



# City of Rialto

## Legislation Text

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**File #:** 21-0407, **Version:** 1

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For City Council Meeting [July 13, 2021]

**TO:** Honorable Mayor and City Council

**APPROVAL:** Marcus Fuller, City Manager

**FROM:** Karen Peterson, Community Development Manager

Request City Council to Approve the Second Amendment to the Professional Services Agreement Between the City of Rialto and Bureau Veritas North America, Inc., for Building Official Services for an Additional \$60,000; for a Revised Not-To-Exceed Compensation Total under the Amended Agreement of \$310,000.

**(ACTION)**

**BACKGROUND**

On August 11, 2020, the City Council approved a Professional Services Agreement in an amount of \$250,000 with Bureau Veritas North America, Inc., ("BV"), 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 BV as a highly qualified firm that best fit the needs of the City.

The term of the Agreement with BV is for three years and terminates on August 11, 2023, subject to the maximum compensation authorized by City Council.

Given the immediate need for a Certified Building Official, BV supplied a fully credentialed Building Official to provide technical assistance (including building permit plan check services) and general support to ensure compliance with all adopted Building Codes and standards. On April 27, 2021, the City Council approved a First Amendment to the agreement increasing the budget for requested services by \$100,000. The on-call technical services provided to the City by BV has averaged \$25,000 to \$30,000 per month and the original and supplement budgets have been expended.

Additionally, other on-call building plan check service agreements have expired, leaving only the current agreement with BV to provide these types of services to the City, including the contract staffing of the required Certified Building Official.

**ANALYSIS/DISCUSSION**

Mr. Trang Huynh from BV has served as the City's contract Certified Building Official since September 2020. The Building & Safety Manager position is a critical position in the Building and Safety Division, but has been vacant for over one year. Due to the competitive nature of this profession and staffing challenges related to COVID-19, filling the vacancy proved difficult.

However, just recently this month a candidate was selected and is anticipated to commence

employment by August 2021. The selected candidate is filling a position that is not designed as the City's Building Official, however, the candidate does have the International Certified Building Official (ICBO) certification and can commence serving in that interim capacity after a sufficient time to transition those duties from the current contract Building Official (estimated at not more than 60 days).

Moreover, the City Manager is recommending as part of the Fiscal Year 2021/2022 General Fund budget that the City Council add the position of Building Official to provide the full-time in-house position thereby allowing the Building & Safety Manager to perform the full scope of those duties in supervising the plan check / permitting process and inspection services.

In addition, the Community Development Department's other on-call building plan check consultant service agreements have expired. The Community Development Department issued a Request for Proposals for supplemental building plan check and inspection services, received several proposals, and is completing an evaluating of the most qualified / cost effective proposals. It is anticipated that a recommendation to approve one or two supplemental on-call building plan check / inspection services agreements will be scheduled for City Council consideration in September 2021 to allow for the new Building & Safety Manager an opportunity to participate in the evaluation process.

Given the transition to a new Building & Safety Manager, the future opportunity to retain a Building Official (pending Council's support of the position in the Fiscal Year 2021/2022 budget), current vacancies with other positions in the Building & Safety Division (namely the Senior Plans Examiner), it is important to continue the City's contractual relationship with BV as this transition is completed to reliance on in-house City employees vs. contract employees.

To maintain continuity of service and to assist with the transition, Staff is recommending the City Council approve a Second Amendment to the Professional Services Agreement with BV to increase the budget by \$60,000 for a total not to exceed compensation of \$310,000. The Second Amendment also revises the cost of on-call building plan check services to 50% percent of the City's plan check fee or the rate of \$120.00 per hour, whichever is lower.

All other terms and conditions of the original agreement with BV remain the same. Typically, consultant agreements contain a provision against assigning an individual to the City for more than six months. However, under the current professional services agreement, there is an indemnity in favor of the City which requires BV to indemnify the City in the event of a finding by CalPERS that the independent contractor is an employee subject to PERS regulations. It is Staff's to continue retaining Mr. Huynh as the City's contact Building Official to allow time to transition those functions to the new Building & Safety Manager scheduled to commence employment in August.

### **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 second amendment 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 sufficient funding in the Building Division Contract Services Account No. 010-500-4261-2011 for these additional services. With respect to plan checking services, the City will retain 50% percent of the applicable City fee, which will offset the cost of the service.

#### **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 is not required to submit a business license application and pay a Business License tax as well as Administration and State fees.

### **RECOMMENDATION**

Staff recommends that the City Council:

1. Approve the Second Amendment to the Professional Services Agreement by and between the City of Rialto and Bureau Veritas North America, Inc., for Certified Building Official and plan checking services for an additional amount of \$60,000 for a revised total of not to exceed compensation of \$310,000; and
2. Authorize the City Manager to execute all documents.