



# Board Agenda Item 54

DATE: November 24, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Agreements with Consultants for On-Call Environmental Services

RECOMMENDED ACTION(S):

**Authorize the Director of Public Works and Planning, subject to the review and approval by County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form, to execute eight On-Call Environmental Consultant Agreements for environmental consultant services (\$2,000,000).**

Approval of the recommended action will authorize the Director of Public Works and Planning to execute on-call Agreements with eight firms to provide various environmental consultant services. The term of each Agreement is three years, with two optional one-year renewals. The maximum total dollar amount of all Agreements is an aggregate of \$2,000,000. The impacts of this item are Countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended action, the Department will have to prepare a separate Request for Proposal for each project, causing significant delays in the design process and delivery of planned public works projects. If delivery deadlines are not met, the Department will be at risk of losing Federal funding.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The total combined maximum amount of the Agreements is \$2,000,000 over the potential five-year term. The consultants will be compensated at agreed hourly rates for services performed as set forth in each Agreement. As these services are provided, costs will be reimbursed from appropriate sources for the various approved public works projects. A total of \$1,105,000 was authorized using the previous on-call Agreements which expire in January 2021.

DISCUSSION:

Approval of the recommended action would retain environmental consultants to assist in the completion of various public works projects on an on-call basis. The Department utilizes environmental consultants to prepare technical studies, memoranda and reports necessary to comply with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) processes. It is more efficient to administer general environmental on-call services Agreements than to solicit individual proposals, select consultants and administer separate agreements for each project.

Contracting with the recommended consultants will facilitate a timelier, cost effective and dependable delivery of projects, while allowing the Department the option of using a firm with relevant experience and particular expertise on a project-specific level. Task orders will be issued for each project and assignments will be based upon experience and performance with similar work, firm availability and cost proposals for the specific project's anticipated services. A not-to-exceed cost will be negotiated, and services will be authorized in writing by the Department prior to the commencement of the work.

Consultant Selection Process

A formal Request for Qualifications (RFQ) was issued on April 22, 2020, in accordance with County Ordinance Code Chapter 4.10 governing the selection and compensation of architectural and engineering firms, as well as Chapter 10: Consultant Selection of the California Department of Transportation (Caltrans) Local Assistance Procedures Manual. The Department received proposals from 20 consulting firms by the deadline of May 15, 2020.

A selection committee comprised of representatives from the Department's Design Division reviewed and evaluated the proposals based upon approved criteria included in the RFQ. A short list of candidates was created. Seven firms were not recommended for further consideration and were notified. Thirteen firms were interviewed, and eight firms were selected based upon their qualifications and experience.

<u>FIRM NAME</u>	<u>SPECIALTY</u>
Applied Earthworks	Archaeology / Historical Architecture
Area West Environmental, Inc.	Full Service
DeNovo Planning Group	Full Service
GPA Consulting	Full Service
LSA Associates, Inc.	Full Service
Live Oak Associates, Inc.	Biological Services
Rincon Consultants, Inc.	Full Service
SWCA Environmental Consultants	Full Service

Full service firms provide services in multiple fields of expertise, whereas two of the recommended firms provide services in a specific field of expertise. The aggregate total of the Agreements is \$2,000,000, from which each firm will draw funds as they are awarded task orders. The term of each Agreement is three years, with two one-year renewals to be authorized by the Director based upon need and satisfactory performance.

Delegating Authority to Execute Agreements Will Avoid Delay and Minimize Risk to Funding

Due to the need for the services and the impending expiration of the current Agreements, the recommended action will allow the Director to execute the Agreements following receipt of the required documentation from each firm, and the review and approval by County Counsel and the Auditor-Controller/Treasurer-Tax Collector. Caltrans provides oversight for the process of selecting consultants receiving contracts for projects that receive federal funding and must approve the agreements prior to contract execution. The process of obtaining the required documents from each firm can take several weeks and getting final approval from Caltrans can be a lengthy process as well. Allowing the Director to execute each agreement individually will allow the Department to utilize the services of the consulting firms as soon as all requirements are met. Waiting for each consultant to provide the necessary documentation would delay bringing the agreements before your Board, which in turn would affect the Department's ability to deliver projects within the requisite time frames and risk the potential loss of Federal funding.

Attachment A is a consultant services agreement template that is substantially identical to the agreement that will be sent to the consultants for approval. The terms of the agreement will be advantageous to both the County and consultant. Due to the diversity in the size of the consulting firms, the liability insurance limits are slightly less than the recommended limits listed in the County's standard model contract

provisions; therefore, Risk Management has been advised of the revised lowered limits included in the contract. This will ensure that smaller sized firms are not effectively eliminated from contracting with the County due to the expense necessary to carry large amounts of liability insurance coverage for work on smaller projects.

OTHER REVIEWING AGENCIES:

Caltrans Office of Architectural and Engineering Oversight dictates some of the terms of the agreements. The Caltrans Independent Office of Audits and Investigation reviews and approves the consultant's Indirect Cost Rates.

REFERENCE MATERIALS:

BAI #39, January 26, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Sample Agreement

CAO ANALYST:

Samantha Buck