



City of Rialto

Legislation Text

File #: 20-0410, **Version:** 1

For City Council Meeting [July 28, 2020]

TO: Honorable City Council

APPROVAL: Rod Foster, City Manager

FROM: Savat Khamphou, Public Works Director/City Engineer

Request City Council to Approve Professional Service Agreements with Engineering Resources of Southern California and Willdan Engineering for On-Call Plan Checking Services with the Issuance of Purchase Orders in the amount of \$300,000 each.

(ACTION)

BACKGROUND:

One of the important functions of the Public Works Department is to review various plans and technical studies related to City-approved private land development projects. Following the entitlement process, an owner or developer will engage its own engineering consultant to prepare the required improvement plans for on-site rough grading, precise grading/paving, on-site or off-site storm drainage improvements, public street improvements, traffic signal installation and other associated work. These plans require technical studies (geotechnical/soils, hydrology/hydraulic, traffic, water quality management plans, drainage, grading, etc.) which supplement the improvement plans for the required work which also require review by the City. Public Works coordinates closely with developers to be responsive and facilitate their projects smoothly and timely.

ANALYSIS/DISCUSSION:

The Public Works Department prepared and released Request for Proposals No. 20-082 (the "RFP") on February 10, 2020 to solicit proposals from professional firms to provide "On Call" Plan Check Services to the City. Proposals were due by March 2, 2020. The RFP was advertised on the Planetbids.com website. A copy of the RFP is included as **Attachment 1**.

The Public Works Department received a total of seven (7) proposals in response to the RFP from the following firms (in alphabetical order):

1. Aufbau Corporation; Glendale, CA
2. Bureau Veritas North America, Inc.; Santa Ana, CA
3. Engineering Resources of Southern California Inc.; Redlands, CA
4. IMEG Corporation; Ontario, CA
5. Interwest Consulting Group; Ontario, CA
6. Transtech Engineers, Inc.; Chino, CA
7. Willdan Engineering; Rialto, CA

In accordance with state law (California Government Code Section 4526) and Chapter 2.48.440 of

the Rialto Municipal Code, City Council must make the selection for professional services on the basis of the firm's demonstrated competence and professional qualifications in accordance with specific evaluation criteria identified in the RFP; cost must not be included as criteria for rating these consultants.

The Evaluation Panel was comprised of the Director of Public Works/City Engineer, Director of Community Development, Community Development Manager, and a representative from Panattoni Development Company, Inc., a major developer in the City of Rialto. The Evaluation Panel reviewed the proposals, developed rankings and consensus was that Engineering Resources of Southern California (ERSC) and Willdan Engineering (Willdan) were the most qualified firms, based primarily on their prior local experience in multiple cities around Southern California, and both firm's ability to provide the requested plan check services effectively for the City. A copy of the proposals submitted by ERSC and Willdan are included as **Attachments 2 & 3**.

Staff has prepared Professional Services Agreements (PSA) with ERSC and Willdan for the requested "on-call" civil engineering plan check and related services which are included as **Attachments 4 & 5**. The important points for City Council consideration related to the PSA include:

- Contract Sum: Section 2.1 "Maximum Contract Amount" is written to reflect the "on-call" nature of the Agreement, in that there is no expressly defined scope of work or cost. This fact is reflected in Section 2.1 of the Agreement, which states:

"City and Consultant hereby acknowledge and agree that the scope of services required by this Agreement is subject to fluctuation due to factors controlling the pace of development within the City of Rialto beyond City's control; and no guarantee of the volume of plan-check and related services required of Consultant under the terms of this Agreement is made by the City. The annual level of plan-check activity or related services required by this Agreement is unknown, and may significantly increase or decrease from year to year. In acknowledgement of the unknown volume of plan-check and related services required hereunder, City and Consultant hereby acknowledge and agree that there shall be no specific "Maximum Contract Sum."

- Contract Term: The proposed Agreement may be extended to a maximum length of three (3) years. Section 3.4 "Term" has been written to reflect an initial term of one (1) year, with two (2) optional one (1) year extensions, and states:

The term of this Agreement shall commence on July 1, 2020. Unless earlier terminated under the terms of this Agreement, this Agreement shall continue in full force and effect for one-year until June 30, 2021. At the sole discretion of the City, upon written notice to Consultant, the term of this Agreement may be extended for two additional one-year terms. Said notice shall be delivered prior to July 1, 2022, for the initial one-year extension (if granted); and prior to July 1, 2023, for the final one-year extension (if granted).

A copy of the Disclosure Statements for ERSC and Willdan are included as **Attachments 6 & 7**.

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 3-6: Require that all developed areas within Rialto are adequately served with essential public services and infrastructure.

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 Arterials, Secondary Arterials, Collector Streets, and Local Streets.

Policy 4-1.20: Design City streets so that signalized intersections operate at Level of Service (LOS) D or better during the morning and evening peak hours, and require new development to mitigate traffic impacts that degrade LOS below that level. The one exception will be Riverside Avenue south of the Metrolink tracks all the way to the City’s southern border, which can operate at LOS E.

Policy 4-1.21: Design City streets so that unsignalized intersections operate with no vehicular movement having an average delay greater than 120 seconds during the morning and evening peak hours, and require new development to mitigate traffic impacts that increase delay above that level.

LEGAL REVIEW:

The City Attorney has reviewed and supports the staff report and Professional Service Agreements.

FINANCIAL IMPACT:

Operating Budget Impact

There is no financial impact in the Operating Budget. Implementation of both Agreements will be on a “pass-through” basis, whereby the City will collect plan check fees from a developer sufficient to cover the plan check fees and administrative fees to pay for the services provided by ERSC and Willdan. Upon receipt of payment from a developer, plan check revenues will be recognized in the

General Fund-Engineering Services Account No. 010-400-7262-7629/7625, which will offset the expenditure for plan check services to be paid from the General Fund- Engineering Services Account No. 010-500-7262-2011.

The proposed 2020/2021 fiscal year budget identifies \$1,120,000 as estimated revenue to be received through plan check fees charged to developers, out of which expenditures associated with the proposed Agreement with ERSC and Willdan will be paid. Staff recommends that the City Council authorize purchase orders pursuant to the proposed agreements with ERSC and Willdan in the amount of \$300,000 each.

Licensing:

A Business license application and payment of a Business License tax at the Professional Service rate of \$354 will be paid by Engineering Resources of Southern California and Willdan Engineering each.

RECOMMENDATION:

Staff Recommends that the City Council Approve Professional Service Agreements with Engineering Resources of Southern California and Willdan Engineering for On-Call Plan Checking Services with the Issuance of Purchase Orders in the amount of \$300,000 each.