



## Legislation Text

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**File #:** 22-0385, **Version:** 1

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Chief Administrative Office, Parks Division, recommending the Board approve and authorize the Chair to sign the Second Amendment to Agreement for Services 3955 with Helix Environmental Planning, Inc. to extend the Agreement term end date from August 26, 2022, to June 30, 2024, to align the term of the contract with the term of the California Department of Parks and Recreation Prop 68 Per Capita Grant for the Old Depot Bike Park, with no changes to the Agreement scope or amount.

**FUNDING:** California Department of Parks and Recreation Prop 68 Per Capita Program.

### **DISCUSSION / BACKGROUND**

In August of 2019, the Parks Division entered into Agreement for Services 3955 with Helix Environmental Planning, Inc. for a site assessment, bike park concept plan, and California Environmental Quality Act (CEQA) analysis for the Old Depot Road Bike Park for a term of two years. In February 2020, \$2,030,000 in funding was awarded for the development of the park through the Statewide Park Development and Community Revitalization Program.

The original agreement provided for the preparation of a CEQA initial study and supporting documents including an Oak Tree Resources Technical Report, a Biological Resources Assessment, a Cultural Resources Assessment, as well as a topographic survey, public outreach, and a conceptual plan. The first amendment added to the scope of work to provide the construction documents, bid and construction support, record drawings, geotechnical report, NPDES permit or waiver determination, and the preparation of an operations and maintenance manual for long-term usability of the park and increased the contract amount by \$179,175, for a total not-to-exceed amount of \$271,442. The amendment also extended the term of the agreement from August 27, 2021 to August 27, 2022.

Originally, the project construction was scheduled to go out to bid at the end of 2020 or beginning of 2021, with contract award in the spring and construction to start in Spring/Summer of 2021, and a completion date by the end of 2021. However, due to unforeseen project delays, the term of the Prop 68 grant award was extended to June 30, 2024. The Board awarded the bid for construction the on April 19, 2022 (Legistar #22-0537). This second amendment will align the term of the contract with Helix to the grant award term, allowing for the work to continue.

In addition to the contract date being pushed out to align with the term of the grant that was awarded, the Second Amendment to Agreement #3955 includes minor administrative changes to various articles that were deemed necessary in the approval process. These changes include: replacing Default, Termination, and Cancellation, Notice to Parties, Change of Address, Indemnity, Conflict of Interest, Nondiscrimination, County Payee Data Record Form, Business License, and Partial Invalidity articles in their entirety to address recent changes in state law and revised standard County contract language. Similarly, eight (8) new articles, Changes to Agreement, Consultant to County, Confidentiality, Independent Consultant, Force Majeure, Waiver, Electronic Signature, and Counterparts, were added for the same purpose.

## **ALTERNATIVES**

The Board could choose not to approve this amendment.

## **PRIOR BOARD ACTION**

16-0188 - March 8, 2016 Purchase of Old Depot Parcels  
19-0687 - June 25, 2019 Prop 68 Grant Resolutions  
19-1040 - August 27, 2019 Helix Contract Approval  
20-0448 - April 7, 2020 Prop 68 Grant Contract Approval  
20-0777 - June 18, 2020 Helix Presentation  
20-0764 - June 30, 2020 Old Depot Bike Park Conceptual Plan  
20-1202 - October 13, 2020 Agreement for Construction Manager  
21-1228- August 24, 2021 Bid Authorization  
21-1727- November 16, 2021 Bid Rejection  
22-0122- February 8, 2022 Bid Authorization  
22-0537- April 19, 2022 Bid Award

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

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

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

This amendment does not increase the not-to-exceed amount. Funding for this project is entirely from the Prop 68 grant; there is no increase 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 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**

Vickie Sanders  
Parks Manager