



## Legislation Details (With Text)

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**File created:** 9/17/2021      **In control:** Board of Supervisors

**On agenda:** 12/7/2021      **Final action:** 12/7/2021

**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign the Second Amendment to Agreement for Services 3392 with Dewberry Engineers, Inc., for on-call structural engineering and associated services, extending the performance period an additional two (2) years to December 10, 2023, updating one classification on the rate schedule, and updating contract language per California Department of Transportation federal funding requirements.

**FUNDING:** 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.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Counsel Approval, 2. B - Amendment II, 3. C - Amendment 1, 4. D - 3392 FE Agmt, 5. Executed Second Amendment II

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

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### DISCUSSION / BACKGROUND

The Board approved the Agreement for Services 3392 (Agreement) with Drake, Haglan, and Associates, Inc. (DHA), on December 11, 2018 (Legistar 18-1569, Item 22). The agreement provides on-call structural engineering and associated services for various Capital Improvement Program Projects. In September 2019, DHA notified the Department of Transportation (Transportation) that the firm was being acquired by Dewberry Engineers, Inc. (Dewberry). The First Amendment modified the Agreement to reflect this change and was approved by the Board on March 10, 2020 (Legistar 20-0224, Item 17).

The Second Amendment (Amendment) extends the contract an additional two (2) years and updates

the rate for one classification, CAD Manager from an hourly rate of \$47-\$58 to \$57-\$88. The Amendment also increases DHA's Indirect Cost Rate (ICR) from 153.54% to 162.25% to reflect their current overhead and fringe benefit costs (this ICR has been reviewed and approved by Caltrans). Additionally, the Amendment modifies the Agreement to update 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 the Agreement or County administrative processes. The following articles have been updated or added to match boilerplate language for the Amendment:

ARTICLE II, Compensation for Services;  
ARTICLE III, Progress Reports;  
ARTICLE IV, Performance Period;  
ARTICLE V, Allowable Costs and Payments;  
ARTICLE VI, Termination  
ARTICLE VII, Cost Principles and Administrative Requirements  
ARTICLE VIII, Retention of Records/Audit  
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 XIX, Standards for Work;  
ARTICLE XXV, Consultant to County;  
ARTICLE XXVII, Independent Contractor;  
ARTICLE XXIX, Notice to Parties;  
ARTICLE XXXIII, Force Majeure;  
ARTICLE XXXVIII, Compliance with Federal, State, and COUNTY Requirements;  
ARTICLE XLVI, Disadvantaged Business Enterprise (DBE) Participation;  
ARTICLE LV, Environmental Compliance;  
ARTICLE LXIII, Waiver.

The disciplines required for the services to be performed include structural engineering skills and construction support, as well as performing independent checks of bridge calculations and quantities; peer reviews of bridge plan sets; review and consultation of structure type selection and constructability/staging; preparing and/or reviewing structural calculations, plans, specifications and estimates; analysis of bridge, abutment, pier, footing, foundation, and retaining wall elements; performing structural inspections and material testing, geotechnical engineering and consultation, including field investigation, geological reconnaissance and field mapping; soil testing, sampling, soil drilling and borings, slope stability analysis, scour analysis, and preparation of draft and final reports.

The need for such skills is sporadic and temporary and not applicable for all Capital Improvement Program (CIP) projects and the on-going level of work is not sufficient to warrant hiring new employees. Maximum utilization of County personnel is held as a first priority.

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

## **ALTERNATIVES**

The Board could choose not to approve the Amendment. Transportation would be required to terminate the Agreement and issue a Request for Proposals to issue a new agreement. This would add significant time and effort for staff to complete the Request for Proposal process.

## **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 recommend noting the Department of Transportation successfully negotiated terms to maintain existing rates as much as possible, but the vendor was firm on increasing the rates relative to the CAD Manager. The Department of Transportation indicated they rarely use this service and the cost increases will have an immaterial fiscal impact.

The Chief Administrative Officer is recommending, and the Department agrees, that prior to the expiration of the two year extension the Department will conduct a solicitation to identify the most cost effective manner in which to receive this service.

## **FINANCIAL IMPACT**

Funding for the Agreement will be provided by various CIP, Land Development, and Right of Way project funding sources, including federal, state, and local funds. 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. The proposed action results in no change to net County cost.

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

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

## **STRATEGIC PLAN COMPONENT**

Infrastructure

## **CONTACT**

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Department of Transportation