



# City of Rialto

## Legislation Details (With Text)

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**Title:** Request City Council to: (1) Award Professional Services Agreements with Koury Engineering & Testing Inc. and MTGL, Inc. for On-Call Geotechnical Services, and (2) Authorize the City Manager to Execute All Documents.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - Disclosures.pdf, 2. Attachment 2 - Koury Agreement.pdf, 3. Attachment 3 - MGTL Agreement.pdf

Date	Ver.	Action By	Action	Result
11/15/2022	1	City Council		
9/27/2022	1	City Council		

For City Council Meeting [November 15, 2022]

**TO:** Honorable Mayor and City Council

**APPROVAL:** Marcus Fuller, City Manager

**FROM:** Alberto Paiva, P.E., Director of Engineering Services/City Engineer

Request City Council to: (1) Award Professional Services Agreements with Koury Engineering & Testing Inc. and MTGL, Inc. for On-Call Geotechnical Services, and (2) Authorize the City Manager to Execute All Documents.

### **BACKGROUND**

The City solicits services of professional geotechnical firms, on an on-call basis, to provide consulting services for capital improvement projects and private land development projects.

### **ANALYSIS/DISCUSSION**

On February 22, 2022, the City released Request for Proposals (RFP) No. 22-051 for "On-Call" Geotechnical Services on PlanetBids.com and the City's website. The RFQ scope of services included but were not limited to geotechnical testing and preparation of reports and design recommendations, compaction testing and reporting, and subsurface exploration. The RFQ was written to ensure that the selected firms demonstrated successful experience and capacity to provide services to municipal government agencies similar to the City of Rialto.

On March 31, 2022, the City received 13 proposals from the following firms, listed in alphabetical order:

1. Aragon Geotechnical, Inc.
2. Geocon

3. GeoMat Testing Laboratories, Inc.
4. GeoTek
5. Hilltop Geotechnical, Inc.
6. Koury Engineering and Testing, Inc.
7. LOR Geotechnical Group, Inc.
8. MTGL, Inc.
9. RMA Group
10. Terracon Consultants, Inc.
11. Tetra Tech
12. The Converse Professional Group
13. Willdan Engineering

The City assembled an evaluation panel that included the following City staff and staff from the County of San Bernardino:

- Amparo Corona, Principal Budget and Financial Analyst
- Art Cervantes, Engineering Manager
- Arlene Chun, Engineering Manager, County of San Bernardino

Following a review of the proposals by the evaluation panel, the top two (2) ranking firms were identified for selection. The primary factors involved in the selection process were the firm qualifications, understanding the demands of the on-call contract, scope of services, responsiveness and attentiveness to client needs, and past performance and experience with other on-call contracts with other agencies. A complete copy of each firm's proposal is available at the City Clerk's office.

The top two (2) firms were identified as follows in alphabetical order:

1. Koury Engineering and Testing, Inc.
2. MTGL, Inc.

Staff recommends that the City Council approve an On-Call Professional Services Agreement with each of these firms to provide the requested services for the City with terms of the Agreement to not exceed three (3) years, with two (2) one-year extensions upon approval of the City Manager and mutual consent of the selected firms, for a total maximum of five (5) years. The important points for City Council consideration related to these Agreements include:

Contract Sum: Section 2.1 "Contract Sum" reflects the on-call nature of the Agreements, in that there is no defined cost other than the consultant's schedule of hourly rates and fees. This fact is reflected in Section 2.1 of the Agreement, which states:

*City and Consultant acknowledge and agree that the Services required by this Agreement will vary dependent upon the number, type, and extent of the Services the Consultant shall provide; and no guarantee of the extent or the type of Services required of Consultant under the terms of this Agreement is made by the City. The annual or total level of Services required by this Agreement is unknown and may significantly increase or decrease from year to year. In acknowledgement of the fact that the number and type of projects requiring the Consultant's Services has not been identified for this Agreement, City and Consultant acknowledge and agree that a specific "Maximum Contract Amount" shall be imposed on each separate project that the City may assign Consultant as provided in Section 1.9 and in this Section 2.1. Each such separate project shall be identified as a Task Order authorized by the City Manager or*

*designee as provided in this Section 2.1. The Maximum Contract Amount of this Agreement is undefined and is subject to the number and type of projects requiring the Consultant's Services throughout the duration of the term of this Agreement, if any. Consultant's compensation shall be limited to the Maximum Contract Amount identified on each separate, individually authorized Task Order corresponding to a project requiring the Services of the Consultant in accordance with the Schedule of Compensation set forth in the attached Exhibit "C". Subsequent approval of individual Task Orders shall be approved in accordance with the provisions of Chapter 2.48 of the Rialto Municipal Code.*

As projects are assigned to the on-call firms, a Task Order will be negotiated, and the subsequent approval of individual Task Orders will be approved by the City Manager for those with total cost less than \$100,000 or by the City Council for those with total cost more than \$100,000.

Conflict Disclosure Statements are included as **Attachment 1**. Koury Engineering & Testing's On-Call Professional Services Agreement is included as **Attachment 2**. MGTL Inc.'s On-Call Professional Services Agreement is included as **Attachment 3**.

#### **ENVIRONMENTAL IMPACT:**

The requested City Council action is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

#### **GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3A in the General Plan:

*Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.*

Approval of this action also complies with the following City of Rialto General Plan Goals and Policies:

**Goal 2-30: Incorporate green building and other sustainable building practices into development projects.**

Policy 2-30.3: Promote sustainable building practices that integrate building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction, and operation of the built environment.

**Goal 4-1: Provide transportation improvements to reduce traffic congestion associated with regional and local trip increases**

Policy 4-1.1: Establish and maintain standards for a variety of street classifications to serve both local and regional traffic, including Major Arterial Highways, Major Arterial Highways, Major Arterials, Secondary Arterials, Collector Streets, and Local Streets.

#### **LEGAL REVIEW:**

The City Attorney has reviewed and supports this staff report and On-Call Professional Services Agreement.

**FINANCIAL IMPACT:**

Operating Budget Impact

The proposed action will not affect the Operating Budget.

Capital Improvement Budget Impact

The proposed agreements provide services to the City as on-call agreements and have no specific contract sum. The scope of services required by these agreements will vary dependent upon the number and type of projects assigned to the various firms. The annual level of on-call services required by these agreements is unknown and may increase or decrease from year to year.

Expenditures for individual "Purchase Orders" approved for specific assignments associated with capital projects will be encumbered from funding previously budgeted and appropriated for that capital project. Expenditures for individual Purchase Orders approved for private land development projects will be encumbered from funding provided through construction permit fees charged to developers for the work.

Licensing

Prior to execution of the Professional Service Agreement, the vendor shall submit a business license application and pay a Business License tax at the rate of \$154, as well as Administration and State fees.

**RECOMMENDATION:**

Staff recommends that the City Council:

- Award a Professional Services Agreement to Koury Engineering & Testing Inc., and MTGL, Inc. for On-Call Geotechnical Services, and
- Authorize the City Manager to Execute All Documents.