



County of Fresno

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Legislation Text

File #: 21-1223, **Version:** 1

DATE: May 17, 2022

TO: Board of Supervisors

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

SUBJECT: Agreements with Consultants for On-Call Architectural, Engineering and Related Service Consultants

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 fifty on-call agreements for engineering, architectural and other related consultant services, each effective upon execution by the County through and including the fifth anniversary of the execution date with no optional extensions, total for all agreements not to exceed \$22,200,000.

Approval of the recommended action will authorize the Director of Public Works and Planning to execute on-call Agreements with 50 firms to provide various engineering, architectural and other related consultant services. The term of each Agreement is five years. The maximum total dollar amount of all Agreements is an aggregate of \$22,200,000. 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 individualized separate Request for Proposals for each project, causing significant delays in the design process and delivery of planned public works projects. If delivery deadlines are not met, the County will be at risk of losing Federal funding for infrastructure projects.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The total combined maximum amount of the Agreements is \$22,200,000 over the 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.

DISCUSSION:

Approval of the recommended action would retain consultants for various engineering, architectural and other related services to assist in the completion of various public works projects on an on-call basis. The Projects may include, but are not limited to, road reconstruction, road widening, bridge replacement, bridge rehabilitation, bike paths, trails, traffic signal design, traffic calming, hydraulic analysis, groundwater well design, potable water treatment and distribution systems, wastewater collection systems and treatment plants, landfills and capital improvements. It is more efficient to administer general on-call service Agreements than to solicit individual proposals, select consultants and administer separate agreements for each project.

Contracting with the recommended consultants will facilitate a more timely, 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) (Attachment A) was issued on November 15, 2021, in accordance with County Ordinance Code Chapter 4.10 governing the selection and compensation of architectural and engineering firms, Government Code 4525-4529.5 as well as Chapter 10: Consultant Selection of the California Department of Transportation (Caltrans) Local Assistance Procedures Manual. The Department received statements of qualification (SOQ) from 61 consulting firms by the deadline of January 14, 2022.

Six selection committees comprised of representatives from across the Department reviewed and evaluated the SOQ according to service specialties, based upon approved criteria included in the RFQ. A shortlist of candidates was created for each specialty. Eleven firms were not recommended for further consideration and were notified, and 53 firms were shortlisted for interviews across 30 specialties. The number of firms sought per specialty varied, but ranged from three firms to ten. Fifty firms were ultimately selected based upon their qualifications and experience, with some firms being selected as finalists for multiple services (Attachment B).

The aggregate total of the Agreements is \$22,200,000, from which each firm will draw funds as they are awarded task orders. The term of each Agreement is five years. Due to the typical delivery timeframe for the small to mid scale public works projects covered by this agreement, it was determined that a five year set term would be more beneficial for the County than the County's standard of three years with two optional one year extensions. This will avoid potential administrative delays due to contract extension processes, and will match the maximum term set for on-call contracts under Caltrans guidelines. A new solicitation and selection process will be initiated prior to the expiration of these contracts to prevent a gap in services.

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 use 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 C is a consultant services agreement template that is substantially identical to the agreement that will be sent to the consultants for approval. Inapplicable sections will be removed for those firms that were not approved to perform services on federally funded and/or staff augmentation services. 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 for firms eligible to provide services on projects that are Federally funded. The Caltrans Independent Office of Audits and Investigation reviews and approves the consultant's Indirect Cost Rates, for consultants approved to perform Federally funded work.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A
Attachment B
Attachment C

CAO ANALYST:

Ron Alexander