

**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
Meeting of August 22, 2006**

**AGENDA TITLE:** Nichols Consulting Engineers, Chtd. – Agreement for Planning, Design and Project Support Services, AGMT # 06-1018

**DEPARTMENT:** Transportation

**DEPT SIGNOFF:** 

**CAO USE ONLY:**  8/9/06

**CONTACT:** Robert Slater

**DATE:** 7/24/06

**PHONE:** 5918

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:**

The El Dorado County Department of Transportation recommends your Board of Supervisors: 1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work performed under this Agreement that are not expressly identified in County classifications, and that the ongoing aggregate of the work performed under this Agreement is not sufficient to warrant the addition of permanent staff; and, 2) Approve and authorize the Board Chairman to sign AGMT # 06-1018 with Nichols Consulting Engineers, Chtd. for planning, design, and project support services for erosion control/water quality projects in the Tahoe Basin for a two and one half year term to expire on January 31, 2009 for an amount not to exceed \$500,000. This Agreement will be funded by grant funds from the California Tahoe Conservancy (CTC), the United States Forest Service (USFS) and the United States Bureau of Reclamation (BOR), and mitigation funds from the Tahoe Regional Planning Agency (TRPA).

**CAO RECOMMENDATIONS:**

*Recommend Approval  
James J. Wilshire  
8/15/06*

*Agreement available in Clerk's Packet.*

Financial impact? (X) Yes ( ) No

Funding Source: ( ) Gen Fund (X) Other

**BUDGET SUMMARY:**

Other: CTC, USFS, BOR, TRPA

Total Est. Cost \$500,000.00

**CAO Office Use Only:**

**Funding**  
Budgeted \$200,000.00

4/5's Vote Required ( ) Yes (X) No

New Funding \_\_\_\_\_

Change in Policy ( ) Yes (X) No

Savings \_\_\_\_\_

New Personnel ( ) Yes (X) No

Other\* \$300,000.00

**CONCURRENCES:**

Total Funding \$500,000.00

Risk Management

**Change in Net County Cost**

County Counsel

Other \_\_\_\_\_

**\*Explain** The Department anticipates budgeting \$200,000 in FY 07/08 and \$100,000 in FY 08/09.

**BOARD ACTIONS:**

Vote: Unanimous \_\_\_\_\_ Or

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors

Ayes:

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

Noes:

Attest: Cindy Keck, Board of Supervisors Clerk

Abstentions:

Absent:

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



**MAINTENANCE DIVISION:**  
2441 Headington Road  
Placerville CA 95667  
Phone: (530) 642-4909  
Fax: (530) 642-9238

**RICHARD W. SHEPARD, P.E.**  
Director of Transportation  
  
Internet Web Site:  
<http://co.el-dorado.ca.us/dot>

**MAIN OFFICE:**  
2850 Fairlane Court  
Placerville CA 95667  
Phone: (530) 621-5900  
Fax: (530) 626-0387



July 24, 2006

Board of Supervisors  
330 Fair Lane  
Placerville, California 95667

**Title:** Nichols Consulting Engineers, Chtd. – Agreement for Planning, Design and Project Support Services, AGMT # 06-1018

**Meeting Date:** August 22, 2006

**District/Supervisor:** District V/Supervisor Santiago

Dear Members of the Board:

**Recommendations:**

The El Dorado County (County) Department of Transportation (Department) recommends your Board of Supervisors (Board): 1) Make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work performed under this Agreement that are not expressly identified in County classifications, and that the ongoing aggregate of the work performed under this Agreement is not sufficient to warrant the addition of permanent staff; and, 2) Approve and authorize the Board Chairman to sign AGMT # 06-1018 with Nichols Consulting Engineers, Chtd. for planning, design, and project support services for erosion control/water quality projects in the Tahoe Basin for a two and one half year term to expire on January 31, 2009 for an amount not to exceed \$500,000.

**Reasons for Recommendations:**

The Department is proposing to enter into an Agreement with Nichols Consulting Engineers, Chtd. (Nichols). Under this Agreement, Nichols will perform various engineering tasks to assist Tahoe Engineering Division (TED) staff in delivering Environmental Improvement Program (EIP) projects and to assist with programmatic needs when requested. Tasks may include, but are not limited to, engineering design, project support, project delivery, mapping, construction support, construction inspection, surveying, materials testing, hydrology and hydraulic calculations, developing and overseeing monitoring plans for design criteria and/or Best Management Practices (BMP) effectiveness, slope/soil stabilization and revegetation and storm water management related activities.

Nichols' services may also include such other tasks as may be assigned by the County's Contract Administrator such as reviewing submittals, deliverables and other

documents on behalf of the County, attending project-related meetings, creating project delivery schedules and estimates and meeting with partner agencies to support project delivery.

In addition to the tasks listed above, the Department's EIP projects may require some or all of the following types of specialty Nichols classifications, which are not contained in current County job classifications: hydrogeologist, environmental engineer, and environmental scientist.

The Department needs to enter into this Agreement to facilitate completion of various EIP projects and may utilize Nichols for some or all of the following projects: Angora Creek Stream Environment Zone, Sawmill Bike Path, Angora 3, Apalachee Phase 2A and Apalachee Phase 3A. The Department has an immediate need to advance many of its projects to meet various grant and regulatory deadlines. Over the past few years, the Department has been unable to fill key vacancies in the areas of design and project management and delivery. As a result, a number of TED employees continue to work overtime hours to try to meet the EIP project delivery mandates. The TED currently has one vacant Senior Civil Engineer position, two vacant Associate Civil Engineer positions, one vacant Department Analyst position and one vacant Associate Land Surveyor position (vacated last month). The Department has conducted numerous recruitments for the vacant engineering positions, often without yielding any candidates with the Tahoe Basin experience that is commensurate with its needs. Currently, "open until filled" recruitments exist for all three engineering vacancies and the Department is in the process of recruiting for the Department Analyst position and the recently vacated Associate Land Surveyor position.

The Department has been utilizing two as-needed consultant agreements to augment existing staff with planning, design and project management services for erosion control/water quality projects in the Tahoe Basin: one with ENTRIX, Inc. and the other with Stantec Consulting Inc. ENTRIX, Inc. recently informed the Department that due to its own recruitment and retention issues, it will be unable to perform all of the services that the Department had planned to assign to ENTRIX. To mitigate these types of situations that have the potential to greatly impact project delivery, the Department has been evaluating the use of a third consultant. To provide flexibility, the Department determined it would be beneficial to diversify its consultant services and put overlapping agreements in place in the event one consultant cannot meet its needs. Therefore, the Department is proposing to enter into the subject Agreement with Nichols.

There are several projects scheduled for construction in the Tahoe Basin this summer, some of which have already started, and the Department does not have sufficient staff to perform all of the required construction support/inspection and surveying services on all of the projects. Additionally, the geographical locations of each project make it difficult for staff to easily travel back and forth between project sites while performing the required duties for each project. The Department recently conducted a Request for Qualifications process for construction support services and plans to enter into separate consultant agreements for these services. The Department included construction support/inspection and surveying services in the subject Agreement with Nichols to provide a back-up in the event in-house staff and other consultants are unavailable due to project demands elsewhere.

The Department selected Nichols for this proposed Agreement through a related Request for Qualifications/Request for Proposals (RFQ/RFP) process that was recently conducted to hire a consultant for the Tahoe Basin Storm Water Management Plan and National Pollutant Discharge Elimination System Program support. This RFQ/RFP process was used because the Department requires similar environmental engineering expertise for the subject Agreement and this process helped to highlight these skills. Through this Agreement with Nichols, the Department has a unique opportunity to utilize the talents of a particular individual, Jason Drew. Mr. Drew will be assigned as the project manager for this Agreement. The TED has worked with Mr. Drew for over 3 ½ years and is very familiar with and confident in his capabilities and knowledge of the project delivery process within the framework of the Tahoe Basin.

The Department's Environmental Improvement Program in the Tahoe Basin is supported entirely by grants from various local, state and federal agencies. There is a competitive component amongst the California EIP implementers with regard to receiving certain California Tahoe Conservancy (CTC) grant monies, which is one of the TED's main funding sources. Each year, the TED receives a jurisdictional allocation of grant funding, which allows it to set sustainable staffing levels. The TED also has an opportunity to compete for additional grant monies with the other California EIP implementers. This fluctuation in grant funding from year to year makes it extremely difficult to adequately staff the TED. Because the Department is only able to staff the TED to handle predictable levels of grant funding, the Department anticipates that there will be a continued need for some level of resource augmentation in the form of consultant services contracts.

Further complicating the grant funding predictability and sustainability, the Department was recently informed about additional funding uncertainties related to the CTC's bond monies. In May 2006, the California State Legislature adopted a slate of four bond measures to place on the November ballot. The \$37.3 billion infrastructure bond package that passed has four components: Transportation (SB 1266), \$ 19.925 billion; Housing (SB 1689), \$ 2.850 billion; Education (AB 127), \$ 10.416 billion; and Flood Protection (AB 140) \$ 4.09 billion. None of the State Conservancies (including the CTC) was included by name in any of these bonds. In addition, most of the bonds have very little connection to natural resource protection. The Department has been more aggressively pursuing federal grant funding sources in recent years; however, federal grants typically require a 50% match, and without the CTC grant money, the County has limited ability to provide the match.

This proposed Agreement will assist the Department in meeting the immediate challenges imposed by the disproportionate staffing levels opposed to project delivery mandates in the Tahoe Basin. The Department will continue to evaluate recruitment strategies relative to filling its existing vacancies, as well as to develop and implement management tools that will help it better forecast its staffing needs commensurate with available grant funding and project delivery responsibilities. Notwithstanding these efforts, however, the Department cannot rely on any impending change and risk failing to meet its increased project delivery commitments for 2006 and 2007.

With this Agreement in place, the Department will have the flexibility it requires to meet its project delivery schedules, as well as the ability to respond to changes in available funding and to engage new staff with the requisite work if the Department is successful in filling its vacant positions. However, in the interest of continuity, if positions are filled during the term of this Agreement, the Department plans to allow Nichols to complete any pending assignments.

The Department proposes a term, ending on January 31, 2009, that exceeds the two-year Board policy limit so that if a future contract is necessary, the contract preparation process will not coincide with the busy construction season in Tahoe. Therefore, the Department is seeking Board approval for an exception to Board Policy Number C-4.

The El Dorado County Employees Association, Local #1, has been informed of this proposed Agreement.

**Fiscal Impact:**

Funding for the subject Agreement will be provided through grant funds from the CTC, the United States Forest Service and the United States Bureau of Reclamation, and mitigation funds from the Tahoe Regional Planning Agency. The Department included \$200,000 in its Fiscal Year (FY) 2006/2007 budget for this Agreement and anticipates budgeting \$200,000 in FY 2007/2008 and \$100,000 in FY 2008/2009, for a total Agreement amount of \$500,000.

**Net County Cost:**

There is no cost to the County General Fund.

**Action to be Taken Following Approval:**

- 1) The Board Clerk will obtain the Board Chairman's signature on the two originals of AGMT # 06-1018.
- 2) The Board Clerk will forward one original of the fully-executed Agreement to the Department for further processing.

Sincerely,



Richard W. Shepard, P. E.  
Director of Transportation

**ENGINEERING SERVICES AGREEMENT**

# CONTRACT ROUTING SHEET

**PROCESSING DEPARTMENT:**

Department: \_\_\_\_\_  
Dept. Contact: Transportation  
Phone: Tim Prudhel  
Department Head: x5974  
Signature: J. Prudhel  
Tim C. Prudhel  
Contract Services Officer

**CONTRACTOR:**

Name: Nichols Consulting Engineers, Chtd.  
Address: 1885 S. Arlington Ave. #111  
Reno, NV 89509  
Phone: 775-329-4955

2006 AUG 14 11:51 AM  
EL DORADO COUNTY COUNSEL  
LMO RECEIVED

**CONTRACTING DEPARTMENT:** Transportation

Compliance with Human Resources requirements? Yes: X No: \_\_\_\_\_  
Compliance verified by: Contract Notification Sent 06/01/06 - HR response received 06/05/06: OK per David Molina.

**COUNTY COUNSEL:** (must approve all contracts and MOUs)

Approved:  Disapproved: \_\_\_\_\_ Date: 8/12/06 By: D. Johnson  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

PER MY CONVERSATION WITH TIM PRUDHEL ON 8/2 AT 12:00PM, QUOTE DELETE THE PORTION OF THE SCOPE OF WORK REGARDING WITH "STAFF DOCUMENTATION" AS WELL AS ANY REFERENCES THERE TO ELSEWHERE IN THE AGREEMENT. UNQUOTE ALSO MAKE OTHER CHANGES MARKED WITH YELLOW POST-IT NOTES. Revisions made as indicated 08/02/06  
J. Prudhel

ASSIGNMENT

DATE: 07/17/2006  
ATTORNEY: \_\_\_\_\_  
DEPT. INDEX NO: \_\_\_\_\_  
BY: \_\_\_\_\_

**Please forward to Risk Management upon approval.**

Index Code: <u>306500</u>	User Code: <u>25000A</u>
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**RISK MANAGEMENT:** (All contracts and MOUs except boilerplate grant funding agreements)

Approved:  Disapproved: \_\_\_\_\_ Date: 8/2/06 By: J. Prudhel  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

AUG 02 2006

**OTHER APPROVAL** (Specify department(s) participating or directly affected by this contract).

Department(s): \_\_\_\_\_  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

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DOT