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County of El Dorado

Legislation Details (With Text)

File #:	24-0018 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	12/13/2023	**In control:**	Board of Supervisors
On agenda:	4/23/2024	**Final action:**	4/23/2024

Title: Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board:
1) Pursuant to Section 3.13.030 (C) of the El Dorado County Ordinance Chapter 13, Contracting Out, find that due to the limited timeframes and temporary nature of the work involved in as-needed planning and environmental consulting services, the ongoing aggregate of work to be performed is not sufficient to warrant addition of permanent staff;
2) Approve and authorize the Chair to sign Amendment III to Agreement 3802 with Dudek, extending the term of this contract by two (2) years with a revised expiration of June 24, 2027, and increasing the compensation amount by $500,000 for a total not-to-exceed amount of $1,300,000 with no changes to the scope of the Agreement; and
3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 3802, including amendments which do not increase not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: Various, including Applicant, Discretionary Transient Occupancy Tax and Grant Funding.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - CRS - 3802 Amd III, 2. B - PE Amendment III - 3802, 3. C - Original Agreement & Amendments - 3802, 4. Executed Amendment III - 3802

Date	Ver.	Action By	Action	Result
4/23/2024	1	Board of Supervisors	Approved	Pass

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2) Approve and authorize the Chair to sign Amendment III to Agreement 3802 with Dudek, extending the term of this contract by two (2) years with a revised expiration of June 24, 2027, and increasing the compensation amount by $500,000 for a total not-to-exceed amount of $1,300,000 with no changes to the scope of the Agreement; and
3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreement 3802, including amendments which do not increase not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: Various, including Applicant, Discretionary Transient Occupancy Tax and Grant Funding.
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). Dudek is currently assisting the Planning and Building Department (Department) on a variety of planning projects including providing CEQA related services and staff support.

On June 25, 2019 (File No. 19-0461, Item No. 33), the Board approved Agreement 3802 with Dudek for on-call land use planning services.

On October 20, 2020 (File No. 20-1272, Item No. 21), the Board approved Amendment I to Agreement 3802, which extended the term of the Agreement by three (3) years with a revised expiration of June 25, 2025, and increased the compensation amount by $250,000, for a total not-to-exceed amount of $400,000.

On December 7, 2021 (File No. 21-1257, Item No. 39), the Board approved Amendment II to Agreement 3802, which increased the compensation amount by $400,000, for a total not-to-exceed amount of $800,000 with no changes to scope or work and term.

Dudek continues to assist the Department's Current Planning and Economic Development Divisions with the processing of projects including the Creekside Village Specific Plan Environmental Impact Report, and fiber optic and broadband projects. This proposed Amendment III extends the term of the contract by two (2) years with a revised expiration of June 24, 2027, and increases the compensation amount by $500,000, for a total not-to-exceed amount of $1,300,000.

The Department recommends the Board make findings in accordance with 3.13.030 of the County Code of Ordinances, criterion C, that due to the limited timeframes, temporary or occasional nature, or schedule for the project or scope of work, the ongoing aggregate of work to be performed is not sufficient to warrant addition of permanent staff, and may be contracted out. Although the hourly rates proposed by the consultants are considerably higher than the costs for staff time, the anticipated number of hours of work needed does not warrant the addition of regular staff. Additionally, these costs would be borne fully by project applicants. In addition, the on-call agreements will allow staff to continue to operate efficiently during intermittent peak workloads that result from fluctuations in the market and economy. At this time, it has been determined by staff there continues to be a need to supplement staff with specific expertise to assist with current planning activities, including environmental review, community outreach, meeting facilitation, application processing and other land use entitlement services as new development proposals are processed by the County. This increase will allow the Department to continue utilizing Dudek to assist staff with current and anticipated development projects as budget and time allows.

Along with the proposed increase in compensation, Amendment III seeks to replace the current Rate Schedule with Amended Exhibit B-2, Amended Rate Schedule. The proposed rate increase will allow for Dudek's billing rates to align with their 2024 billing rates.

In addition to the changes noted above, other minor administrative changes to various articles were determined to be necessary and made throughout this Agreement. These changes included: updating the Notice to Parties Article to update the County's notice recipients; Insurance; County Contract Administrator, Indemnity, Conflict of Interest, and Electronic Signatures Articles in their entirety to address recent changes in state law and revised standard County contract language. Additionally, Exhibit C, California Levine Act Statement, has been incorporated into the Conflict of

Interest Article to address Government Code section 84308 (SB 1439, the Levine Act), regarding campaign contributions by the contractor, if any, to any officer of the County.

ALTERNATIVES
The Board may choose not to approve this proposed Amendment III; 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 cause delays to other applications currently being processed and future development projects as they arise.

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

CAO RECOMMENDATION / COMMENTS
Approve as recommended.

FINANCIAL IMPACT
There is no change to Net County Cost associated with this item. The majority of costs associated with this Agreement are paid by project applicants, with a small portion of costs paid for using Discretionary Transient Occupancy Tax and Grant Funding for Economic Development Division related planning and environmental work. Funding for these services has been included in the Department's Fiscal Year 2023-24 budget. Funding for these services beyond Fiscal Year 2023-24 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 III; and
2) The Clerk of the Board will forward one (1) fully-executed original of Amendment III to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT
N/A

CONTACT
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Planning and Building Department