



## AGENDA REPORT

**Meeting Date:** March 6, 2012

**Item Number:** H-16

**From:** Fred Simonson, Maintenance Operations Manager  
Rene Biadoma, Fleet Manager

**Subject:** **MODIFICATION TO THE LOCAL GOVERNMENT MATCH PROGRAM CONTRACT BETWEEN THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AND THE CITY OF BEVERLY HILLS**

**Attachment:** 1. South Coast Air Quality Management District Contract No. **ML09033A**, Modification Of Contract Forms And Description

---

### **RECOMMENDATION**

Staff recommends that the City Council approve the modification to the agreement between the City of Beverly Hills and the South Coast Air Quality Management District (SCAQMD) for an extension of one (1) year for completion of all performance tasks associated with the installation of the compressed natural gas (CNG) facility, procurement of ten replacement trucks and operation of the facility for five (5) years. The value of the grant does not change.

### **INTRODUCTION**

Approximately a year ago, the City of Beverly Hills and the SCAQMD entered into an agreement with the SCAQMD for grant funding to assist with the purchase of 10 heavy-duty CNG-fueled vehicles and to install a CNG fueling station at the City yard. A timeline was in place for the approval of the contract to secure the grant funding. Once the contract was approved, staff determined that the timeline for completion of the CNG facility could not be met. Staff requested a six month extension and the SCAQMD granted a twelve month extension. The intent of the agreement was and continues to be multi-faceted: 1) compliance with the SCAQMD's rules that require use of alternative fuel in heavy-duty vehicles operating in the L.A. basin, 2) avail City of the AB2766 clean-transportation grant funding, and 3) help advance the vehicle-related objectives in the "Beverly Hills Sustainable City Plan." This twelve month extension pushes the performance period for monitoring and compliance for operating the CNG facility and

Meeting Date: March 6, 2012

fleet out to May 3, 2018. In addition, the Statement of Work has been modified to reflect this change in schedule. The additional performance period commences on May 4, 2017 and will be terminated on May 3, 2018. Therefore, a modification to the contract is necessary to extend the date by which performance must be completed by the City and to modify the Statement of Work.

**DISCUSSION**

This extension of time will allow the City to meet its obligations cited in the original agreement with the SCAQMD for funding assistance; the terms of that agreement are unchanged by this time extension except for the performance dates. The Agreement was approved by Council on February 11<sup>th</sup>, 2011. The Agreement's Statement of Work provided that the CNG station must be completed in the fourteenth (14) month of the contract. The fourteenth month would have been mid-April, 2012 without the extension. With the extension, the station will need to be complete and fully operational by mid-April, 2013. We are projecting the station to be fully operational in June, 2012. The delay in executing the original contract is the impetus for the one year extension. The final date of May 3, 2018 concludes the five year monitoring and performance period for the CNG facility. The City has submitted for reimbursement for its first four CNG trucks and has received \$100,000.00 (\$25,000.00 per vehicle) In accordance with the grant funding agreement with SCAQMD.

**FISCAL IMPACT**

Approval of this modified agreement has no fiscal impact on the City.

 \_\_\_\_\_  
David Gustavson  
Approved By

# **Attachment 1**



**MODIFICATION TO CONTRACT**

This modification consists of 3 pages.

1. RECITALS

- A. The South Coast Air Quality Management District (hereinafter "AQMD") and the City of Beverly Hills (hereinafter "CONTRACTOR") have previously executed a Contract No. ML09033 for the purchase of ten (10) CNG vehicles and the installation of a CNG fueling station.
- B. CONTRACTOR has requested and the AQMD has approved an extension to the period of performance due to delays in the contracting process. Therefore, a modification to this Contract is necessary to extend the date by which performance must be completed.

2. MODIFICATION - The parties therefore agree to modify the existing Contract, at no additional cost to AQMD, as follows:

- A. The term of this Contract is extended for an additional period commencing May 4, 2017 and terminating May 3, 2018.
- B. Attachment 1A - Statement of Work, attached hereto and included herein by this reference, supersedes the original Statement of Work.
- C. All other provisions of the above-referenced Contract shall remain in full force and effect.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

CITY OF BEVERLY HILLS

By: \_\_\_\_\_  
Barry R. Wallerstein, D. Env., Executive Officer

By: \_\_\_\_\_  
Name: Barry Brucker  
Title: Mayor

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

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

APPROVED AS TO FORM:  
Dean D. Hughbanks, Procurement Manager

By:  \_\_\_\_\_

CONTRACTOR additional signature page for SCAQMD contract no. ML09033A:

ATTEST:

\_\_\_\_\_  
BYRON POPE (SEAL)  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
JEFFREY KOLIN  
City Manager

  
\_\_\_\_\_  
DAVID D. GUSTAVSON  
Director of Public Works & Transportation

  
\_\_\_\_\_  
KARL KIRKMAN  
Risk Manager

**Attachment 1A  
Statement of Work  
City of Beverly Hills  
Hereinafter Referred to as CONTRACTOR  
Contract Number ML09033A**

**Project Description**

CONTRACTOR will purchase 10 heavy-duty vehicles as specified below. At their corporate yard, CONTRACTOR shall also install a limited-access compressed natural gas (CNG) fueling station at their vehicle maintenance facility, as specified in Attachment 3, Supporting Documents, CNG Fueling Station Specifications.

**Statement of Work**

Vehicles

CONTRACTOR shall purchase 10 heavy-duty vehicles, each with gross vehicle weight rating greater than 14,000 pounds and equipped with dedicated compressed natural gas-fueled (CNG) engines, as follows:

<b>Vehicles</b>	<b>Life Expectancy</b>	<b>Annual Operation</b>
(3) refuse trucks	10 years each	2,000 hours each
(1) dump truck	20 years	1,000 hours
(1) water vacuum truck	10 years	1,000 hours
(5) street sweepers	7 years each	2,000 hours each

Each model year 2006 or earlier engine must be certified to a low-emission or optional NO<sub>x</sub> standard by the California Air Resources Board (CARB). Each model year 2007 or later natural gas engine must have a CARB NO<sub>x</sub> certification at least 30% lower than the comparable diesel-fuel engine. AQMD staff shall be the final arbiters of comparability between engines.

CONTRACTOR shall be reimbursed for vehicles according to the costs stated in Attachment 2 – Payment Schedule.

CNG Fueling Station

CONTRACTOR shall install a limited-access CNG fueling station as specified in Attachment 3.1, CNG Fueling Station Specifications. CONTRACTOR shall be reimbursed according to Attachment 2 - Payment Schedule.

Promotion

CONTRACTOR shall prepare and submit a proposed Public Outreach Plan to promote the MSRC's co-funding of the vehicles and station. Acceptable outreach may include, but is not limited to, notices in CONTRACTOR mailings to residents, newspaper notices, flyers, and information items at CONTRACTOR Board meetings and community events. The Public Outreach Plan shall automatically be deemed approved 30 days following receipt by AQMD staff, unless AQMD staff notify CONTRACTOR in writing of a Public Outreach Plan deficiency. CONTRACTOR shall implement the approved Public Outreach Plan in accordance with the Project Schedule below.

**Attachment 1A  
Statement of Work – continued  
City of Beverly Hills  
Hereinafter Referred to as CONTRACTOR  
Contract Number ML08033A**

**Project Schedule (based on date of Contract execution)**

<b>Task</b>	<b>Completion</b>
Enter contract for station installation	Month 3 <del>15</del>
Order vehicles	Month 4
Submit Public Outreach Plan	Month 7
Complete station installation	Month 4 <del>123</del>
Take delivery and place vehicles in service	Month 11
Implement Public Outreach Plan	Month 4 <del>325</del>
Quarterly reports	Months 4, 7, and 10, 13, 16, 19, and 22
Final Report	Month 4 <del>426</del>

**Hardware:** Natural gas-fueled vehicles as listed above; fueling station equipment.

**Reports**

**Quarterly Reports:** Until the station commences operation and all subject vehicles are entered into service, CONTRACTOR shall provide quarterly progress reports that summarize the project results to date including, but not limited to: tasks completed, issues or problems encountered, resolutions implemented, and progress to date. Progress reports that do not comply will be returned to the CONTRACTOR as inadequate.

**Final Report:** A Final Report shall be submitted by the CONTRACTOR in the format provided by AQMD staff. Report shall include, at a minimum: a) an executive summary; and b) a detailed discussion of the results and conclusions at this project. CONTRACTOR will identify any barriers encountered and solutions developed to overcome the barriers, and impact of project on future alternative fuel projects.