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Title: Department of Transportation recommending the Board authorize the Chair to sign Agreement for Services AGMT 10-52923 with Eastern Sierra Engineering, PC in the amount not to exceed \$300,000 for a term of three (3) years to provide construction and geotechnical support services for erosion control and water quality projects in the Tahoe Basin and adopt recommended findings for same.

FUNDING: California Tahoe Conservancy (CTC) and United States Forest Service (USFS).

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - AGMT 10-52923 Approved CRS, 2. B - AGMT 10-52923 Eastern Sierra Engineering, P.C. Contract, 3. C - Tahoe EIP_CIP Vicinity Map

Date	Ver.	Action By	Action	Result
8/24/2010	1	Board of Supervisors	Approved	Pass

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BUDGET SUMMARY:		
Total Estimated Cost		\$300,000
Funding		
Budgeted *	\$63,750	
New Funding	\$	
Savings	\$	
Other**	\$236,250	
Total Funding Available	\$300,000	
Change To Net County Cost	\$0	

* Proposed FY 2010-11 budget

** The Department anticipates budgeting \$236,250 in the Fiscal Year 2011-12 and 2012-13 budgets.

Fiscal Impact/Change to Net County Cost:

The Department included \$63,750 in its recommended FY 2010-11 budget for this Agreement. Due to unforeseen circumstances and possible County retirements, this amount could increase and would be addressed in a budget addendum. The Department anticipates budgeting the remaining amount

for this contract in FYs 2011-12 and 2012-13. Funding will come from grants from the California Tahoe Conservancy (CTC) and United States Forest Service (USFS). There is no net cost to the County General Fund associated with this agenda item.

Background:

On July 5, 2007, the Department issued a Request for Qualifications (RFQ) and Statement of Interest to various consulting firms to provide project delivery services for transportation erosion control and water quality projects in the County. Staff within the Department, including outside review and participation by the CTC, reviewed and rated the firms' Statement of Qualifications for criteria such as experience, depth of personnel, and expertise. Five (5) firms were chosen to interview with Department personnel. Eastern Sierra Engineering, PC (Eastern Sierra) was selected as the preferred consultant from this group to provide construction support and geotechnical services.

Reason for Recommendation:

The Department is proposing to enter into an "on call" Agreement with Eastern Sierra for a not-to-exceed amount of \$300,000. Under the subject Agreement, Eastern Sierra will perform various construction support and geotechnical services to assist the Tahoe Engineering Unit (TEU) staff in delivering Environmental Improvement Program (EIP) projects. Tasks may include, but are not limited to; construction support, construction inspection, materials testing, and all other services necessary to assist the Department with design and construction activities related to EIP projects in the Tahoe Basin.

Need for staff augmentation

The Department needs to enter into this "on call" Agreement for engineering services to facilitate the delivery of EIP projects and to augment existing staff. The Department has an immediate need to advance many of its projects to meet various grant and regulatory deadlines.

The Department is planning to have four (4) to six (6) construction projects under construction in the Tahoe Basin this summer and next, and it does not have sufficient staff to perform all of the required construction support/inspection, and material testing services required for all of these projects. Additionally, the geographical location of each project makes it difficult for staff to easily travel back and forth between project sites while performing the required duties for each project. Because of the upcoming heavy construction season workload, the distance between project sites, the uncertainty of grant funding, and time variables of project initiation and completion, the Department believes entering into this "on call" Agreement is the prudent strategy.

Relative to the broad geotechnical and geological aspects of these projects, it is of additional significance to note that the Department does not have in its inventory the unique equipment required to accomplish the complex and essential services associated with these projects. Therefore, the Department has included geotechnical services in the proposed Agreement.

The Department's EIP in the Tahoe Basin is supported entirely by grants from various local, state and federal agencies. There is a competitive component amongst the California EIP implementers with regard to receiving certain CTC grant monies, which has been historically one of the TEU's main funding sources. However, due to the recent State funding issues, this funding source has been very uncertain. The CTC recently informed the Department that it is concerned about the funding for its various programs which are supported by various bond measures. The most recent bond measure, Proposition 40, has been exhausted and the CTC does not currently have a replacement bond measure. The CTC is working with the California State legislature to obtain a new bond measure. In

addition, for the first time in the history of the CTC grant funding program, the County's annual jurisdictional allocation of grant funding decreased from \$7.5 million to \$688,000, which is the remaining balance in the erosion control program. The USFS, which is another of the TEU's funding sources, reported similar concerns about its Southern Nevada Public Land Management Act (SNPLMA) funding related to the slowing housing market because this funding is derived from land sales associated with housing sales. While the federal funding source appears to be more stable than the state, the USFS funds require a 50% programmatic match accomplished via state or local funds. This match limits the Department's ability to fully fund all the projects.

These funding uncertainties and the fluctuation in grant funding from year to year make it extremely difficult to adequately assess staffing levels in the TEU. Because the Department is only able to staff the TEU to handle predictable levels of grant funding, the Department anticipates that there will be a continued need for some level of resource augmentation in the form of "on call" consultant services contracts.

Need for unanticipated services on short notice

As outlined by the Department at the March 13, 2007 Board meeting for the West Slope's geotechnical contracts, there may be instances in the Tahoe Basin where geotechnical services are required for situations that can not be anticipated either during the design or construction phases.

Some of the tasks to be performed under this Agreement are bargaining unit work, while others, such as geotechnical services, require specialty skills which are not expressly identified in County classifications. The ongoing aggregate of work to be performed under this Agreement, coupled with the uncertainties of grant funding levels, makes the addition of permanent staff unwarranted. The Agreement will cover spikes in the workload and the need may be temporary and sporadic.

The Purchasing Agent has reviewed the RFQ, responses received, and the evaluation criteria. The Purchasing Agent concurs that it is appropriate to enter into an Agreement with Eastern Sierra for the provision of construction support, geotechnical, environmental, and design services for erosion control and water quality projects in the Tahoe Basin, and that this Agreement is in compliance with Board of Supervisors Policy C-17, Sections 7.5 and 7.10.

The Department recommends the Board make findings pursuant to Article II, Section 210 b (6) of the El Dorado County Charter that there are specialty skills required for the work performed under this Agreement that are not expressly identified in County classifications, and that the ongoing aggregate of the work performed under this Agreement is not sufficient to warrant the addition of permanent staff.

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

Action to be taken following Board approval:

1. The Chair will sign the two (2) originals of the subject Agreement.
2. The Board Clerk will forward one original of the fully-executed Agreement to the Department for further processing.

Contact:

James W. Ware, P.E.
Director of Transportation

Concurrences: County Counsel and Risk Management