



Board Agenda Item 44

DATE: May 12, 2026

TO: Board of Supervisors

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

SUBJECT: Agreement with Rincon Consultants, Inc. to Prepare a Climate Action and Adaptation Plan

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34 for competitive bids or requests for proposal (AP 34) determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances as Rincon Consultants, Inc. is consultant most familiar with the County's 2024 General Plan and its requirements for preparation of a Climate Action and Adaptation Plan (CAAP) while also possessing broad knowledge of CAAP preparation through successful completion of CAAPs in other jurisdictions in the State of California; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Rincon Consultants, Inc. to prepare a CAAP to meet the requirements of the Fresno County General Plan and its adopted Mitigation, Monitoring and Reporting Program, effective upon execution through December 31, 2027, with two optional one-year extensions, total not to exceed \$628,256.**

Approval of the recommended actions will allow the County to retain Rincon Consultants Inc. (Rincon), a consultant familiar with both the County General Plan and its obligation to prepare a Climate Action and Adaptation Plan (CAAP). Rincon has experience preparing CAAPs for other California jurisdictions and has staff within their organization specializing in the required CAAP preparation steps, public outreach and documentation. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may direct Department staff not to proceed with the recommended actions; however, the County would need to engage in a lengthier process to retain a qualified consultant and have that consultant become familiar with the recently adopted County General Plan and its obligation to prepare a CAAP which could delay its completion. Preparation of a CAAP is time sensitive and a lack of initiation could expose the County to additional litigation regarding the General Plan.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department requests to suspend the competitive bidding process consistent with AP 34 when it is determined that the best interests of the County would be served by not securing competitive bids or issuing a request for proposals. Requiring a Request For Proposal for the CAAP would cause the County to expend additional funds and time beyond deadlines established in the General Plan and its certified Environmental Impact Report (EIR) to begin the CAAP effort. Also, a new consultant will need additional time to become

familiar with the County's CAAP requirements.

There are expected cost and time savings given Rincon's familiarity with the County's General Plan and EIR and their extensive knowledge with prior preparation of successful CAAP's in California. The General Services Department - Purchasing concurs with the Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. Sufficient appropriations are included in County Administrative Office Org 2540 - Interest and Miscellaneous Expenditures - FY 2025-26 Adopted Budget to initiate the CAAP process which is anticipated to be a multiyear effort and will be included in subsequent budget requests for the remainder of the term. The Scope of Work for the CAAP includes \$575,755.92 for CAAP preparation and associated environmental work, and an extra services fee (contingencies) of \$52,500.

DISCUSSION:

Preparation of a CAAP is a mandated requirement by the State of California with the objective of meeting Greenhouse Gas emissions reduction consistent with State Law (Health and Safety Code section 38566 et seq. [Senate Bill 32] and Executive Order B-55-18). CAAPs are local and regional guidelines for reducing greenhouse gas (GHG) emissions and preparing for state-identified climate impacts like heat, fire, and floods. CAAPs are guided by the state's Climate Adaptation Strategy, which focuses objectives such as protecting vulnerable communities, improving public health, and building resilience, with an emphasis on nature-based solutions, and the use of science. As local plans, they set specific GHG reduction targets and detail actions for energy efficiency, renewable energy, transportation, and green infrastructure. The process involves community input with an emphasis on equity.

Rincon is a land use consulting firm with local and state-wide offices that is most familiar with the County General Plan, General Plan EIR and its CAAP requirements, which were approved by the Board in February of 2024. Rincon was the County's land use and environmental consultant for the 2024 General Plan Review Project and was instrumental in the preparation of the General Plan and associated EIR, including developing mitigation language for the CAAP. The General Plan's 2024 adopted EIR Mitigation Measures GHG-1 and GHG-2, as well as General Plan Policies HS-G.12 and HS-G.13, require the County to seek funding for a Greenhouse Gas Inventory and preparation of a CAAP, and stipulates that the County undertake a countywide CAAP within two years of the adoption of its General Plan.

Rincon has been broadly successful preparing CAAP's for other jurisdictions within the State. Given the effort and time involved in preparing the General Plan and the anticipated additional specialized effort to prepare a successful CAAP, staff believes retaining Rincon for preparation of the CAAP is beneficial for all parties. Rincon is an environmental consultant in good standing on the Department's environmental consultant list and Rincon has also been a trusted consultant working with or on behalf of County staff on a number of other Department of Public Works and Planning projects in addition to the General Plan.

In discussion with Rincon, Department staff have made minor modifications to normal County contract language adding a negligence standard for indemnity. Specifically, additional text stating "negligent performance of" has been added to Agreement Section 8.1, and "related to this Agreement or any of the services performed thereunder" has been added to Agreement Section 11.2. Department staff is amenable to this additional clarifying language in the Agreement.

REFERENCE MATERIAL:

BAI #6, February 20, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement with Rincon Consultants, Inc.

CAO ANALYST:

Maria Valencia