



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: Public Works
Department No.: 054
For Agenda Of: July 9, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Chris Sneddon, Public Works Department, 568-3010
Contact Info: Mostafa Estaji, Deputy Director, Transportation, 568-3064
SUBJECT: Indefinite Delivery-Indefinite Quantity “As Needed” Construction Engineering Services Contract Amendment No. 2

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrences: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute the second amendment to the Agreement for Services of Independent Contractor with MNS Engineers Incorporated for construction engineering services “as needed” to extend the term of the agreement through December 31, 2024 with work being initiated via Task Orders;
- b) Approve and authorize the Director of Public Works, or designee, to execute Task Orders and approve Task Order amendments within the scope of the Agreement, upon concurrence with the Auditor-Controller’s Office and the Office of County Counsel, provided that no individual Task Order shall exceed \$2,000,000 without separate Board approval;
- c) Approve and authorize the Director of Public Works, or designee, to make immaterial changes to the Agreement in accordance with Section 36 of the Agreement.; and
- d) Find that the recommended actions do not constitute a “Project” within the meaning of the California Environmental Quality Act pursuant to 14 CCR 15378 (b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

Summary Text:

This item is on the agenda to authorize the Chair to execute the second amendment to an Agreement for Services of Independent Contractor with MNS Engineer’s, Inc. to extend the term of the contract to December 31, 2024 to allow the Department time to advertise a new RFP for a Construction Engineering

Services "as needed" contract. The Public Works department constructs transportation facilities every year using local, state and, federal funds. To comply with state and federal regulations and supplement County staffing, the County uses consultant services. To supplement County staff constructing transportation projects, MNS Engineers Incorporated ("MNS") will perform as needed construction engineering services.

The original agreement was approved by the Board, Task Orders may be issued as needed by the County Public Works Director, or designee. The original Agreement includes a guaranteed amount of \$10,000 and a not-to-exceed amount of \$4,000,000. The guaranteed amount has already been satisfied and staff is not proposing any increase to the total not-to-exceed amount with this extension of the term of the Agreement. The Agreement was approved by the Board on July 2, 2019 for a three-year term and was extended for an additional two years by the Public Works Director, with the amended contract set to expire on June 30, 2024.

Background:

The original agreement was determined by a publicly advertised, qualifications based, competitive process. This process consisted of a three week publicly posted Request for Proposals ("RFP") which yielded Proposals from 5 Consultants. A selection committee made up of 5 Public Works staff individually scored the 5 Proposals per the RFP criteria based on qualifications in order to determine MNS as the most qualified Consultant.

All construction engineering activities performed by MNS are under supervision of a full-time employee of the County who is in responsible charge (the Designated Representative).

MNS provides construction engineering services as needed for various projects including annual road maintenance paving and re-surfacing, sidewalks, walls and other infill, bridge retrofits and replacements, and road realignments in the County maintained road system funded by County, State, and Federal sources. Construction engineering activities may include preparation of contract change orders, construction surveys, foundation investigations, measurement, and computation of quantities, testing of construction materials, checking of shop drawings, preparation of estimates, reports, and other inspection activities necessary to ensure that the construction is being performed in accordance with the plans and specifications. MNS may provide construction engineering services on some, or none, of the transportation projects listed in the Board authorized Capital Improvement Plan and FHWA/FEMA disaster repairs.

Field, technical, and administrative office work will be required to successfully provide the requested services. Field work in remote areas within the County can be expected. MNS will complete all administrative tasks at their own office facility unless the Task Order explicitly provides for use of a project specific Resident Engineers Office.

Public Works determined that an "as-needed" contract is a successful approach in supplementing in-house construction engineering efforts. Each year, considerable time is taken by the staff to solicit and subsequently manage contracts for various projects. An "as needed" consultant will save the Department staff time by reducing the number of requests for proposals and contracts requiring administration.

The typical cost of construction engineering, inspection and contract administration for a transportation project is 15% of the total cost of the construction contract being administered. All funding is subject to Board approval through an annual appropriation and budget process and Board authorization of specific projects.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

An accurate estimated fiscal analysis cannot be provided at this time given the indefinite delivery-indefinite quantity, "as needed," nature of the contract. Use of this contract would be budgeted with individual projects as needed. Over the course of the five-year term, MNS has supported 21 projects and expended an estimated \$3.3M. The \$4,000,000 not to exceed amount allows up to approximately \$700,000 to be utilized for the remainder of the term.

Narrative:

The Construction Engineering Service cost of \$4,000,000 reflects estimated funds required to supplement Staff construction engineering over three fiscal years. The contract maximum is \$4,000,000. Funds for this Agreement are budgeted within the *specific* projects for which the services may be needed in Department 054, Funds 0015, 0016 or 0017, Organizational Units 0200, 0500 or 0600, and Programs 2710, 2720, 2730, 2740, 2750, 2810, 2820, 2830 or 2910.

Special Instructions:

Please forward the following items to Ynette Luna in the Public Works Department, Transportation Division, Engineering Section office, 123 E. Anapamu Street, Santa Barbara, at extension 83094:

- A certified, stamped Minute Order approving these recommendations
- Two duplicate original executed contract amendments (one original contract amendment to remain on file with the Clerk of the Board)

Attachments:

Attachment A: Second Amendment to Agreement for Services of Independent Contractor for Construction Engineering Services IDIQ

Attachment B: Executed First Amendment to Agreement for Services of Independent Contractor for Construction Engineering Services IDIQ

Attachment C: Executed Agreement for Services of Independent Contractor for Construction Engineering Services IDIQ

Authored by:

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