



Legislation Details (With Text)

File #: 2022-962 **Version:** 1 **Name:**

Type: Consent **Status:** Agenda Ready

File created: 11/15/2022 **In control:** City Council

On agenda: 1/3/2023 **Final action:**

Title: CONSIDER AWARDING A CONSULTING AGREEMENT WITH WITT O'BRIEN'S TO UPDATE THE CITY OF CARSON'S 2013 HAZARD MITIGATION PLAN

Sponsors:

Indexes:

Code sections:

Attachments: 1. RFP 22-035 CITY OF CARSON HAZARD MITIGATION PLAN UPDATE - PACKET 10-6-2022 (003), 2. Bid Register, 3. Evaluation summary, 4. Witt O'Briens Contract (1.3.22 agenda draft)

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

Tuesday, January 03, 2023

Consent

SUBJECT:

CONSIDER AWARDING A CONSULTING AGREEMENT WITH WITT O'BRIEN'S TO UPDATE THE CITY OF CARSON'S 2013 HAZARD MITIGATION PLAN

I. SUMMARY

On August 3, 2022, the City of Carson received grant application approval and award for the update to the City's Hazard Mitigation Plan (HMP). As a result, on October 6, 2022, the City issued Request for Proposals (RFP) No. 22-035 (Exhibit No. 1) to solicit qualified and experienced consultants to provide professional consulting services for the update of the 2013 City of Carson HMP.

Staff is now requesting City Council to award a consulting agreement to Witt O' Brien's, LLC in an amount not to exceed \$100,000.00 for the HMP update. The services will primarily be performed during the period from January 1, 2023 to January 1, 2024 related to preparation and adoption of the HMP update, but the Agreement provides for a 5-year term to include services related to keeping the updated HMP (once it is adopted) actionable throughout the five-year planning cycle. Award of the proposed contract will enable the City to implement risk mitigation solutions to reduce impact or prevent loss from future natural and non-natural hazard events and to apply for HMP related federal and state assistance.

II. RECOMMENDATION

1. AWARD and APPROVE the proposed Contract Services Agreement with Witt O'Brien's, LLC for an amount not to exceed \$100,000.00 (Exhibit No. 4; "Agreement").
2. AUTHORIZE the Mayor to execute the Agreement following approval as to form by the City Attorney.

III. ALTERNATIVES

TAKE any other action the City Council deems appropriate, and consistent with the requirements of applicable law.

IV. BACKGROUND

Under the California Disaster Assistance Act and Public Law 93-288 for Disaster Relief and Emergency Assistance, the City of Carson is eligible to receive funding for adoption of a FEMA approved Hazard Mitigation Plan.

The City's first Hazard Mitigation Plan as required by the Disaster Mitigation Act of 2000 was prepared for the City by Emergency Planning Consultants in 2013. The City of Carson Natural Hazards Mitigation Plan (Mitigation Plan) includes resources and information to assist City residents, public and private sector organizations, and others interested in participating in planning for natural, man-made, and technological hazards. The Mitigation Plan provides a list of activities that may assist City of Carson in reducing risk and preventing loss from future hazard events. The action items address multi-hazard issues, as well as activities for Earthquake, Flood, and Windstorm.

A hazard mitigation plan helps the city increase education and awareness on natural hazards and community vulnerabilities, build partnerships with government, organizations, businesses, and the public to reduce risk, identify long term strategies for risk reduction with input from stakeholders and the public, identify cost effective mitigation actions that focus resources on the greatest risks area. In addition, with an updated hazard mitigation plan in place, the City will qualify to apply for certain types of non-emergency disaster assistance such as Hazard Mitigation Grant Program (HMGP) and Building Resilient Infrastructure and Communities (BRIC) project grants. FEMA requires that HMPs are updated and re-submitted for FEMA approval every five years to maintain eligibility in these grant programs.

On October 6, 2022, the City issued Request for Proposal (RFP) No. 22-035 to solicit qualified and experienced consultants to provide professional consulting services for the update of the 2013 City of Carson Hazard Mitigation Plan (HMP). On October 27, 2022, Purchasing received six (6) proposals recorded on the attached bid register (Exhibit 2) from the following companies:

1. Engineering Solutions Services

2. Foster Morrison
3. H2O Partners
4. Nebula
5. Task Force 7
6. Witt O'Brien's

These proposals were evaluated based on a scoring system with the following criteria, per the RFP:

10% - Understanding of the scope of work

15% - Demonstration of Professional and credentials

15% - Related experience

10% - Quality of Proposal

15% - Approach to performing

10% - Familiarity with City, County, and State procedures

10% - Reference/Satisfaction of previous clients

5% - Key staff

10% - Cost

100% - Total score

Per Section 2611(c) of the City's Municipal Code (CMC), procurement of professional services such as these shall be based on demonstrated competence, the qualifications necessary for the satisfactory performance of the services required, and a fair and reasonable price. Although costs are not irrelevant in the evaluation process, the lowest responsive/responsible bidder requirement does not apply, and instead the primary focus is on qualifications and competence.

These proposals were diligently reviewed and evaluated by the City's Emergency Services Manager, Assistant to the City Manager, Emergency Management Specialist, and Public Safety Administrative Analyst. A summary of the scoring is attached as Exhibit 3. All four evaluators recommend Witt O'Brien's as the firm that best demonstrated its skills, competency, experience, approach to perform, familiarity with required CAL OES and FEMA guidelines, and RFP evaluation criteria generally. Although Witt O'Brien's proposal is not the lowest bid, evaluators have determined that their cost proposal is commensurate to the staff credentials, the quality and depth of proposal submitted, and the level of approach and detail to complete the project, and is fair and reasonable.

Witt O'Brien had indicated on their proposal some modifications to the City's standard

agreement. The City Attorney's office reviewed the requests, negotiated with Witt O'Brien's, and prepared revisions to certain provisions of the standard agreement as shown in Exhibit B to the Agreement, which are acceptable to Witt O'Brien's. The changes generally relate to: (i) narrowing the casual scope of Witt O'Brien's indemnification obligations in Section 5.3 to refer to claims and liabilities *directly resulting from* Witt O'Brien's negligence/misconduct rather than any claims and liabilities *arising out of or in connection with* same; (ii) adding a waiver of consequential damages provision in Section 5.3 to preclude either party from being liable for consequential damages such as interruption of business or loss of profits, etc. as a result of the services or the Agreement; and (iii) requiring the City to provide advance notice to Witt O'Brien's prior to withholding amounts payable to Witt on the basis of a dispute or an amount owing to the City, and allowing Witt time to correct the issue prior to City withholding such amounts if time permits between the date the City notifies Witt of the issue and the date on which payment would otherwise come due (Sections 7.3, 7.8). While these changes are not advantageous to City, the additional risks they pose are within reason under the circumstances, and the City has agreed to comparable or similar modifications in the past.

Staff requests City Council to award and approve the Agreement with Witt O'Brien's to provide the required services to update the City's Hazard Mitigation Plan.

V. FISCAL IMPACT

If City Council awards the contract to Witt O'Brien's, funds in account 101-55-593-138-6004 will be used to fund the cost in the amount not to exceed \$100,000.00. There will be no fiscal impact for FY 22/23. In addition, staff is currently working on finalizing requirements for an approved FEMA Hazard Mitigation Grant Program grant that will eventually fund up to 75% of the \$100,000.00 HMP cost. 25% of the grant will be the City's co-share.

VI. EXHIBITS

1. RFP No. 22-035
2. Bid Register
3. Evaluation Summary
4. Agreement

Proposed

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