



# County of El Dorado

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## Legislation Details (With Text)

<b>File #:</b>	21-1258	<b>Version:</b>	1
<b>Type:</b>	Agenda Item	<b>Status:</b>	Approved
<b>File created:</b>	7/22/2021	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	12/7/2021	<b>Final action:</b>	12/7/2021
<b>Title:</b>	Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment IV to Agreement 447 with Ascent Environmental, Inc., increasing the compensation amount by \$800,000 for a total not-to-exceed amount of \$1,600,000, updating 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.		
	FUNDING: Applicant Funded.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. A - CRS - 447, 2. B - PE Amendment IV - 447, 3. C - Original Contracts & Amendments - 447, 4. Executed Forth Amendment to Agreement for Services #236-S1710		

Date	Ver.	Action By	Action	Result
12/7/2021	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment IV to Agreement 447 with Ascent Environmental, Inc., increasing the compensation amount by \$800,000 for a total not-to-exceed amount of \$1,600,000, updating 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.

**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).

Ascent Environmental, Inc. (Ascent) is currently assisting the Planning and Building Department (Department) with the processing of several major development projects, including Central El Dorado Hills Specific Plan, Village of Marble Valley Specific Plan, Lime Rock Valley Specific Plan, Montano De El Dorado Phase 1 and 2 Commercial Development, Dorado Oaks, Villages at Town Center West Mixed Use Development, Rancho Tierra Subdivision, and EDH 52 Costco Commercial Center Environmental Impact Report. This Amendment IV 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 current and anticipated development projects on an as-needed basis.

On October 6, 2016, the County's Purchasing Agent approved Agreement 447 with Ascent to assist

the 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.

This proposed Amendment IV increases the compensation amount by \$800,000, for a total not-to-exceed amount of \$1,600,000. This increase will allow the Department to continue utilizing Ascent to assist staff with the preparation of environmental documents necessary for current and anticipated development projects. Additionally, Exhibit B, Rate Schedule, of the Agreement has been amended to reflect increases to Ascent's current hourly rates. It should be noted that Ascent, per the Agreement and subsequent Amendments, is authorized to receive a maximum annual rate increase of 5% upon approval by County's Contract Administrator. With the exception of the maximum hourly rate of the Principal/Director classification, the hourly rates included in Amended Exhibit B-1 fall within the allowable increase range of up to 5% annually.

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 Notice to Parties Article to update the County's notice recipients; replacing the Consultant to County, Independent Contractor, Default, Termination, and Cancellation, Indemnity, Conflict of Interest, and Nondiscrimination articles in their entirety to address recent changes in state law and revised standard County contract language. Similarly, two (2) new articles, Force Majeure and Waiver, were added to for the same purpose.

## **ALTERNATIVES**

The Board may choose not to approve this proposed Amendment IV; however, this would require that existing staff would have to absorb the additional work needed to complete the processing of projects currently in progress. Existing planning staff are currently fully-tasked and an increased staff workload would result in delays to current and future projects.

In addition, many planning staff do not have the environmental and technical expertise in processing these types of complex applications. 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 Amendment IV.

## **CAO RECOMMENDATION**

Approve as recommended.

## **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item as no costs are to be incurred by the County. All costs are paid by the project applicants. Funding for these services has been included in the Department's Fiscal Year 2021-22 budget. Funding for these services beyond Fiscal Year 2021-22 will be included in subsequent budgets accordingly.

## **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 IV; and
- 2) The Clerk of the Board will forward one (1) fully-executed original of Amendment IV 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**

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