



Legislation Text

File #: 22-1102, **Version:** 1

Planning and Building Department, Planning Division, recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign Amendment VI to Agreement 510 with ICF Jones and Stokes, Inc. for the provision of preparing environmental documents and planning consultation services for the proposed Lime Rock Valley Specific Plan, revising the scope of work and increasing the not-to-exceed amount from \$653,307.38 to \$710,871.97, with no changes to the term of the Agreement;
- 2) Approve and authorize the Chair to sign Amendment VI to Agreement 516 with ICF Jones and Stokes, Inc. for the provision of preparing environmental documents and planning consultation services for the proposed Village of Marble Valley Specific Plan, revising the scope of work and increasing the not-to-exceed amount from \$716,197.40 to \$787,542.40, with no changes to the term of the Agreement; and
- 3) Authorize the Purchasing Agent, or designee, to execute any further documents determined necessary related to Agreements 510 and 516, including amendments which do not increase the not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: Applicant-funded.

DISCUSSION/BACKGROUND

The California Environmental Quality Act (CEQA) and County CEQA Resolution 61-87 allow the County to utilize consultants, funded by the project applicant, to prepare complex and comprehensive CEQA documents such as Environmental Impact Reports (EIRs).

The County has had Agreements with ICF Jones and Stokes, Inc. (ICF) since 2012 to prepare EIRs for the proposed Lime Rock Valley Specific Plan Project (LRV), Agreement 510 (formerly 267-S1311), and Village of Marble Valley Specific Plan (VMV), Agreement 516 (formerly 268-S1311).

On November 13, 2012 (File No. 12-1372, Item No. 8), the Board approved Agreements with ICF and Michael Baker International (MBI) (formerly Pacific Mutual Consultants) for three (3) proposed Specific Plans: Central El Dorado Hills, VMV, and LRV. These Agreements provide direct consultant services to the County for the preparation of EIRs and planning consultation services, to be fully funded by the respective applicants: Serrano Associates, LLC; Marble Valley, LLC; and G3 Enterprise, LLC.

On March 11, 2014 (File No. 12-1370, Item No. 5), the Board approved Amendment I to Agreement for Services No. 510/LRV, increasing the maximum obligation by \$76,225, for a total not-to-exceed amount of \$359,307, to accommodate extended project schedules and additional work needed to complete the processing of the application.

On March 11, 2014 (File No. 12-1354, Item No. 8), the Board approved Amendment I to Agreement for Services No. 516/VMV, increasing the maximum obligation by \$70,209, for a total

not-to-exceed amount of \$371,596, to accommodate extended project schedules and additional work needed to complete processing of the application.

On July 22, 2014 (File No. 12-1352, Item No. 5), the Board approved Amendment II to Agreement for Services No. 510/LRV, authorizing an amendment to Exhibit C to adjust ICF's hourly rates.

On July 22, 2014 (File No. 12-1354, Item No. 6), the Board approved Amendment II to Agreement for Services No. 516/MMV, authorizing an amendment to Exhibit C to adjust ICF's hourly rates.

On April 14, 2015 (File No. 12-1352, Item No. 9), the Board approved Amendment III to Agreement for Services No. 510/LRV, increasing the maximum obligation by \$103,774, for a total not-to-exceed amount of \$463,081, to provide consultant services for the preparation of EIRs and planning consultation services.

On April 14, 2015 (File No. 12-1354, Item No. 10), the Board approved Amendment III to Agreement for Services No. 516/MMV, increasing the maximum obligation by \$111,321, for a total not-to-exceed amount of \$482,917, to provide consultant services for the preparation of EIRs and planning consultation services.

On March 8, 2016 (File No. 12-1370, Item No. 13), the Board approved Amendment IV to Agreement for Services No. 510/LRV, increasing the maximum obligation by \$121,340, for a total not-to-exceed amount of \$575,421, to increase the budget for Task 6 and to provide additional funding to address greenhouse gases (GHG) concerns.

On March 8, 2016 (File No. 12-1354, Item No. 12), the Board approved Amendment IV to Agreement for Services No. 516/MMV, increasing the maximum obligation by \$112,340, for a total not-to-exceed amount of \$595,257, to increase the budget for Tasks 5 and 6 and to provide additional funding to address GHG concerns.

On March 23, 2020 (File No. 20-0444, Item No. 36), the Board approved: 1) Amendment V to Agreement 510 increasing the total compensation by \$77,880.37, for a not-to-exceed amount of \$653,307.38, extending the term by three (3) years, updating the fee schedule, and changing the Contract Administrator; and 2) Amendment V to Agreement 516 increasing the total compensation by \$120,939.63, for a not-to-exceed amount of \$716,196.64, extending the term by three (3) years, updating the fee schedule, and changing the Contract Administrator. Both Amendments were required to address changes in air quality (AQ) regulations and models to continue with preparing draft environmental documents and providing planning consultation services.

Under the proposed amendments, the Planning and Building Department (Department) is requesting that the Board approve increases to the contract amount along with scope of work revisions for both Agreement 510/LRV and Agreement 516/MMV. As a result of changes to CEQA Guidelines, the changing AQ and GHG requirements general passage of time, and delays in the project schedules, additional efforts to update sections of the Draft EIRs are required to complete and circulate the Draft EIRs and to see both projects through to completion. This amendments would add \$17,564.59 to the Lime Rock Valley Specific Plan agreement, and \$31,345 to the Village of Marble Valley Specific Plan agreement for the increased scope. The contract increases will also add a contingency budget of \$40,000 to each contract in order to cover the cost of any increased need for responses to comments to be performed by the consultant, and avoid the need for any additional amendments should any

other unexpected changes to any guidelines related to CEQA and/or the environmental reports occur.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made throughout both Agreements, as amended. These changes included: updating the Notice to Parties Article to update the County's notice recipients; replacing the Consultant to County, Confidentiality, Independent Contractor, Default, Termination, and Cancellation, Indemnity, and Conflict of Interest articles in their entirety to address recent changes in state law and revised standard County contract language. Similarly, four (4) new articles, Nondiscrimination, Force Majeure, Waiver and Electronic Signatures were added to for the same purpose.

ALTERNATIVES

The Board may choose not to approve the proposed Amendments. As a result, the Department anticipates the applicants to obtain a consultant to complete the preparation of the EIRs and submit them to the County, which would limit the County's oversight of each EIR's preparation and completion.

The Department believes it is in the County's best interest to remain in an oversight role in this process for each project to ensure that the County's and public's interests are directly represented throughout the EIR preparation process, and to maintain maximum control over the content and analysis in each EIR.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have approved the proposed Amendments.

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item as no costs are to be incurred by the County. All costs are paid by the project applicants. Funding for these services has been included in the Department's Fiscal Year 2022-23 budget. Funding for these services beyond FY 2022-23 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 VI to Agreement 510;
- 2) The Clerk of the Board will forward one (1) fully-executed original Amendment VI to Agreement 510 to the Chief Administrative Office, Procurement and Contracts Division, for further processing;
- 3) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment VI to Agreement 516; and
- 4) The Clerk of the Board will forward one (1) fully-executed original Amendment VI to Agreement 516 to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT

Good Governance: Evaluate requests and recommendations based on complete assessment of the

best available information, with the goal of reaching well informed decisions.

CONTACT

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