



# Board of County Commissioners Agenda Request

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Agenda Item #

**Requested Meeting Date:** April 9, 2019

**Title of Item:** Accept Amendment to Joint Powers Agreement

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <small>*provide copy of hearing notice that was published</small>
<b>Submitted by:</b> Rich Courtemanche		<b>Department:</b> Land
<b>Presenter (Name and Title):</b> Rich Courtemanche - Land Commissioner		<b>Estimated Time Needed:</b> 5 min
<b>Summary of Issue:</b>  Aitkin County Land Department (ACLD) has an active Joint Powers Agreement with the DNR to maintain several boat accesses in Aitkin County (Current contract \$11,400 or \$3,800/yr).  DNR Trials and Waterways has requested that ACLD: 1) add Round Lake and Fleming Lake Boat Accesses to our current maintenance schedule, and 2) to remove White Elk and French Lake Boat Accesses from the agreement.  DNR has also agreed to increase the contract an additional \$1,020 for a total of \$12,420 (\$4,160/yr starting July 2019)		
<b>Alternatives, Options, Effects on Others/Comments:</b>  		
<b>Recommended Action/Motion:</b> Approve the amendment of the current Joint Powers Agreement (Signatures)		
<b>Financial Impact:</b> Is there a cost associated with this request? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i> DNR reimburses expenses.		

**AMENDMENT COVER SHEET  
JOINT POWERS AGREEMENT AMENDMENTS  
(Minn. Stat. §§ 16C.05, subd. 2(c), 16C.08, subd. 2 and 3)**

**Instructions:**

1. Complete this form for contract amendments that extend the end date of a contract, add/reduce work and money, or change any other term or condition of the contract.
2. Attach this form to the amendment when it is presented to the Department of Administration for approval. **Please always include copies of the original certification form, the original contract, and any previous amendments as these are used for reference.**
3. Make sure that you are using the updated amendment template where the State Agency signature block reaffirms applicable sections of 16C.08, subdivisions 2 and 3.
4. Admin will retain this cover sheet for its files.

<b>Agency: State of Minnesota Department of Natural Resources</b>	<b>Name of Contractor: Aitkin County PO 133619 Contract 138011</b>
<b>Current contract term: 04/01/2018 to 09/30/2020</b>	<b>Project Identification: Public Water Access Maintenance</b>

Amendments to contracts must entail tasks that are substantially similar to those in the original contract or involve tasks that are so closely related to the original contract that it would be impracticable for a different contractor to perform the work. The commissioner or an agency official to whom the commissioner has delegated contracting authority under section 16C. 03, subdivision 16, must determine that an amendment would serve the interest of the state better than a new contract and would cost no more. An amendment should be in effect before the contract expires.

Complete Appropriate Box(es) for the amendment submitted.

<b>1. <input checked="" type="checkbox"/> Amendment to the end date of the agreement</b>
<b>Proposed New End Date: 09/30/2021</b>
<b>Why is it necessary to amend the end date?</b> To provide public water access maintenance to the amended locations through September 30, 2021.

<b>2. <input checked="" type="checkbox"/> Amend Duties and Cost</b> <input type="checkbox"/> <b>Amend Duties Only</b>
<b>2a. If cost is amended, insert amount of original agreement AND amount of each amendment below:</b> <b>Original \$11,400</b> <b>Amendment: \$1,020</b>
<b>2b. Describe the amendment:</b> <b>Remove access locations: White Elk and French Lake and add Round Lake and Fleming Lake. An increase in cost per site was also amended due to the amount of work involved.</b>

<b>3. <input type="checkbox"/> Amendment to change other terms and conditions of the agreement</b>
<b>Describe the changes that are being made:</b>

Agreement Start Date:	<u>04/01/2018</u>	Total Agreement Amount:	<u>\$12,420.00</u>
Original Agreement Expiration Date:	<u>09/30/2020</u>	Original Agreement:	<u>\$11,400.00</u>
Current Agreement Expiration Date:	<u>09/30/2020</u>	Previous Amendment(s) Total:	<u>\$0</u>
Requested Agreement Expiration Date:	<u>09/30/2021</u>	This Amendment:	<u>\$1020.00</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Department of Natural Resources ("State") and Aitkin County, 209 2<sup>nd</sup> Street NW #203, Aitkin, MN 56431 ("Governmental Unit").

**Recitals**

1. The State has an agreement with the Contractor identified as "SWIFT Contract Number 138011 ("Original Agreement") to provide Public water access maintenance in Aitkin County.
2. THE AGREEMENT IS BEING AMENDED to remove White Elk and French Lake locations and add Round Lake and Fleming Lake locations. SEE EXHIBIT B
3. The State and the Contractor are willing to amend the Original Agreement as stated below.

**Agreement Amendment**

**REVISION 1.** Clause 1. "**Term of Agreement**" is amended as follows:

- 1.1 **Effective date:** April 1, 2018, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
- 1.2 **Expiration date:** ~~September 30, 2020~~ September 30, 2021, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

**REVISION 2.** Clause 2. "**Agreement between the Parties**" is amended as follows:

SEE EXHIBIT A, WHICH IS ATTACHED AND INCORPORATED INTO THIS AGREEMENT.  
Upon execution of this amendment, the Governmental Unit shall perform the duties as detailed in Exhibit B, which is attached and incorporated into this contract.

**REVISION 3.** Clause 3 "**Payment**" is amended as follows:

The State of Minnesota Department of Natural Resources will pay Aitkin County per rates contained in Exhibit A through execution of amendment. Billing shall be done twice annually (June 30th and September 30th) according to Exhibit B and invoices submitted to DNR Parks and Trails, Grand Rapids Area Office, 1201 East Highway 2, Grand Rapids, MN 55744.  
The total obligation of the State under this agreement will not exceed ~~\$1,900.00 per billing period or \$3,8000.00 per year for a total of \$11,400.00 for the term of this agreement.~~ \$11,400.00 \$12,420.00.

Except as amended herein, the terms and conditions of the Original Agreement and all previous amendments remain in full force and effect.

**1. STATE ENCUMBRANCE VERIFICATION**

*Individual certifies that funds have been encumbered as required by Minn. Stat. §§16A.15 and 16C.05.*

Signed: PATRICK DOLESEK

Date: 04-02-2019

SWIFT Contract No. 138011

SWIFT PO No. 133619

**2. GOVERNMENTAL UNIT - AITKIN COUNTY**

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

Title: \_\_\_\_\_

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

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

Title: \_\_\_\_\_

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

**3. STATE AGENCY**

*Individual certifies the applicable provisions of Minn. Stat. §16C.08, subdivisions 2 and 3 are reaffirmed.*

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

Title: Northeast Regional Director

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

**4. COMMISSIONER OF ADMINISTRATION**

*As delegated to the Office of State Procurement*

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

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

Distribution:  
Agency  
Governmental Unit  
State's Authorized Representative - Photo Copy

