



Legislation Details (With Text)

File #: 23-0171 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 1/10/2023 **In control:** Board of Supervisors

On agenda: 4/4/2023 **Final action:** 4/4/2023

Title: Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board:
 1) In accordance with Section 3.13.030 of County Ordinance Code, Contracting Out, find that specialty skills and qualifications not expressly identified in County classifications are involved in the performance of the Agreement 447 with Ascent Environmental, Inc.;

2) Approve and authorize the Chair to sign Amendment V to Agreement 447 with Ascent Environmental, Inc., for the provision of project specific environmental consulting services for several major development projects, extending the term of the Agreement by three years with an updated expiration date of April 15, 2026, with no changes to the scope of work or not-to-exceed amount; and

3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 447, including amendments which do not increase not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: Applicant Funded.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - PE Amend V Agreement 447, 3. C - Original Agreement & Amendments, 4. Executed Amendment V Agreement 447

Date	Ver.	Action By	Action	Result
4/4/2023	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board:

1) In accordance with Section 3.13.030 of County Ordinance Code, Contracting Out, find that specialty skills and qualifications not expressly identified in County classifications are involved in the performance of the Agreement 447 with Ascent Environmental, Inc.;

2) Approve and authorize the Chair to sign Amendment V to Agreement 447 with Ascent Environmental, Inc., for the provision of project specific environmental consulting services for several major development projects, extending the term of the Agreement by three years with an updated expiration date of April 15, 2026, with no changes to the scope of work or not-to-exceed amount; and

3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 447, including amendments which do not increase not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: Applicant Funded.

DISCUSSION / BACKGROUND

The California Environmental Quality Act (CEQA) and County CEQA Resolution 61-87 allow the County to hire consultants, funded by the applicant, to prepare complex and comprehensive CEQA

documents such as Environmental Impact Reports (EIRs).

On October 6, 2016, the County's Purchasing Agent approved Agreement 447 with Ascent Environmental, Inc. (Ascent) to assist the Planning and Building Department (Department) with providing on-call planning and environmental services for specific plan projects.

On April 25, 2017 (File No. 17-0213, Item No. 19), the Board approved Amendment I to Agreement 447, which increased the total amount of compensation from \$65,400 to \$300,000 and expanded the scope of work to include planning and environmental services for other development project applications.

On September 24, 2019, (File No. 19-1355, Item No. 13), the Board approved Amendment II to Agreement 447, which included extending the term of the contract by three (3) years to expire on October 5, 2022, and increasing the compensation amount by \$100,000 for a total not-to-exceed amount of \$400,000.

On June 30, 2020, (File No. 20-0507, Item No. 24), the Board approved Amendment III to Agreement 447, which included extending the term of the contract by six (6) months to expire on April 5, 2023, and increasing the total compensation by \$400,000 for a total not-to-exceed amount of \$800,000.

On December 7, 2021 (File No. 21-1258, Item No. 40), the Board approved Amendment IV to Agreement 447, which increased the compensation by \$800,000 for a total not-to-exceed amount of \$1,600,000, updated Exhibit B to reflect the consultant's current hourly rates, and other minor administrative changes determined necessary, with no changes to the scope or term of the Agreement.

Ascent is currently assisting the Department with processing several major development projects, including Central El Dorado Hills Specific Plan, Village of Marble Valley Specific Plan, Lime Rock Valley Specific Plan, and EDH 52 Costco Commercial Center Environmental Impact Report. This proposed Amendment V would extend the term of this Agreement by three additional years with a revised expiration date of April 15, 2026, which would allow the Department to finalize these projects with Ascent's assistance. In addition, the Department could rely on Ascent for additional planning and environmental services for other development projects on an as-needed basis as budget and time allows.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made throughout the Agreement. These changes included: updating the Compensation for Services Article to update the County's invoice recipient, updating the Notice to Parties Article to update the County's notice recipients, updating the County's Contract Administrator, and replacing Indemnity and Conflict of Interest Articles in their entirety to address recent changes in state law and revised standard County contract language. Similarly, one (1) new Article, Electronic Signatures was added for the same purpose. Additionally, Exhibit C, California Levine Act Statement, has been incorporated into the Conflict of Interest Article to address Government Code section 84308 (SB 1439, the Levine Act), regarding campaign contributions by the contractor, if any, to any officer of the County.

ALTERNATIVES

The Board may choose not to approve this proposed Amendment V; however, this would result in delays to current and future projects. Ascent's experience in processing a broad range of

development applications helps to ensure that the public, staff, the Board, and other stakeholders have the information necessary to evaluate and make decisions regarding the projects.

PRIOR BOARD ACTION:

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have approved the proposed Amendment V.

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item as all costs are paid by the project applicants. Funding for these services has been included in the Department's Fiscal Year 2022-23 budget. Funding for these services beyond Fiscal Year 2022-23 will be included in subsequent budgets.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment V; and
- 2) The Clerk of the Board will forward one (1) fully-executed original of Amendment V to the Chief Administration Office, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT

Good Governance: Evaluate requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

CONTACT

Rob Peters, Deputy Director of Planning
Planning and Building Department