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Title: CONSIDER APPROVAL OF AMENDMENT NO. 3 WITH MICHAEL BAKER INTERNATIONAL, INC. (MBI) TO INCREASE THE CONTRACT AMOUNT BY \$350,000 AND TO EXTEND THE AGREEMENT FOR ONE YEAR TO PROVIDE ON-CALL ENVIRONMENTAL CONSULTING SERVICES, TO BE PAID FOR THROUGH DEVELOPER DEPOSITS (CITY COUNCIL)

Sponsors: Community Services

Indexes:

Code sections:

Attachments: 1. Ex. No. 1 - Executed Michael Baker International contract, 2. Ex. No. 2 - Executed Michael Baker International Amendment No. 1, 3. Ex. No. 3 - Executed Michael Baker International Amendment No. 2, 4. Ex. No. 4 - Proposed Michael Baker International Amendment No. 3

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, October 06, 2020

Consent

SUBJECT:

CONSIDER APPROVAL OF AMENDMENT NO. 3 WITH MICHAEL BAKER INTERNATIONAL, INC. (MBI) TO INCREASE THE CONTRACT AMOUNT BY \$350,000 AND TO EXTEND THE AGREEMENT FOR ONE YEAR TO PROVIDE ON-CALL ENVIRONMENTAL CONSULTING SERVICES, TO BE PAID FOR THROUGH DEVELOPER DEPOSITS (CITY COUNCIL)

I. SUMMARY

In October 2016, the City entered into an agreement with Michael Baker International, Inc. (MBI) to conduct on-call environmental consulting services (Exhibit No. 1). The original agreement was for a total contract amount of \$750,000 for three years, not to exceed \$250,000 per year. Based on the ability of MBI to perform the work requested and the high level of development that requires this type of work, the agreement was subsequently amended to extend the agreement for the first of two optional additional years and increased the contract amount by \$250,000 for a total of \$1,000,000 (Exhibit No. 2). As the limitations of a per-year cap were challenging for an on-call contract where the services fluctuated and did not necessarily align with contract years, the contract was amended again on June 2, 2020 to remove the “per year” language, while still maintaining the

contract not to exceed amount as the financial constraint (Exhibit No. 3).

Staff is requesting that the City Council approve Amendment No. 3 to the agreement with MBI (Exhibit No. 4) to extend the agreement for the second of the two optional additional years and increase the contract amount by \$350,000. The total amended contract amount is \$1,350,000 through the completion of the agreement in October 2021.

II. RECOMMENDATION

TAKE the following actions:

1. APPROVE Amendment No. 3 to the agreement with Michael Baker International, Inc. (MBI) for on-call environmental consulting services through October 17, 2021, and increasing the contract amount by \$350,000 to a total amended not-to-exceed contract amount of \$1,350,000.
2. AUTHORIZE the Mayor to execute the amendment, following approval as to form by the City Attorney.

III. ALTERNATIVES

TAKE any other action the City Council deems appropriate.

IV. BACKGROUND

The City uses consultants on an as-needed basis to prepare environmental documents for development projects proposed by private developers and projects proposed by the City. Typical documents prepared by consultants include Environmental Impact Reports, Addenda and Mitigated Negative Declarations prepared to comply with the California Environmental Quality Act, and Environmental Assessments and Environmental Impact Statements prepared to comply with the National Environmental Policy Act.

One of the consultants utilized by the City, Michael Baker International, Inc. (MBI), was retained by the City in 2016. The original agreement with MBI, approved by the City Council at the October 18, 2016 City Council meeting was for a total contract amount of \$750,000 over three years, with a not-to-exceed amount of \$250,000 per year and an option to extend the agreement for two additional one-year terms. Based on the ability of MBI to perform the work requested of it and the high level of development that requires this type of work, the agreement was subsequently amended and approved by the City Council at the October 1, 2019 Council meeting. This first amendment increased the contract amount by \$250,000 to a total of \$1,000,000 and extended the agreement for the first of two optional additional years. The contract was amended again on June 2, 2020 to remove the “per year” language, as the limitations of a per-year cap were challenging for an on-call contract where the services fluctuated and did not necessarily align with contract years. Staff has determined that an annual amount of \$250,000 is not sufficient to support

the volume of development projects proposed by private developers and projects proposed by the City. As the end of the contract year approaches, the current limitation on the spending amount dictated by the contract means that some projects may be delayed or some projects may have to be assigned to consultants less familiar with issues of the area, even when developers are willing to fund projects. The increase in the contract amount from \$250,000 to \$350,000 will allow projects to move forward without delay.

Staff is now requesting that the City Council approve Amendment No. 3 to the agreement with MBI to extend the agreement for the second of the two optional additional years, through October 17, 2021 and to increase the contract amount by \$350,000 to a total of \$1,350,000.

V. FISCAL IMPACT

There is no impact to the general fund, as funds for these services are paid for through developer deposits from deposit account number 101-99-999-999-2401.

VI. EXHIBITS

1. Executed agreement with Michael Baker International, Inc. (pgs. 4-47)
2. Executed Amendment No. 1 with Michael Baker International, Inc. (pgs. 48-53)
3. Executed Amendment No. 2 with Michael Baker International, Inc. (pgs. 54-59)
4. Proposed Amendment No. 3 with Michael Baker International, Inc.(pgs. 60-65)

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