



## Legislation Text

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**File #:** 21-0880, **Version:** 1

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Department of Transportation recommending the Board approve and authorize the Chair to sign the Third Amendment to Agreement for Services 450-S1611 with SWCA Environmental Consultants to assist with environmental compliance and permitting services for the Green Valley Road at Mound Springs Creek and Green Valley Road at Indian Creek - Bridge Replacement Projects, Capital Improvement Program numbers 77136/36105015 and 77127/36105014, with the following:

- 1) Modify various administrative details related to their acquisition of Sycamore Environmental Consultants, Inc.;
- 2) Update contract language per California Department of Transportation federal funding requirements;
- 3) Increase the term of the agreement by adding two and one-half years with the new expiration date to be December 6, 2024;
- 4) Modifications to the scope of work under Item of Work K - Permit Applications; and
- 5) No changes to the compensation of \$314,366.15 or the consultant rate schedule.

**FUNDING:** Highway Bridge Program (74%), Regional Surface Transportation Program Exchange/Match Funds - Caltrans (<1%) and EDCTC (16%), Traffic Impact Mitigation Fees - Zones 1 -7 (5%), and Traffic Impact Fees Zone B (4%). (Federal and Local Funds)

### **DISCUSSION / BACKGROUND**

The Board approved the Agreement for Services 450-S1611 (Agreement) with Sycamore Environmental Services, Inc., (Sycamore) on June 7, 2016 (Legistar 16-0468, Item 24). The Agreement provides project specific environmental compliance and permitting services for the following projects:

- 1) Green Valley Road at Mound Springs Creek - Bridge Replacement Project, Capital Improvement Program (CIP) project number 77136/36105015 (Mound Springs); and
- 2) Green Valley Road at Indian Creek - Bridge Replacement Project, CIP project number 77127/36105014 (Indian Creek).

On April 3, 2018 (Legistar 18-0277, Item 26), the Board approved the First Amendment which updated the cost proposal allowing updates to individual budgets based upon services already completed, as well as several administrative details.

On May 14, 2019 (Legistar 19-0233, Item 21), the Board approved the Second Amendment which extended the Agreement an additional three (3) years for a total service period of six (6) years due to the environmental compliance process taking longer than expected to complete.

In May 2021, Sycamore notified the Department of Transportation (Transportation) that SWCA Environmental Consultants (SWCA) had acquired them. The Third Amendment will modify the Agreement to make these changes and will 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 Third Amendment:

ARTICLE III, Progress Reports;  
ARTICLE IV, Performance Period;  
ARTICLE VI, Termination;  
ARTICLE VII, Cost Principles and Administrative Requirements;  
ARTICLE VIII, Retention of Records/Audits;  
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 XVII, Debarment and Suspension Certification;  
ARTICLE XXI, Ownership of Data;  
ARTICLE XXIII, Changes to Agreement;  
ARTICLE XXIV, Consultant to County;  
ARTICLE XXVI, Independent Contractor;  
ARTICLE XXVIII, Notice to Parties;  
ARTICLE XXX, Indemnity;  
ARTICLE XXXII, Force Majeure;  
ARTICLE XXXVII, Compliance with Federal, State, and COUNTY Requirements;  
ARTICLE XXXVIII; Working Office;  
ARTICLE XLIV; Disadvantaged Business Enterprise (DBE) Considerations;  
ARTICLE XLV, Disadvantaged Business Enterprises (DBE) Participation; and  
ARTICLE LXI, Waiver.

The Third Amendment will also extend the performance period for the environmental monitoring of the Underground Utility District (UUD), which was approved by the Board on December 13, 2016 (Legistar 16-0982, Item 33), under Resolution 205-2016. The construction work for the UUD is tentatively scheduled for next year 2022; however, this schedule is subject to change since the work is handled by the utility agencies. Item of Work K, Permit Applications, has been revised to include the environmental monitoring of the UUD. Transportation staff will provide most of the work related to the permit applications, while SWCA will review the applications for completeness. The existing remaining budget is sufficient to accommodate these scope revisions; therefore, there is no change to the compensation or rate schedule for this Agreement.

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

## **ALTERNATIVES**

The Board could choose not to approve the Third Amendment. Transportation would be required to terminate the Agreement and issue a new Request for Proposals to complete the remaining work. This would add significant time and cost to the bridge projects.

### **PRIOR BOARD ACTION**

See Discussion / Background Section above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed and approved the Third Amendment.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

Funding for the Third Amendment is provided by a combination of Highway Bridge Program, Regional Surface Transportation Program, and Traffic Impact Fees funding. The funds for this Agreement are budgeted and the Project was included in the 2021 CIP Book, approved by the Board on June 8, 2021 (Legistar 21-0624, Item 54). 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 Third Amendment.
- 2) The Clerk of the Board will forward one (1) signed original to the County's Chief Administrative Office, Procurement and Contracts, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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