



City of Rialto

Legislation Text

File #: 21-0168, **Version:** 1

For City Council Meeting [April 27, 2021]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Acting City Manager

FROM: Alexander Hamilton, Interim Community Development Director

Request City Council to Approve the First Amendment to the Agreement by and Between the City of Rialto and Bureau Veritas for Building Official Services for an Additional Amount of \$100,000; for a Revised Total of Not-To-Exceed Compensation Under the Amended Agreement of \$250,000, for a Term of Three Years Commencing on August 11, 2020 and Terminating August 11, 2023.

(ACTION)

BACKGROUND

On August 11, 2020, the City Council approved a Services Agreement with Bureau Veritas to provide Certified Building Official services, plan check, and inspection services, as needed, to the Community Development Department Building and Safety Division. The Community Development Department solicited proposals for these services and after evaluating the four proposals submitted, selected Bureau Veritas as a highly qualified firm that best fit the needs of the City. Given the immediate need for a Certified Building Official, Bureau Veritas supplied a fully credentialed Building Official to provide technical assistance (including plan check) and support to staff to ensure compliance with all adopted building codes and standards as well as to recommend and implement process improvements to the Division. In addition, this Building Official provided guidance and support to the City's Building Manager position which has been vacant since December 2020.

ANALYSIS/DISCUSSION

Mr. Trang Huynh from Bureau Veritas has served as the City's contract building official since September 2020. The City has an ongoing recruitment to fill the vacant Building Manager position with the desire to fill this position with a credentialed Building Official. The recruitment is continuing but due to the competitive nature of this profession and staffing challenges related to COVID-19, fully qualified applicants have been challenging to find. In order to maintain continuity of service and to assist with the transition and succession when a qualified Building Manager is found, staff is recommending an amendment to the Professional Services Agreement in the amount of \$100,000 for a total not to exceed compensation of \$250,000. The term of the agreement will not change (August 11, 2020 to August 11, 2023).

Other than the contract amount, the terms and conditions of the original agreement with Bureau Veritas remain the same with one exception. The existing agreement contains a provision against assigning an individual to the City for more than 6 months. Under the current professional services agreement, there is an indemnity in favor of the City which requires Bureau Veritas to indemnify the City in the event of a finding by CalPERS that the independent contractor is an employee subject to PERS. The indemnity does provide some protection to the City. Staff believes that it is critical to

maintain Mr. Huynh in the same capacity, given the status of the recruitment for the Building Manager position, and Mr. Huynh's ability to perform a comprehensive building plan check and building permit fee study, and provide back-up plan check services and technical expertise to our in-house staff. In addition to the indemnification included in the City's agreement with Bureau Veritas, there are also some unique mitigating factors associated with this service that further reduce the risk of maintaining Mr. Huynh in the current Building Official position. These include the challenges associated with COVID-19 in securing and maintaining high level technical staff, the partial closure and limited public access of the City's building services and the subsequent re-opening of the public counter in Building and Safety. In addition, Mr. Huynh serves in a non-supervisory role, and sets his own schedule in accordance with the service needs of his employer, Bureau Veritas, and the City. The proposed amendment would allow Bureau Veritas to continue to assign Mr. Huynh to the City under the contract.

ENVIRONMENTAL IMPACT

Pursuant to Section 15378 of the California Environmental Quality Act (CEQA), a "Project" means the whole of an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Approval of this Amendment No. 1 to the Professional Services Agreement is an administrative function in accordance with the Rialto Municipal Code and is not a project as defined by CEQA.

GENERAL PLAN CONSISTENCY

The proposed contract amendment and related services regarding applicable building and fire codes is consistent with several goals contained within several sections of the General Plan including applicable Goals contained within Chapter 5 "The Safety and Noise Chapter" of the Plan. The application and enforcement of adopted building and fire codes to all new, rehabilitated, or existing structures in the City serves to protect and enhance the safety of the built environment.

LEGAL REVIEW

The City Attorney has reviewed and supports this staff report

FINANCIAL IMPACT

Operating Budget Impact

There is funding in the Planning Division Contract Services Account No. 010-500-4260-2011 for these additional services.

Capital Improvement Budget Impact

There is no impact to the Capital Improvement Budget associated with this action.

Licensing

If applicable, given that the action proposed is only to add funds to an already existing contract, the vendor shall submit a business license application and pay a Business License tax as well as Administration and State fees.

RECOMMENDATION

Request City Council to adopt a resolution approving the first amendment by and between the City of Rialto and Bureau Veritas for Building Official services for an additional amount of \$100,000; for a revised total of not to exceed compensation under the amended Agreement of \$250,000, for a term

of three years commencing on August 11, 2020 and terminating August 11, 2023.