



Health & Human Services  
Agency  
**COUNTY OF TULARE**  
**AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** July 12, 2011 - **REVISED**

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Larry Dwoskin PHONE: 624-8000

**SUBJECT:** Approval of amendment to Agreement No. 23832 with Wprime, Inc.

**REQUEST(S):**

That the Board of Supervisors:

1. Ratify and approve an amendment to Agreement No. 23832 with Wprime, Inc. to develop a Groundwater Quality Monitoring Plan, retroactive to October 1, 2008 through May 15, 2012. This amendment is retroactive due to inadvertent delays in obtaining authorized signatures on the amendment. It was impracticable for the Board to take action before October 30, 2008 due to the time needed to process, prepare, and submit the agenda item;
2. Find that the Board had authority to enter into the proposed Agreement as of October 1, 2008 and that it was in the County's best interest to enter into the Agreement on that date; and
3. Authorize the Chairman of the Board to sign three (3) copies of the amendment.

**SUMMARY:**

The need for groundwater quality information in Tulare County is critical to the developing urban areas, the agricultural industry, the local land and water use planning agencies, disadvantaged communities, and to the general public. Tulare County Health and Human Services Agency (HHSA), Division of Environmental Health has contracted with WRIME, Inc. to develop and implement a program for

**SUBJECT:** Approval of amendment to Agreement No. 23832 with Wrime, Inc.

**DATE:** July 12, 2011

the management of historical and future groundwater data to be integrated into the California Department of Water Resources (DWR) Integrated Water Resources Information System (IWRIS). The purpose of this project is to develop a consensus for collecting and managing reliable groundwater quality data to support the regional efforts by the County, Kaweah Delta Water Conservation District, and local water agencies to provide and protect the groundwater basin as a source of water for agriculture and municipal use. This task will establish a groundwater quality monitoring plan that will meet the State requirements of the mandatory components of the local groundwater management plan and the developing integrated regional water management plan. A groundwater quality monitoring plan/protocol document will be provided as a separate manual for the County of Tulare and other districts within the basin upon completion of this project.

The proposed project will:

- Consolidate readily available groundwater quality data
- Collect water quality samples by aquifer to fill “data gaps”
- Develop a Data Management System (DMS)
- Create a reliable local and regional tool to enhance the knowledge of groundwater conditions
- Tie the DMS to the Department of Water Resources Information System to make reports and findings available for public use.

The purpose of this amendment is to extend the contract as committed to by the California Department of Water Resources and to acknowledge the remaining scope of work to be completed under the initial contract and DWR funding.

The original agreement was approved as to form by County Counsel and was approved by the Board of Supervisors on November 18, 2008. The deviations for the County contract protocol included in the prior agenda item were: (1) the term of the Agreement is retroactive to October 1, 2008 and ends on May 15, 2012, however, Exhibit A, page 17 refers to a “Schedule” that defines the duration of the project as 23.5 months, beginning on July 1, 2008 and ending on May 14, 2010. The discrepancy in this time frame is a result of this Agreement being tied to the State’s Local Groundwater Grant Agreement. The work flow of this Agreement was originally set to coincide with the State Groundwater Grant Agreement but was delayed due to obtaining authorized signatures on the Agreement and the Grant Agreement; (2) WRIME will be the owner of its work product and the County’s use of that work product without WRIME’s consent may subject the County to risk of liability; (3) WRIME may be allowed an increase in fee or an extension of time, or both if it makes an approved claim; (4) the Insurance clause does not include the normal Exhibit C, the Insurance clause does not include a “Waiver of Subrogation” clause that is normally included in part B.2. of Exhibit C, it also does not include part C (Deductibles and Self-Insured Retentions), part D (Acceptability of Insurance) of the normal Exhibit C; (5) the Agreement has reciprocal indemnification

**SUBJECT:** Approval of amendment to Agreement No. 23832 with Wrime, Inc.

**DATE:** July 12, 2011

and the County must indemnify WRIME for any Claim arising out of an allegation that the County supplied materials, infringe or violate any third party's Intellectual Property Rights; and (6) WRIME will retain records in compliance with generally accepted accounting practices, but does not specifically state that it would retain records for a period of five (5) years, which is a deviation for standard contract protocols. The proposed renewal agreement does not include any additional deviations from the County contract protocol. The only changes from the prior agreement are to the time period of the agreement, October 1, 2008 through May 15, 2012, and the dollar amount of the agreement, \$149,984.

**FISCAL IMPACT/FINANCING:**

Expenses and revenues in the amount of \$149,984 for this Agreement are included in the Fiscal Year 2011/2012. No Net County Cost.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Safety and Security initiative that provides an adequate and safe water supply. This Agreement provides the ability to fulfill this obligation.

**ALTERNATIVES:**

The Board could choose not to approve this amendment, but this is not recommended because the benefits of providing these services lie in accordance with the Strategic Plan of Tulare County.

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

Tulare County Water Commission, Self-Help Enterprises, Community Water Center. This amendment was approved as to form by County Counsel and no changes have been made since this approval.

**SUBJECT:** Approval of amendment to Agreement No. 23832 with Wprime, Inc.

**DATE:** July 12, 2011

**ADMINISTRATIVE SIGN-OFF:**

---

John M. Davis  
Agency Director

Cc: Auditor/Controller  
County Counsel  
County Administrative Office (3)

Amendment

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

<b>IN THE MATTER OF:</b> Approval of amendment to Agreement No. 23832 with Wprime, Inc.	) ) )	<b>RESOLUTION NO.</b> _____ <b>AGREEMENT NO.</b> _____
---	-------------	---

UPON MOTION OF SUPERVISOR \_\_\_\_\_,      SECONDED      BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:    JEAN M. ROUSSEAU  
                 COUNTY ADMINISTRATIVE OFFICER/  
                 CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
                 Deputy Clerk

\* \* \* \* \*

1. Ratified and approved an amendment to Agreement No. 23832 with Wprime, Inc. to develop a Groundwater Quality Monitoring Plan, retroactive to October 1, 2008 through May 15, 2012. This amendment is retroactive due to inadvertent delays in obtaining authorized signatures on the amendment. It was impracticable for the Board to take action before October 30, 2008 due to the time needed to process, prepare, and submit the agenda item;
2. Found that the Board had authority to enter into the proposed Agreement as of October 1, 2008 and that it was in the County's best interest to enter into the Agreement on that date; and

3. Authorized the Chairman of the Board to sign three (3) copies of the amendment.