



County of El Dorado

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Legislation Details (With Text)

File #: 12-0505 **Version:** 2

Type: Agenda Item **Status:** Approved

File created: 1/8/2013 **In control:** Board of Supervisors

On agenda: 2/5/2013 **Final action:** 2/5/2013

Title: Transportation recommending the Board consider the following:

- 1) Make findings in accordance with Chapter 3.13, Section 3.13.030 of the County ordinance code that it is more economical and feasible to engage an independent contractor for environmental review services; and
- 2) Rescind the original version of Agreement for Services No. 127-S1311 approved by the Board on September 25, 2012, Item No. 24, as the original agreement was not released to the vendor pending completion of the Pre-Award Audit; and
- 3) Authorize the Chair to sign revised Agreement for Services No. 127-S1311 with Environmental Stewardship and Planning, Inc. in the not-to-exceed amount of \$145,000 for a term to become effective upon execution by both parties and expiring two years thereafter or upon completion of all issued Task Orders or Work Orders, whichever is later.

FUNDING: Various Capital Improvement Program (CIP) funding sources that fund the Department's CIP projects.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2A - Approved CRS 2-5-13, 2. 2B - ESP AGMT 2-5-13, 3. A - Approved CRS.pdf, 4. B - AGMT 12-53449.pdf, 5. Fully executed Agreemen 127-S1311t.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 2/5/2013 | 2 | Board of Supervisors | Approved | Pass |
| 9/25/2012 | 1 | Board of Supervisors | Approved | Pass |

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FUNDING: Various Capital Improvement Program (CIP) funding sources that fund the Department's CIP projects.

| BUDGET SUMMARY: | |
|---------------------------|-----------|
| Total Estimated Cost..... | \$145,000 |
| | |

| | |
|--------------------------------|-----------|
| Budgeted..... | \$ 75,000 |
| New Funding..... | |
| Savings..... | |
| Other*..... | \$ 70,000 |
| Total Funding Available..... | \$145,000 |
| | |
| Change To Net County Cost..... | \$0 |

*To be budgeted in subsequent Fiscal Year (FY) budgets.

Fiscal Impact/Change to Net County Cost

The Department of Transportation (Department) budgeted \$75,000 in FY 2012/2013 and anticipates budgeting the remaining \$70,000 in subsequent FY budgets. Funding for the Agreement will be provided by various Capital Improvement Program (CIP) funding sources that fund the Department's CIP projects.

Background

The Procurement and Contracts Division completed a Request for Qualifications (RFQ) process for the Department in February 2011. The firm of Environmental Stewardship & Planning, Inc. (ESP) was determined to be highly qualified to provide the environmental support services required in this proposed Agreement.

The Board previously approved this Agreement with ESP on September 25, 2012 in the not-to-exceed amount of \$300,000 and with a term of three years or upon completion of all issued Task orders or Work Orders, whichever is later. Although approved by the Board in September, the Department has not released the fully executed Agreement to ESP pending completion of the Pre-Award Audit, and has been unable to utilize the services of the ESP Agreement.

The ability to utilize the Agreement was contingent upon completion of a Pre-Award Audit for contracts in excess of \$150,000 on projects that utilize federal funding, as required by the current edition of the State of California Department of Transportation (Caltrans) Local Assistance Procedures Manual (LAPM). This requirement for a Pre-Award audit will take a significant amount of staff time and in excess of four months to be completed by the Department. This type of delay in the contract approval to include additional contract budget dollars in contingency for future years does not outweigh the more immediate need for these contract services. Department staff has obtained services from ESP for over ten years and finds this firm's costs to be fair, competitive and produces deliverables well above industry standards. After obtaining concurrence from County Counsel, the Department reduced the dollar amount to \$145,000 and reduced the term to two years or upon completion of all issued Task orders or Work Orders, whichever is later and is now resubmitting the Agreement to the Board for approval.

Reason for Recommendation

The Department recommends the Board make findings in accordance with Chapter 3.13, Section 3.13.030 of the County ordinance that it is more economical and feasible to engage an independent contractor for environmental review services.

Under the subject Agreement, ESP will coordinate with state and federal resource agencies and

prepare focused technical studies, surveys and final environmental documents in compliance with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) guidelines and regulations; prepare and process applications through state and federal agencies regarding the Clean Water Act, State Fish and Game Code, the National Historic Preservation Act, the Endangered Species Act and the Federal Department of Transportation Act; and develop mitigation and monitoring programs consistent with legal requirements.

Most of the services provided under this Agreement, such as preparation of the focused technical studies, technical surveys and reviews (all documentation required by CEQA), require specialty skills that are not included in County job classifications. These environmental specialty skills will be provided on an on-call basis, specifically in support of CIP projects, and generally in support of other County activities as required.

The Department has re-assessed the need for environmental review services and is recommending the reduced term and dollar amount of the Agreement with ESP. Given that this Agreement is for on-call services, generally the Task Orders prepared under this Agreement are in the \$10,000 - \$20,000 range or less, to support a wide range of projects that are independent from one another. The revised term and dollar amount should be sufficient for the anticipated limited uses. Larger, more complex projects would utilize a project-specific agreement, not an on-call agreement such as this.

The Purchasing Agent reviewed and provided approval of the Department's request to process the Agreement with ESP and concurs that the Department's request is in compliance with Board of Supervisors Policy C-17.

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

Action(s) to be taken following Board approval

1. The Clerk of the Board will obtain the Chair's signature on the two resubmitted originals of the Agreement.
2. The Clerk of the Board will forward one original Agreement to the Department for further processing.

Contact

Kim Kerr, Interim Director
Department of Transportation

Concurrences

County Counsel and Risk Management