



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 12, 2020
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning & Development Department
Director(s) (805) 568-2086
Contact Info: Jeff Wilson, Assistant Director, Planning & Development
Department
(805) 568-2085
**SUBJECT: On-Call Professional Planning Services: Agreement for Services with MIG, Inc.,
Countywide**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form: Risk Management

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute an Agreement for Services of Independent Contractor with MIG, Inc. (Attachment 1) to provide on-call professional services in the areas of environmental review, current planning, and long range planning for the period of January 6, 2020, to June 30, 2020, with a base contract amount not to exceed \$500,000 that includes \$195,000 under Purchase Contract No. CN23469 but otherwise cancels, nullifies, and supersedes CN23469;
- b) Authorize the Planning & Development Department (P&D) Director, or the P&D Director's designee, to:
 - i. Approve up to a 10 percent contingency cost not to exceed \$50,000 for services being performed under the Agreement for Services of Independent Contractor, for a total contract amount not to exceed \$550,000;

- ii. Approve changes or additions in the services being performed, provided the contract does not exceed the base contract amount plus the 10 percent contingency identified in the contract; and
 - iii. Make immaterial changes in accordance with Section 35 of the Agreement for Services of Independent Contractor.
- c) Determine that the Agreement for Services of Independent Contractor and the Board of Supervisors' actions are not a project and, therefore, are exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

Summary Text:

In an effort to address high workloads, P&D initiated a competitive bid process and issued a request for proposals (RFP), evaluated the proposals and conducted interviews of several firms, to perform on-call professional services in the areas of environmental review, current planning, and long range planning. Based on the proposal submitted, the evaluation and interview process, P&D has selected MIG, Inc. (MIG) as one of the firms to provide the services. The Agreement for Services of Independent Contractor (Attachment 1), not to exceed \$550,000, will exceed the \$200,000 cumulative threshold when combined with existing contracts and, therefore, requires Board of Supervisors approval. Staff recommends the Board of Supervisors approve the Agreement for Services of Independent Contractor.

Background:

The County has historically used consultants on an as-needed basis for projects and programs. Consultants have been utilized to prepare environmental documents in accordance CEQA (e.g., environmental impact reports, mitigated negative declarations, initial studies, and addenda to adopted/certified environmental documents). Consultants have also assisted in the review of development applications and the preparation of policy documents, including special studies, zoning code amendments, Comprehensive Plan amendments, and other tasks as necessary. When needed, the County has retained consultants to conduct public outreach, organize community meetings, and participate in internal or public review processes.

P&D seeks to engage the services of multiple professional consultants to provide on-call professional services in the areas of environmental review, current planning, and long range planning. P&D staff initiated a bid process in August 2019 and received 17 proposals.

On February 11, 2020, the Board approved an Agreement for Services of Independent Contractor for both Rincon Consultants, Inc., and Wood Environment and Infrastructure Solutions, Inc. to provide P&D with on-call professional services. Due to an immediate need to assist P&D with permit processing, P&D entered into a Purchase Order with MIG, Inc., in January 2020 for on-call professional services. P&D now seeks to replace the existing Purchase Order with an Agreement for Services of Independent Contractor which requires Board approval.

MIG, Inc. has extensive contract permitting experience with agencies throughout California, including cannabis permitting, and proficiency with policy planning and environmental document preparation in compliance with CEQA. MIG's proposal (Attachment 2) reflects the required scope of services;

demonstrates relevant, previous experience in the project area; and demonstrates professional qualifications necessary for satisfactory performance of the services required.

The general scope of work includes the following:

- Environmental services such as, but not limited to, the preparation of all types of environmental documents and other assignments (e.g., technical studies) as needed in accordance with CEQA.
- Current planning services such as, but not limited to, processing of development applications, meeting with applicants, and attendance at hearings, for a variety of project types (e.g., cannabis, residential, commercial, and energy projects).
- Long range planning services such as, but not limited to, policy development, ordinance amendments, general plan element updates, environmental document preparation, community engagement tasks, and attendance at decision-maker hearings.

Fiscal and Facilities Impacts:

Budgeted: Yes

All costs for professional services including environmental review and current planning used to process current planning projects will be fully reimbursed by project applicants; costs associated with long range planning services will be reimbursed using approved general funds and/or other sources of revenue (e.g. grant funds) allocated to specific projects. Project applicants will provide a deposit prior to work commencing to pay the costs to complete environmental review or any required CEQA documents. Any contingency funds used must be identified by the consultant and approved by the P&D Director, or designee, prior to the work commencing. P&D will invoice project applicants for all staff time necessary to administer the Agreement for Services and related planning actions. Funding is budgeted in P&D's Permitting Budget Program on page D-269 of the County of Santa Barbara Fiscal Year 2019–20 adopted budget.

Funding for long range planning projects will come from the Long Range Planning Budget Program on page D-269 of the County of Santa Barbara Fiscal Year 2019-2020 adopted budget.

Key Contract Risks:

P&D staff performed a risk analysis on the proposed contract. It is a high risk proposal because (in part) the contract amount is \$550,000, the project has medium complexity, and the projects MIG will work on could be controversial. The Agreement applies the County's standard independent contractor terms and conditions in accordance with Federal and State of California laws and regulations. The risk mitigation includes insurance coverage appropriate for the level of risk involved as determined by P&D in conjunction with the County Risk Manager, and the Agreement indemnifies County agents, officers, and employees, from any claims that may arise from activities performed under the Agreement. In addition, the Agreement includes a Termination for Convenience clause to further mitigate risk.

Staffing Impacts:

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

Special Instructions:

Please forward one original executed Agreement and a copy of the hearing Action Summary to P&D, Hearing Support, Attention: David Villalobos.

Attachments:

1. Agreement for Services of Independent Contractor
 - Exhibit A: Statement of Work
 - Exhibit B: Payment Arrangements
 - Attachment B1: Fee Schedule
 - Exhibit C: Indemnification and Insurance Requirements
2. MIG, Inc. Proposal

Authored by:

David Lackie, Supervising Planner, Long Range Planning Division, (805) 568-2023