



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530 621-5390  
FAX 622-3645  
www.edcgov.us/bos/

## Legislation Details (With Text)

**File #:** 08-1658 **Version:** 1

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

**File created:** 10/28/2008 **In control:** Board Of Supervisors

**On agenda:** 1/27/2009 **Final action:** 1/27/2009

**Title:** Transportation Department recommending Chairman be authorized to sign Amendment II to Agreement for Services AGMT 06-1018 with Nichols Consulting Engineers, Chtd. increasing the compensation amount by \$475,000 to \$975,000 and extending the term two (2) additional years through January 30, 2011 to provide planning, design, project support and project delivery services for erosion control and water quality projects in the Tahoe Basin in conjunction with the Environmental Improvement Program.  
RECOMMENDED ACTION: Approve.

Funding: California Tahoe Conservancy, United States Forest Service, United States Bureau of Reclamation, Tahoe Regional Planning Agency grant funding, Road Fund and General Fund.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. AGMT 06-1018, 2. AGMT 06-1018 Amend I, 3. AGMT 06-1018 Amend II, 4. Blue Amend II, 5. Rate Sched Ex A

Date	Ver.	Action By	Action	Result
1/27/2009	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending Chairman be authorized to sign Amendment II to Agreement for Services AGMT 06-1018 with Nichols Consulting Engineers, Chtd. increasing the compensation amount by \$475,000 to \$975,000 and extending the term two (2) additional years through January 30, 2011 to provide planning, design, project support and project delivery services for erosion control and water quality projects in the Tahoe Basin in conjunction with the Environmental Improvement Program.

**RECOMMENDED ACTION:** Approve.

**Funding:** California Tahoe Conservancy, United States Forest Service, United States Bureau of Reclamation, Tahoe Regional Planning Agency grant funding, Road Fund and General Fund.

BUDGET SUMMARY:		
Total Estimated Cost		\$475,000.00
Funding		
Budgeted	\$100,000.00	
New Funding	\$	
Savings	\$	
Other*	\$375,000.00	
Total Funding Available	\$475,000.00	

Change To Net County Cost		\$0
---------------------------	--	-----

\*100,000 has been budgeted in FY 08/09 and \$375,000 will be budgeted in subsequent fiscal years.

**Fiscal Impact/Change to Net County Cost:**

The Transportation Department (Department) included \$100,000 in FY 08/09 and the remaining amount will be budgeted over the next two fiscal years with restricted funding. Costs for individual task orders will be funded with various grant funds as well as monies from the Road Fund and General Fund through the NPDES program.

**Background:**

In August 2006, the County entered into an Agreement with Nichols Consulting Engineers, Chtd. (Nichols) to perform various engineering tasks to assist Department staff in delivering Environmental Improvement Program (EIP) projects and to assist with programmatic needs when requested.

In March 2008, the County amended the original Agreement with Nichols to add *Environmental Services necessary to implement EIP projects in the Tahoe Basin* to the Scope of Work. This Agreement was also amended to include the most recent invoice requirements, amending Article III, Compensation for Services; to modify the indemnity provision for services rendered after December 31, 2006 in accordance with AB573, amending Article XVIII, Indemnity; and, to include County business license requirements, adding Article XXXIII, Business License.

**Reason for Recommendation:**

The purpose of this Amendment II to AGMT # 06-1018 is to increase the compensation by \$475,000 and extend the term of the Agreement two years to January 30, 2011.

The Department requires these engineering services to facilitate completion of the design and delivery of EIP projects and to augment existing staff. The Department has an immediate need to advance many of its projects to meet various grant and regulatory deadlines. The Department has ongoing large EIP projects that Nichols is working on that need to be advanced to the next phase in the Project Delivery Process to stay on schedule with the project delivery timelines and the Department's grant funding program.

Under this Agreement, 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, storm water management related activities, and with the approval of this proposed Amendment, environmental services necessary to implement EIP projects in the Tahoe Basin.

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, under this Agreement, the Department may utilize some or all of the following disciplines, which are not contained in current County job classifications: hydrogeologist, environmental engineer and environmental scientist.

The Department's EIP 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 Tahoe Engineering Division's (TED's) main funding sources. Each year, the Department receives a jurisdictional allocation of grant funding, which allows the Department to set sustainable staffing levels. The Department also has an opportunity to compete for additional grant monies with the other California EIP implementers. The CTC recently informed the Department that it is concerned about the funding for its various programs. The CTC is supported by bond measures. The most recent bond measure, Proposition 42, has been exhausted and the CTC does not currently have a replacement bond measure. The CTC is working with the California State legislature to obtain a new bond measure. In addition, for the first time in the history of the CTC grant funding program, the County's annual jurisdictional allocation of grant funding decreased from \$6 million to \$800,000. The United States Forest Service, which is another of the Department's funding sources, reported similar concerns about its Southern Nevada Public Land Management Act (SNPLMA) funding related to the slowing housing market because this funding is derived from land sales associated with housing sales.

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 Tahoe office 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. Task orders under this Agreement will not be issued unless adequate funding for the specific task order is secured.

Therefore, the Department recommends the Board 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.

The Department selected Nichols for the original Agreement through a related Request for Qualifications/Request for Proposals (RFQ/RFP) process that was conducted in January/February 2006 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 required similar environmental engineering expertise for the subject Agreement and this process helped to highlight these skills. The Department received five (5) proposals and worked to select a consultant. A panel, which was comprised of staff from both the Department and the Regional Water Quality Control Board - Lahontan Region, was assembled to evaluate the proposals and select a consultant. The Department selected and negotiated a final contract with Nichols.

The Department selected Nichols for this Amendment II to the original Agreement through a Request for Qualifications (RFQ) process that was conducted in 2007/2008. The Department received a number of proposals and worked to select a consultant. A panel, which was comprised of staff from both the Department and an outside reviewer, was assembled to evaluate the proposals and select a shortlist of consultants qualified to work in the Tahoe Basin. Nichols is on this shortlist.

The County Purchasing Agent reviewed the Department's request to amend the Agreement with Nichols and concurs that the continued use of this Consultant is appropriate in order to ensure that the Project Delivery Process stays on track with the project delivery timelines. The Purchasing Agent concurs that the Department's request is in compliance with Board of Supervisors Policy C-17,

Sections 7.4.2, 7.5, and 7.10.

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

Action to be taken following Board approval:

1. The Chairman will sign the two (2) originals of Amendment II to AGMT # 06-1018 with Nichols.
2. The Board Clerk will forward one (1) original of the fully-executed Amendment to the Department.
3. Upon receipt, the Department will forward the fully-executed Amendment to Nichols and retain a copy for its files.

Contact:

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

Concurrences: County Counsel and Risk Management