



Legislation Text

File #: 23-0741, **Version:** 1

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

- 1) In accordance with Section 3.13.030 of County Ordinance Code, Contracting Out, find that the work requires specialty skills and qualifications not expressly identified in County classifications are involved in the performance of this work;
- 2) Approve and authorize the chair to sign Amendment II to Agreement 947 with ICF Jones and Stokes, Inc., for the provision of providing an Update to the Ecological Preserve Fee Program and Environmental Impact Report, extending the term of the Agreement by three years, for an updated term of June 18, 2017, through June 17, 2026 and updating the Contract Administrator, with no changes to the scope of work or maximum compensation amount of \$414,593; and
- 3) Authorize the Purchasing Agent to execute any further documents determined necessary to related to Agreement 947, including amendments which do not increase compensation or term of the Agreement, contingent upon approval by County Counsel and Risk Management.

FUNDING: Ecological Preserve (Rare Plant) Endowment Fund.

DISCUSSION / BACKGROUND

On July 18, 2017 (File No. 17-0044, Item No. 19), the Board approved Agreement 511-S1711 (Fenix 947). with ICF Jones and Stokes, Inc. (ICF) to generate an update for the Ecological Preserve Fee Program that would update the Rare Plant Mitigation In-Lieu Program established in 1998.

On July 14, 2020 (File No. 20-0824, Item No. 19), the Board approved Amendment I increasing the maximum obligation amount by \$115,978 for a total not-to-exceed amount of \$414,593, extending the term by an additional three (3) years for a new expiration date of July 17, 2023, updating the consultant's fee schedule, changing the Contract Administrator, and amending the scope of work to cover additional work needed, including exploration of a regional incidental take permit, in order to complete the update to the fee program.

Under the proposed Amendment II, the additional three (3) years with a revised expiration date of June 27th, 2026 is needed to address the complex tasks revisions included in Amendment I and to see this project to completion. Remaining tasks include but are not limited to; reviewing the draft nexus study, completing the Environmental Impact Report process, and exploring the State Incidental Take Permit.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made under this proposed Amendment. These changes included: updating Consultant to County, Confidentiality, Independent Contractor, Default, Termination and Cancellation, Notices to Parties, Indemnity, Conflict of Interest, and Nondiscrimination articles in their entirety to address recent changes in state law and revised County contract language. Similarly, three (3) new articles, Force Majeure, Waiver, and Electronic Signatures were added for the same purpose.

ALTERNATIVES

Should the Board decide not to approve this proposed Amendment, existing staff would have to absorb the additional work needed to complete the Ecological Preserve Fee Program Update. Existing County Planning staff is currently fully tasked and does not possess the technical expertise to perform the Ecological Fee Program analysis nor the Environmental Impact Report.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have approved the proposed Amendment II.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

Funding for this Program comes from applicant-paid development fees that are placed in the Ecological Preserve (Rare Plant) Endowment Fund and are included in the Fiscal Year (FY) 2022-23 Budget. Funding has also been included in the FY 2023-24 Recommended Budget. Funding for these services beyond FY 23-24 will be included in subsequent budget requests.

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 II; and
- 2) The Clerk of the Board will forward one (1) fully-executed original Amendment II 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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