



## Legislation Details (With Text)

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**File created:** 9/30/2022      **In control:** Board of Supervisors

**On agenda:** 1/3/2023      **Final action:** 1/3/2023

**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign the following for the West Slope on-call environmental review services:

- 1) First Amendment to Agreement for Services 4201 with Ascent Environmental, Inc., extending the term by two (2) years, modifying the original rate schedule, and updating contract language per California Department of Transportation (Caltrans) federal funding requirements, with no changes to the scope of work;
- 2) First Amendment to Agreement for Services 4203 with Helix Environmental Planning, Inc., extending the term by two (2) years, increasing the not-to-exceed amount by \$170,000 for a new total of \$470,000, modifying the original rate schedule, and updating contract language per Caltrans federal funding requirements, with no changes to the scope of work; and
- 3) Second Amendment to Agreement for Services 4403 with SWCA, Incorporated dba SWCA Environmental Consultants, extending the term by two (2) years, increasing the not-to-exceed amount by \$170,000 for a new total of \$470,000, modifying the original rate schedule, and updating contract language per Caltrans federal funding requirements, with no changes to the scope of work.

**FUNDING:** Funding will be provided by associated Federal, State, and Local funding sources. Local funding sources may include any combination of the following: Traffic Impact Fee Program, Missouri Flat Area Master Circulation and Financing Plan, Road Fund, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, and/or General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Route Sheets, 2. B - Ascent First Amendment 4201, 3. C - Ascent Agmt 4201, 4. D - Helix First Amendment 4203, 5. E - Helix Agmt 4203, 6. F - SWCA Second Amendment 4403, 7. G - SWCA First Amendment 4403, 8. H - SWCA Agmt 4403, 9. Executed Ascent First Amendment 4201, 10. Executed SWCA Second Amendment 4403, 11. Executed Helix First Amendment 4203

Date	Ver.	Action By	Action	Result
1/3/2023	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign the following for the West Slope on-call environmental review services:

- 1) First Amendment to Agreement for Services 4201 with Ascent Environmental, Inc., extending the term by two (2) years, modifying the original rate schedule, and updating contract language per California Department of Transportation (Caltrans) federal funding requirements, with no changes to the scope of work;
- 2) First Amendment to Agreement for Services 4203 with Helix Environmental Planning, Inc., extending the term by two (2) years, increasing the not-to-exceed amount by \$170,000 for a new total of \$470,000, modifying the original rate schedule, and updating contract language per Caltrans federal funding requirements, with no changes to the scope of work; and
- 3) Second Amendment to Agreement for Services 4403 with SWCA, Incorporated dba SWCA Environmental Consultants, extending the term by two (2) years, increasing the not-to-exceed

amount by \$170,000 for a new total of \$470,000, modifying the original rate schedule, and updating contract language per Caltrans federal funding requirements, with no changes to the scope of work.

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**DISCUSSION / BACKGROUND**

The Board approved all Agreement for Services #4201 with Ascent Environmental, Inc. (Ascent), #4203 with Helix Environmental Planning, Inc. (Helix), and #4403 with SWCA Environmental Consultants (SWCA) (previously Sycamore Environmental Consultants, Inc.), on January 7, 2020, Item 15, Legistar 19-1119, to provide as-needed environmental review services for the West Slope of El Dorado County. These services are provided on an on-call basis, specifically in support of the Department of Transportation's (Transportation) Capital Improvement Program (CIP) projects, and generally in support of other County activities as required. Under the subject agreements, the consultants 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.

The First Amendment to Agreement for Services #4201 with Ascent extends the term by two (2) years, modifies the original rate schedule, and updates contract language per Caltrans federal funding requirements, with no changes to the scope of work. The modification of the rate schedule is requested by Ascent since the agreement will extend beyond the original three (3) year period. Transportation analyzed and concurred with the proposed new rates. Caltrans currently recommends that agreements be updated to the most current boilerplate when possible. This is due to current Code of Federal Regulations (CFR) financial reporting requirements, and these minor modifications do not significantly change the intent of the agreements, the scope of work, or County administrative processes. The amendment updates and adds the following articles per Caltrans requirements:

- ARTICLE I, Scope of Work;
- ARTICLE III, Progress Reports;
- ARTICLE V, Allowable Costs and Payments;
- ARTICLE VI, Termination;
- ARTICLE VII, Cost Principles and Administrative Requirements;
- ARTICLE VIII, Retention of Records/Audits;
- ARTICLE IX, Audit Review Procedures;
- ARTICLE X, Subcontracting;
- ARTICLE XI, Equipment Purchase and Other Capital Expenditures;
- ARTICLE XII, State Prevailing Wage Rates;
- ARTICLE XIII, Conflict of Interest;
- ARTICLE XVI, Non-Discrimination Clause and Statement of Compliance;
- ARTICLE XVII, Debarment and Suspension Certification;
- ARTICLE XXIV, Consultant to County;
- ARTICLE XXVI, Independent Contractor;
- ARTICLE XXXVII, Compliance with Federal, State, and COUNTY Requirements;

ARTICLE XLII, Disadvantaged Business Enterprises (DBE) Considerations;  
ARTICLE XLIII, Disadvantaged Business Enterprises Participation;  
ARTICLE LII, Environmental Compliance;  
ARTICLE LX, Force Majeure;  
ARTICLE LXI, Electronic Signatures;  
ARTICLE LXII, Waiver; and  
ARTICLE LXIII, Appendices A - E of the TITLE VI Assurances.

The First Amendment to Agreement for Services #4203 with Helix extends the term by two (2) years, increases the not-to-exceed amount by \$170,000 for a new total of \$470,000, modifies the original rate schedule, and updates contract language per Caltrans federal funding requirements, with no changes to the scope of work. The modification of the rate schedule is requested by Helix since the agreement will extend beyond the original three (3) year period. Transportation analyzed and concurred with the proposed new rates. The increase in the not-to-exceed amount allows additional services that may be needed over the next two (2) years. The amendment updates and adds the same articles per Caltrans requirements as listed above in Ascent's First Amendment.

In May 2021, Sycamore Environmental Consultants, Inc. (Sycamore) notified Transportation that they had been acquired by SWCA. On August 10, 2021, Item 16, Legistar 21-0878, the First Amendment to Agreement for Services #4403 was approved by the Board amending the agreement for SWCA's acquisition of Sycamore. The Second Amendment with SWCA extends the term by two (2) years, increases the not-to-exceed amount by \$170,000 for a new total of \$470,000, modifies the original rate schedule, and updates contract language per Caltrans federal funding requirements, with no changes to the scope of work. The modification of the rate schedule is requested by SWCA since the original schedule used Sycamore's rates and the agreement will extend beyond the original three (3) year period. Transportation analyzed and concurred with the proposed new rates. The increase in the not-to-exceed amount allows additional services that may be needed over the next two (2) years. The amendment adds the following articles per Caltrans requirements:

ARTICLE LIX, Electronic Signatures; and  
ARTICLE LX, Appendices A - E of the TITLE VI Assurances.

The El Dorado County Employees Association, Local #1, was informed of these proposed amendments.

### **ALTERNATIVES**

The Board could choose not to approve the amendments. Transportation would be required to terminate the original agreements and issue a new Request for Proposals to complete the remaining work on the agreements. This would add significant time and cost to the projects using these on-call agreements.

### **PRIOR BOARD ACTION**

See Discussion / Background Section above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed and approved these Amendments.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no net County cost for these amendments. Funding for these amendments will be provided by associated federal, state, and local funding sources. Local funding sources may include any combination of the following: Traffic Impact Fee Program, Missouri Flat Area Master Circulation and Financing Plan, Road Fund, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, and/or General Fund.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of all amendments.
- 2) The Clerk of the Board will forward one (1) copy of each amendment to the County's Chief Administrative Office, Procurement and Contracts Division, Attention to Matt Potter, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

Rafael Martinez, Director  
Department of Transportation