



# County of El Dorado

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## Legislation Details (With Text)

<b>File #:</b>	21-0878	<b>Version:</b>	1
<b>Type:</b>	Agenda Item	<b>Status:</b>	Approved
<b>File created:</b>	5/17/2021	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	8/10/2021	<b>Final action:</b>	8/10/2021
<b>Title:</b>	<p>Department of Transportation recommending the Board approve and authorize the Chair to sign the following:</p> <p>1) Second Amendment to Agreement for Services 11-53271 with SWCA Environmental Consultants, modifying various administrative details related to their acquisition of Sycamore Environmental Consultants, Inc., and updating contract language per California Department of Transportation federal funding requirements with no changes to the compensation of \$539,997.25, rate schedule, term, or scope of work to provide environmental services for the Newtown Road at South Fork of Weber Creek - Bridge Replacement Project; and</p> <p>2) First Amendment to Agreement for Services 4403 with SWCA Environmental Consultants, modifying various administrative details related to their acquisition of Sycamore Environmental Consultants, Inc., and updating contract language per California Department of Transportation federal funding requirements with no changes to the compensation of \$300,000, rate schedule, term, or scope of work for on-call environmental review services.</p> <p>FUNDING: Highway Bridge Program (87%), Regional Surface Transportation Program (3%), Tribe (10%), and funding for various Capital Improvement Program and Environmental Improvement Program projects, 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, Tribe Funds, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, and/or General Fund.</p>		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. A - Amd II CRS 11-53271, 2. B - Amd II 11-53271, 3. C - Amd I 11-53271, 4. D - Agmt 11-53271, 5. E - Amd I CRS 4403, 6. F - Amd I 4403, 7. G - Agmt 4403, 8. Executed Amd I 4403, 9. Executed Amd 11-53271		

Date	Ver.	Action By	Action	Result
8/10/2021	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign the following:

- 1) Second Amendment to Agreement for Services 11-53271 with SWCA Environmental Consultants, modifying various administrative details related to their acquisition of Sycamore Environmental Consultants, Inc., and updating contract language per California Department of Transportation federal funding requirements with no changes to the compensation of \$539,997.25, rate schedule, term, or scope of work to provide environmental services for the Newtown Road at South Fork of Weber Creek - Bridge Replacement Project; and
- 2) First Amendment to Agreement for Services 4403 with SWCA Environmental Consultants, modifying various administrative details related to their acquisition of Sycamore Environmental Consultants, Inc., and updating contract language per California Department of Transportation federal funding requirements with no changes to the compensation of \$300,000, rate schedule, term, or scope of work for on-call environmental review services.

**FUNDING:** Highway Bridge Program (87%), Regional Surface Transportation Program (3%), Tribe (10%), and funding for various Capital Improvement Program and Environmental Improvement Program projects, 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, Tribe Funds, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, and/or General Fund.

#### **DISCUSSION / BACKGROUND**

The Board approved the Agreement for Services 11-53271 (Agreement) with Sycamore Environmental Services, Inc., (Sycamore) on May 22, 2012 (Legistar 11-1213, Item 21). The Agreement provides project specific environmental services for the following projects:

- 1) Newtown Road at South Fork of Weber Creek - Bridge Replacement Project, Capital Improvement Program (CIP) project number 77122 (Newtown Road);
- 2) Silver Fork Road at South Fork American River - Bridge Replacement Project, CIP project number 77124 (Silver Fork); and
- 3) Hazel Valley Road at EID Canal - Bridge Replacement Project, CIP project number 77125 (Hazel Valley).

The Hazel Valley project was accepted by the Board as complete on July 28, 2020 (Legistar 20-0046, Item 8). The Silver Fork project was accepted by the Board as complete on March 10, 2020 (Legistar 20-0083, Item 16). The only remaining work for the Agreement will be for the Newtown Road project.

On December 16, 2016 (Legistar 11-1213, Item 32), the Board approved the First Amendment reallocating budget between projects, updating the fee schedule, and changing contract language to allow for the Contract Administrator to authorize additional budget transfers between projects, if necessary.

The Board approved Agreement for Services #4403 with Sycamore on January 7, 2020 (Legistar 19-1119, Item 15) to provide as-needed environmental review services for the West Slope. These services are provided on an on-call basis, specifically in support of CIP projects, and generally in support of other County activities as required.

In May 2021, Sycamore notified the Department of Transportation (Transportation) that they had been acquired by SWCA Environmental Consultants (SWCA). The Second Amendment and First Amendment will modify the Agreements to make these changes.

Additionally, the Second Amendment and First Amendment updates contract language per California Department of Transportation (Caltrans) federal funding requirements. Caltrans Exhibit 10-R, A&E Boilerplate Agreement Language, was updated in September 2020, and 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 either Agreement, the scope of work (Agreement Exhibit A) or County administrative processes. The following articles have been updated or added to match boilerplate language for the Second Amendment:

ARTICLE I, Scope of Work;  
ARTICLE VIII, Ownership of Data;  
ARTICLE IX, Changes to Agreement;  
ARTICLE X, Consultant to County;

ARTICLE XIII, Independent Contractor;  
ARTICLE XIV, State Prevailing Wage Rates;  
ARTICLE XVI, Termination;  
ARTICLE XVII, Notice to Parties;  
ARTICLE XX, Force Majeure;  
ARTICLE XXI, Waiver;  
ARTICLE XXIX, Cost Principles and Administrative Requirements;  
ARTICLE XXXI, Retention of Records/Audits;  
ARTICLE XXXIX, Disadvantaged Business Enterprises Participation;  
ARTICLE XL, Non-Discrimination Clause and Statement of Compliance;  
ARTICLE XLII, Debarment and Suspension Certification;  
ARTICLE XLIV, Audit Review Procedures;  
ARTICLE LIV, Contract Administrator;  
ARTICLE LVIII, Allowable Costs and Payments;  
ARTICLE LIX, Equipment Purchase and Other Capital Expenditures;  
ARTICLE LX, Subcontracting; and  
ARTICLE LXI, Conflict of Interest.

The following articles have been updated or added to match boilerplate language for the First Amendment:

ARTICLE I, Scope of Work;  
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 XXI, Ownership of Data;  
ARTICLE XXIII, Changes to Agreement;  
ARTICLE XXIV, CONSULTANT to COUNTY;  
ARTICLE XXVI, Independent Contractor;  
ARTICLE XXVIII, Notice to Parties;  
ARTICLE XXXII, Force Majeure;  
ARTICLE XLIII, Disadvantaged Business Enterprises (DBE) Participation; and  
ARTICLE LVIV, Waiver.

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

## **ALTERNATIVES**

The Board could choose to not approve the agreements. 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 Newtown Road project and any projects using SWCA under the on-call agreement.

#### **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**

Funding for the Second Amendment will be provided by Highway Bridge Program, Regional Surface Transportation Program, and Tribe funding. The funds for this contract are budgeted and the Project was included under the Newtown Road Bridge Replacement Project in the 2021 CIP Book, approved by the Board on June 8, 2021 (Legistar 21-0624, Item 54). Funding for the First Amendment 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, Tribe Funds, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, and/or General Fund. Neither amendment makes any change to the contract amounts, and there is no financial impact.

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

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of both Amendments.
- 2) The Clerk of the Board will forward one (1) original of each Amendment to the County's Chief Administrative Office, Procurement and Contracts, for further processing.

#### **STRATEGIC PLAN COMPONENT**

Infrastructure

#### **CONTACT**

Rafael Martinez, Director  
Department of Transportation