Report to Mayor and City Council

Tuesday, June 02, 2020

Consent

SUBJECT:

CONSIDER APPROVAL OF AMENDMENT NO. 2 TO THE AGREEMENT WITH MICHAEL BAKER INTERNATIONAL ENVIRONMENTAL CONSULTING SERVICES (CITY COUNCIL)

I. SUMMARY

Staff requests City Council approval for this second amendment to the agreement with Michael Baker International (MBI) to provide on-call environmental consulting services. Funds for this contract have been approved and this amendment seeks to remove the "per year" language from the agreement to enable access to the funds when the services are utilized rather than be limited by contract year.

The term of the original agreement was for three years, from October 18, 2016 to October 17, 2019, with the City's option to renew the agreement for two additional one-year terms. The current contract sum is a not-to-exceed amount of $250,000 per year. The entire cost incurred for these consulting services is offset by funds deposited by developers. Staff pursued renewal of the first additional one-year term and that was approved by Council at the October 1, 2019 Council meeting bringing the contract total to $1,000,000 (Exhibit No. 2).

The challenge of utilizing the services of a consultant on an on-call basis, particularly for developer-funded work, is that it is difficult to project the amount of utilization in advance since staff is unable to predict the number of development applications that are submitted to the City by developers. With the increase in development activity in the City, utilization has increased. In the first year of the agreement, utilization was approximately $20,000 of the approved $250,000. In the second year, utilization was approximately $15,000 of the approved $250,000. In the third year of the agreement, utilization increased to approximately $40,000 but still well below the approved $250,000. However, so far, in this fourth year of the agreement, usage has increased to more than $200,000 with four months left in the contract year. While $1,000,000 has been approved for this agreement, less than $300,000 has been utilized. However, the language that caps the dollar amount per year means that the City would be unable to utilize this consultant for the remainder of

the agreement, even though less than a third of the approved funds have been used.

Staff is requesting approval of the proposed Amendment No. 2 (Exhibit No. 3) to remove the "per year" language from the agreement and allow continued utilization of the environmental consulting services for development proposals throughout the City for the remainder of the contract term, as needed.

II. RECOMMENDATION

TAKE the following actions:

1. APPROVE Amendment No. 2 to the agreement with Michael Baker International to provide on-call environmental consulting services.

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 and is consistent with the requirements of law.

IV. BACKGROUND

On October 18, 2016, the City and MBI entered into an agreement for on-call environmental consulting services (Exhibit No. 1). These services are necessary to prepare Environmental Impact Reports, Environmental Assessments, peer reviews and other environmental assignments. The services provided by this consultant are very specialized and require an in-depth technical analysis of environmental impacts of projects that staff is not able to provide. Currently, the City uses four (4) such firms to provide these on-call services.

MBI's scope of services also includes preparation or review of studies in accordance with CEQA guidelines, environmental analysis, and initial studies, as well as evaluations and recommendations for appropriate action by the City. Consultant will represent the Planning Division's project team at meetings/hearings and make presentations as necessary.

V. FISCAL IMPACT

There is no fiscal impact to the general fund as these services are funded from developer deposits in account number 101-99-999-999-2401.

VI. EXHIBITS

1. Agreement with Michael Baker International. (pgs. 4-47)
2. Amendment No. 1 with Michael Baker International. (pgs. 48-53)

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3. Proposed Amendment No. 2 with Michael Baker International. (pgs. 54-59)

Prepared by: Brent Gesch, Principal Administrative Analyst

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