



## Legislation Details (With Text)

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**Type:** Agenda Item      **Status:** Approved

**File created:** 5/13/2016      **In control:** Board of Supervisors

**On agenda:** 12/19/2017      **Final action:** 12/19/2017

**Title:** Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign the First Amendment to Agreement for Services 079-S1711 with Whitney Environmental Consulting, Inc., dba Foothill Associates, to increase the not-to-exceed amount of \$304,161.55 by \$3,213.90 for a new not-to-exceed amount of \$307,375.45, with no increase in rates, for the purpose of updating contract language and to provide continued environmental clearance, permitting services, and construction support services for the El Dorado Trail - Missouri Flat Road to El Dorado Road Project, CIP 97014, and El Dorado Trail - Missouri Flat Road Bike/Pedestrian Overcrossing Project, CIP 97015.

**FUNDING:** Congestion Mitigation and Air Quality Program. (100%) (Federal Funds)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Approved Contract Routing Sheet 12-19-17, 2. 2B - First Amendment 079-S1711 12-19-17, 3. Executed First Amendment 079-S1711, 4. A - App CRS 8-2-16, 5. B - Agmt 079-S1711 8-2-16, 6. Executed Agreement 079-S1711 (8-2-16)

| Date       | Ver. | Action By            | Action   | Result |
|------------|------|----------------------|----------|--------|
| 12/19/2017 | 2    | Board of Supervisors | Approved | Pass   |
| 8/2/2016   | 1    | Board of Supervisors | Approved | Pass   |

Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign the First Amendment to Agreement for Services 079-S1711 with Whitney Environmental Consulting, Inc., dba Foothill Associates, to increase the not-to-exceed amount of \$304,161.55 by \$3,213.90 for a new not-to-exceed amount of \$307,375.45, with no increase in rates, for the purpose of updating contract language and to provide continued environmental clearance, permitting services, and construction support services for the El Dorado Trail - Missouri Flat Road to El Dorado Road Project, CIP 97014, and El Dorado Trail - Missouri Flat Road Bike/Pedestrian Overcrossing Project, CIP 97015.

**FUNDING:** Congestion Mitigation and Air Quality Program. (100%) (Federal Funds)

**DEPARTMENT RECOMMENDATION**

Community Development Services, Department of Transportation (Transportation), recommending the Board approve and authorize the Chair to sign the First Amendment (Amendment 1) to Agreement for Services 079-S1711 (Agreement) with Whitney Environmental Consulting, Inc., dba Foothill Associates (Foothill), to increase the not-to-exceed amount of \$304,161.55 by \$3,213.90 for a new not-to-exceed amount of \$307,375.45, with no increase in rates, for the purpose of updating contract language and to provide continued environmental clearance, permitting services, and construction support services for the El Dorado Trail - Missouri Flat Road to El Dorado Road Project, Capital Improvement Program (CIP) 97014, and El Dorado Trail - Missouri Flat Road Bike/Pedestrian Overcrossing Project, CIP 97015, collectively the "Projects."

Transportation recommends the Board make findings in accordance with Section 3.13.030 of the El Dorado County Ordinance Code that it is more economical and feasible to engage an independent consultant to provide environmental clearance, permitting services, and construction support services for these Projects, as there are specialty skills and qualifications required for the work to be performed under this Agreement and proposed Amendment 1 that are not expressly identified in County classifications. The work to be performed is not sufficient to warrant the addition of permanent staff.

## **DISCUSSION / BACKGROUND**

On August 2, 2016 (Item 21), the Board approved the Agreement with Foothill for a not-to-exceed amount of \$304,161.55, to provide environmental review services in compliance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements for these Projects.

Since then, Transportation has identified additional tasks not included in the original scope of the Agreement that are necessary for environmental assessment and compliance of the Projects. The proposed Amendment 1 includes the following items:

- Complete an Extended Phase I Study in order to fully evaluate and determine that the Projects will have no adverse effect on cultural and/or historic resources.
- Perform plant surveys for special-status plant species that have the potential to occur within the study area of the Projects.
- Provide on-site monitoring during construction as needed for any work occurring within, or adjacent to, sensitive biological areas.
- Conduct pre-construction surveys for nesting birds and special-status species.
- Additional budget as needed for optional tasks related to oak tree protection and arborist services.

Additionally, the proposed Amendment 1 reallocates the remaining budget for Item of Work 10 of the Agreement, as staff has determined that a Mitigated Negative Declaration rather than an Environmental Impact Report, is the appropriate document to satisfy CEQA based on the findings of the Initial Study. The remaining reallocated funds from this Item of Work essentially reduce the net increase of the not-to-exceed Agreement amount as part of the proposed Amendment 1.

The proposed Amendment 1 will increase the original not-to-exceed amount of \$304,161.55 by \$3,213.90, for a new not-to-exceed amount of \$307,375.45. It will not change the original fee schedule included in the Agreement.

Some of the work to be performed under this Agreement is bargaining unit work; however, there are specialty skills required for much of the work, including CEQA and NEPA requirements, which are not expressly identified in County classifications. The need for expertise in specialty services is sporadic and temporary and not applicable for all CIP projects.

The Purchasing Agent has reviewed and approved Transportation's request to process this Agreement Amendment 1 with Foothill, and concurs that the request is in compliance with Policy C-17.

The El Dorado County Employees Association, Local 1, was informed of this proposed Amendment 1.

### **ALTERNATIVES**

- 1) Direct Transportation to make changes to Amendment 1 and return to the Board at a later date. Transportation's ability to move forward on the Projects would be delayed.
- 2) Direct Transportation to complete the proposed services through an alternate agreement. This option would also result in delayed completion of the Projects and potential additional costs.
- 3) Cancel the Projects. Potentially, Congestion Mitigation and Air Quality Program funding already expended would have to be paid back by the County.

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

County Counsel and Risk Management have approved the proposed Amendment 1.

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

There is no change to Net County Cost resulting from approval of the proposed Amendment 1. Funding for the Projects are included in Transportation's 2017 CIP, which was approved by the Board on June 27, 2017 (Item 25).

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

- 1) Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment 1.
- 2) Clerk of the Board will forward one (1) fully executed original copy of Amendment 1 to Community Development Services, Contracts and Procurement Unit, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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