements Program on critical safety matters such as process shut down requests. Without this amendment, the RWF would be at risk of regulatory safety violations and a reduction in safety awareness and behavior that could result in an increase of accidents and emergencies.

Increasing the total compensation and extending the time of this contract will allow the RWF to maintain critical safety coverage until a Safety Officer is onboard, provide safety support services that would otherwise be performed by the Safety Officer, and provide the RWF with a program gap assessment analysis to maintain and advance the safety program.

Climate Smart San José: The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input: This item is scheduled to be heard at the August 11, 2022 Treatment Plant Advisory Committee meeting. A supplemental memorandum with the Committee's recommendation will be included in the amended August 23, 2022 City Council meeting agenda.

**COST AND FUNDING SOURCE:**

Services performed by BSI under this agreement will be authorized by service orders. An appropriation is not required for execution of the Master Consultant Agreement but is required for each service order authorized under this agreement. The source of funding is the Treatment Plant Operating Fund (Fund 513) and is subject to appropriation and, if needed, will be included in the development of future year budgets during the annual budget process.

**FOR QUESTIONS CONTACT:** Jennifer Voccola-Brown, Sustainability & Compliance Manager at 408-975-2594