



## Legislation Details (With Text)

**File #:** 22-0120 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 1/6/2022 **In control:** Board of Supervisors  
**On agenda:** 2/22/2022 **Final action:** 2/22/2022  
**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign the Third Amendment to Agreement for Services 2501 (Fenix 3954) with Helix Environmental Planning, Inc. updating contract language and increasing the not-to-exceed amount by \$13,935 for a total of \$86,665.69 to allow for the completion of landscape design services for the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Landscape Project, Capital Improvement Program project number 36104003.

**FUNDING:** Traffic Impact Mitigation - Silva Valley Interchange Set Aside Zone 8. (No Federal Funds)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Counsel Approval, 2. B - 2501 Amd III PE, 3. C - 2501 Amd II, 4. D - 2501 Amend 1, 5. E - 2501 FE Agreement, 6. Executed 2501 Amendment III PE

Date	Ver.	Action By	Action	Result
2/22/2022	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign the Third Amendment to Agreement for Services 2501 (Fenix 3954) with Helix Environmental Planning, Inc. updating contract language and increasing the not-to-exceed amount by \$13,935 for a total of \$86,665.69 to allow for the completion of landscape design services for the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Landscape Project, Capital Improvement Program project number 36104003.

**FUNDING:** Traffic Impact Mitigation - Silva Valley Interchange Set Aside Zone 8. (No Federal Funds)

### DISCUSSION / BACKGROUND

Agreement for Services 2501 (Agreement) with Whitney Environmental Consulting, Inc. (Whitney) which provided landscape design services for the U.S. 50/Silva Valley Parkway Interchange - Phase 1 Landscape Project (Project) was executed on March 27, 2018. In May 2019, Whitney was acquired by Helix Environmental Planning, Inc. (Helix) and the First Amendment to the Agreement was executed which changed all references from Whitney to Helix.

The Second Amendment extended term of the Agreement an additional 3 years to March 26, 2024, updated the rate schedule, and increased the not-to-exceed by \$9,093.51 for a total of \$72,730.69. The Board approved this amendment on March 16, 2021 (Legistar 21-0176, Item 12).

The Third Amendment increases the not-to-exceed by \$13,935 for a total of \$86,665.69. These monies will provide compensation for re-designing parts of the Project, which includes reducing the number of oak woodland trees to be replanted and modifying the irrigation system. Both the Supplemental Environmental Impact Report and the County's Oak Resource Management Plan allow for mitigation of oaks removed from designated oak woodland areas as part of the interchange work

to be completed through the payment of in-lieu fees instead of re-planting. However, due to other permitting requirements associated with the riparian areas as well as the requirement to landscape the interchange, the decision was originally made to re-plant the oak woodland. After additional analysis in 2021, it was determined that the overall Project would cost less by including payment of in-lieu fees for the oak woodland. The Project will still re-plant trees (including oaks) removed from the riparian area.

Additionally, the Third Amendment updates several Articles to include updated contract provisions, and to memorialize the independent contractor relationship created through this Agreement, related to recently enacted Assembly Bill 5.

The following Articles have been updated:

Article III, Compensation for Services;  
Article XVI, Notice to Parties;  
Article XVII, Change of Address;

The following Articles have been replaced in their entirety:

Article I, Scope of Work;  
Article IX, Consultant to County;  
Article X, Confidentiality;  
Article XII, Independent Contractor;  
Article XV, Default, Termination, and Cancellation;  
Article VXIII, Indemnity;  
Article XXIV, Conflict of Interest;  
Article XXV, Nondiscrimination;  
Article XXXI, Contract Administrator;

The following Articles are added:

Article XXXVII, Force Majeure;  
Article XXXVIII, Waiver.

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

## **ALTERNATIVES**

The Board could choose to not approve this amendment. This would significantly increase both the cost of the remaining work and the time of completion.

## **PRIOR BOARD ACTION**

N/A

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed and approved the amendment.

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

The Project is included in the 2021 CIP Book, approved by the Board on June 8, 2021 (Legistar 21-

0624, Item 54) and the contract is funded with Traffic Impact Fees. Execution of the original design (replanting the oak woodland and the riparian areas) is approximately \$1,810,000. This includes project design, direct construction costs, construction management, and a seven year plant establishment period which is required by the ORMP. The Engineer's Estimate for the re-designed project (replanting of only the riparian areas) is approximately \$1,166,000. This includes project design, direct construction costs, payment of in-lieu mitigation fees, construction management, and a five year plant establishment period which is required by permits obtained for the interchange. There will be an estimated savings of approximately 35% if the project is revised to replant only the riparian areas and payment is made for the in-lieu mitigation fees for the oak woodland. This savings accounts for the removal of the replanting of the oak woodland, reduced quantities for irrigation lines, shortened plant establishment period, and a decrease in construction management costs.

### **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 amendment.
- 2) The Clerk of the Board will forward one (1) fully-executed original of the amendment to Chief Administrative Office, Contracts & Procurement Unit, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

Rafael Martinez, Director

Department of Transportation