



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: May 17, 2016
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Glenn Russell, Ph.D., 568-2085
Director(s)
Contact Info: Dianne Black, 568-2086
SUBJECT: Execute a contract with Cardno for construction monitoring of Westmont College's
Master Plan Phase II Development, 1st Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

- a) Approve and authorize the Chair to execute a professional services contract with the consulting firm of Cardno, who is not a local vendor, for construction monitoring pursuant to an Environmental Quality Assurance Program (EQAP) for Westmont College Master Plan Phase II development, for the period beginning May 18, 2016 and ending on July 1, 2017, in the amount of \$86,362. The Agreement for Services is included as Attachment 1.
- b) Determine that this action is exempt from CEQA pursuant to Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment (Attachment 2).

Summary Text:

Pursuant to Condition #101 of Westmont College's Conditional Use Permit (14RVP-00000-00091), an Environmental Quality Assurance Program (EQAP) is required to be prepared and implemented in order to provide comprehensive construction monitoring during construction of Phase II of Westmont College's approved Campus Master Plan. According to the condition of approval, the EQAP shall include the integration, coordination, and implementation of all plans and programs relevant to construction of

improvements and guide environmental monitoring, data collection, and management coordination in the field by the EQAP monitoring team. The EQAP provides a framework for the preparation of periodic monitoring reports and weekly field logs documenting compliance or instances of non-compliance with required conditions of approval. The EQAP monitors have the authority and ability to secure compliance with all relevant project conditions and to stop work if necessary to ensure compliance. Phase II development is expected to last approximately 14 months and the EQAP monitoring team would be actively involved with monitoring during the entire grading and construction period.

Consistent with the Request for Proposal procedure, the applicant and P&D selected Cardno's proposal to conduct EQAP monitoring. The Agreement for Services of an Independent Contractor with Cardno is included as Attachment 1. Exhibit A (Statement of Work) of Attachment 1 contains the Environmental Quality Assurance Program and Cardno's technical and cost proposal dated April 8, 2016. The total not-to-exceed cost of the EQAP monitoring is \$86,362. This includes the base contract amount of \$75,097 and a 15% contingency of \$11,265, which is to be used to fund any unanticipated work that is beyond the original scope of the proposal.

Board authorization of a contract is required when the cost of a contract exceeds \$100,000 or when a contract amendment brings its total amount to over \$100,000. In this case, Cardno has other active contracts with the County, which together with the Westmont EQAP contract total more than \$100,000. All costs associated with completing the construction monitoring will be borne entirely by the applicant and are included in the FY 2015/16 adopted and FY 2016/17 recommended budgets, and therefore, no budget revision is necessary for the contract's execution.

Background:

The Montecito Planning Commission granted approval of Westmont College's revised Conditional Use Permit and Campus Master Plan on July 15, 2015. The Campus Master Plan includes a total of 345,837 square feet of net new development throughout the campus, to be implemented over a series of phases during the next 15 to 20 years. Phase II development includes approximately 45,000 square feet of new dormitories and common buildings, as well as roadway and parking improvements, landscaping, and various habitat restoration and enhancement programs. Planning and Development issued a Zoning Clearance to construct Phase II in April 2016, and grading is expected to begin in May 2016. The Conditional Use Permit includes 128 conditions of approval, many of which apply to construction activities. As the EQAP monitor, Cardno will be responsible for monitoring day-to-day grading and construction activities, in concert with the regular inspection duties of P&D staff, to ensure compliance with the applicable conditions of approval.

Performance Measure:

The EQAP program, which forms the scope of work for the Agreement for Services, requires the contractor to provide reports at regular intervals. These reports, and monthly invoices, would be received and reviewed by P&D Permit Compliance personnel during the course of the contract, thus ensuring the timely and adequate performance of required tasks for the monitoring program.

Fiscal and Facilities Impacts:

Budgeted: Yes

The cost of completing the Westmont College Phase II Construction EQAP monitoring is for an amount not to exceed \$86,362, which includes a base cost of \$75,097 and a 15 percent contingency cost of \$11,265. The applicant will deposit the total amount prior to the commencement of work. The need for contingency funds must be identified by the consultant and approved by P&D staff prior to commencement of the work. Cardno is not considered a local contractor according to the General Services Departmental definition of a local contractor.

P&D will continue to invoice the Applicant for all staff time necessary to administer the Agreement for Services and related planning actions. These funds are budgeted in the Planning and Development Permitting Budget Program, as shown on page D-289 of the FY 2015/16 Recommended Operating Plan. There are no facilities impacts.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>		<u>Annualized On-going Cost:</u>		<u>Total One-Time Project Cost</u>
General Fund					
State					
Federal					
Fees					
Other:					\$ 86,362.00
Total	\$	-	\$	-	\$ 86,362.00

Narrative: All costs for this project will be fully reimbursed by the project applicant, who will deposit the entire contract amount of \$86,362 prior to the commencement of work. As specified in Exhibit B (Payment Arrangements) of the Agreement for Services (Attachment 1), Cardno’s invoices for the work will be submitted on a monthly basis and paid from the deposited funds on a net-30 basis upon receipt of correct and complete invoices, and staff’s determination of satisfactory work. Execution of the Cardno contract will not have fiscal impacts to other departments. No budget revision is required.

Key Contract Risks:

A risk analysis was performed and the proposed contractual agreement was rated as having moderate risk due to the limited number of bidders, limited but positive experience with the contractor, and moderate visibility of the work. Prior to the commencement of work, the entire contract amount will be paid by the applicant in the form of a deposit to the County. As such, there is no risk to County fiscal resources for the contract amount. The contract includes payment arrangements based on periodic (monthly) compensation in accordance with a fixed fee schedule. This ensures that funds from the deposit will only be expended based on regular and satisfactory performance by Cardno. The Planning & Development Department is satisfied with Cardno’s previous and ongoing performance conducting EQAP monitoring for the County for the Santa Barbara Botanic Garden project.

Staffing Impacts:

No additional staffing is required to implement and manage this contract.

Special Instructions:

1. Please forward a copy of the Agreement for Services and Minute Order to P&D Development Review Division, attention Joyce Gerber.
2. Please forward a copy of the Agreement for Services and Minute Order to P&D Accounting, attention Crysta Rider.

Attachments:

Attachment 1:	Agreement for Services of an Independent Contractor
Exhibit A	Statement of Work
A1	Proposal for EQAP Monitoring
A2	EQAP Program
Exhibit B	Payment Arrangements
B1	Schedule of Fees
Exhibit C	Indemnification and Insurance Requirements

Attachment 2: CEQA Notice of Exemption

Authored by: Joyce Gerber, 568-3518