



# County of El Dorado

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## Legislation Text

File #: 10-1275, Version: 1

Department of Transportation recommending the Board:

- 1) 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 or extra-help staff; and
- 2) Authorize the Chair to sign Agreement for Services AGMT 10-53071 (123-S1211) with Nichols Consulting Engineers, Chtd. in the amount not to exceed \$150,000 for a term of two (2) years to provide specific environmental services for erosion control and water quality projects in the Tahoe Basin in conjunction with the Environmental Improvement Program.

### **FUNDING:** United States Forest Service Grant Funds.

BUDGET SUMMARY:		
Total Estimated Cost		\$150,000
Funding		
Budgeted	\$65,000	
New Funding	\$	
Savings	\$	
Other*	\$85,000	
Total Funding Available	\$150,000	
Change To Net County Cost		\$

\*To be budgeted in subsequent Fiscal Years.

### Fiscal Impact/Change to Net County Cost:

The Tahoe Engineering Unit (TEU) of the Department of Transportation (Department) budgeted \$65,000 for use of this Agreement in Fiscal Year (FY) 2011/12. The TEU anticipates budgeting \$85,000 in FY 2012/13. Funding will be provided by United States Forest Service Grant Funds.

### Background:

In 2006, the County entered into an Agreement with Nichols Consulting Engineers, Chtd. (Nichols) to perform various engineering tasks to assist Department staff in delivering Environmental Improvement Program (EIP) projects and to assist with programmatic needs when requested.

In March 2008, the County amended the original Agreement with Nichols to add *Environmental Services necessary to implement EIP projects in the Tahoe Basin* to the Scope of Work.

In December 2008, the County processed the second Amendment to the Agreement to increase the compensation by \$475,000 and extend the term of the Agreement two (2) years to January 30, 2011.

The second Amendment was allowed to expire January 30, 2011 as the Department was in the middle of the FY 2010/2011 Request for Qualifications (RFQ) process to obtain an updated consultant list. Additionally, the TEU was reevaluating the overall use of consultants, especially in a time of declining grant funding and staff layoffs.

**Reason for Recommendation:**

The Department is proposing to enter into a new project specific Agreement with Nichols for a not to exceed amount of \$150,000 for a term of two (2) years to provide specific environmental services for erosion control and water quality projects in the Tahoe Basin in conjunction with the EIP.

The Department requires these environmental services to facilitate completion of the design and 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 has ongoing large EIP projects that Nichols has worked on that need to be advanced to the next phase in the Project Delivery Process to stay on schedule with project delivery timelines and the Department's grant funding program. Additionally, the environmental work is seasonal/temporary and of limited nature and does not warrant hiring additional County staff.

Environmental studies are required for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance. CEQA and NEPA compliance is required for projects using state and federal funds and also for projects utilizing state and/or federal lands for construction. These studies involve investigating environmental conditions that exist within the project area along with impacts to sensitive environmental resources resulting from construction impacts. These environmental studies look at sensitive botanical species, wildlife species, invasive weed species, historical/cultural resources, wetland areas, Waters of the State, and Waters of the US. Department staff currently does not possess all of the qualifications to perform the botanical, invasive weed, wildlife and historical/cultural resource studies as advanced degrees and special licenses are typically required. Therefore, the Department must hire consultants to conduct these studies. The Department then utilizes these studies and prepares the CEQA and NEPA documents for approval.

Under this Agreement, the Department will utilize disciplines which are not contained in current County job classifications.

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 United States Forest Service (USFS) funds under the Southern Nevada Public Land Management Act (SNPLMA), which is currently the main source of the Department's grant funds for the EIP Projects identified within the Agreement. Hence the need to retain a consultant to assist the Department with the special studies for the Federal NEPA analysis in coordination with the USFS.

Therefore, 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 or extra-help staff.

The Department received a number of Statement Of Qualifications (SOQ) with respect to the Environmental Services category within the RFQ. A panel, comprised of staff from the Department and an outside reviewer, was assembled to evaluate the SOQ's and select a shortlist of consultants qualified to complete the Environmental work. Based on their qualifications and Tahoe experience, the TEU selected Nichols as the preferred consultant for this Agreement from the 2010/2011 SOQ consultant shortlist for environmental services.

The County Purchasing Agent reviewed TEU's request to enter into an Agreement with Nichols and concurs that the continued use of this Consultant is appropriate in order to ensure that the Project Delivery Process stays on track with project delivery timelines. The Purchasing Agent concurs that the Department's request is in compliance with Board of Supervisors Policy C-17, Sections 7.4.2, 7.5, and 7.10.

Furthermore, the El Dorado County Employees Association, Local #1, was informed of this proposed Agreement with no objections.

Action to be taken following Board approval:

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

Contact:

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

Concurrences: County Counsel, Risk Management and the Purchasing Agent