

Agenda Report

August 17, 2015

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: AMENDMENT TO CONTRACT NO. 22,216 WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA), TO INCREASE THE TOTAL NOT-TO-EXCEED AMOUNT BY \$71,885, FROM \$432,033 TO \$503,918 FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTS FOR THE PROPOSED ARROYO SECO MUSIC AND ARTS FESTIVAL

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the amendment to Contract No. 22,216 with ESA is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3) (General Rule);
2. Authorize the City Manager to amend Contract No. 22,216 with Environmental Science Associates (ESA) by increasing the total not-to-exceed amount by \$71,885, from \$432,033 to \$503,918 for the continued preparation of environmental documents related to the proposed Arroyo Seco Music and Arts Festival; and,
3. To the extent this transaction could be considered a separate procurement subject to competitive selection, grant the proposed contract an exemption from the Competitive Selection process set forth in the Competitive Bidding and Purchasing Ordinance pursuant to P.M.C. section 4.08.049 (B), contract for which the City's best interests are served.

BACKGROUND:

Contract 22,216 was authorized by the City Council as a result of the competitive selection process identified in P.M.C. section 4.08.047. The selection process included issuance of a Request for Proposal (RFP). Seven environmental services firms submitted bids, and ESA scored highest based on the criteria in the RFP. On March 30, 2015, the City Council authorized Contract No. 22,216 with ESA for consulting services to prepare environmental documents for the proposed Arroyo Seco Music and Arts Festival.

In accordance with the California Environmental Quality Act (CEQA), an Initial Study and Notice of Preparation (NOP) of an Environmental Impact Report (EIR) have been prepared. During the period for public review of the Initial Study (May 8 through June 8, 2015), several scoping meetings were held on May 21, 23, and 27.

Following the public review period, ESA has initiated the preparation of a Draft EIR to analyze the proposed project's impacts. However, as a result of refinements to the festival layout and site plan made by the RBOC and the festival promoter (AEG), modifications to the contract are required. The cost for these modifications is estimated to be \$26,075 and will increase the existing contract amount from \$432,033 to \$458,108. In addition, based on the high volume of comments received during the scoping period, it is anticipated that additional resources will be required to prepare responses to comments that will be received once the Draft EIR is released for public review. The original contract does not include a contingency, however in anticipation of future work including the anticipated volume of public comment it is prudent to include a contingency at this time. Therefore, a 10% contingency of the new contract amount (\$45,810) is proposed to be added to the contract to safeguard against future contract increases and schedule delays that might otherwise occur to prepare the responses to comments and Final EIR.

ENVIRONMENTAL REVIEW:

This project is exempt from CEQA review pursuant to State CEQA Guidelines Section 15061(b) 3. This contract is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to the provisions of CEQA.

FISCAL IMPACT:


The maximum cost of this action is \$71,885, increasing the Contract amount from \$432,033 to \$503,918, including all options, allowances, labor, direct expenses and contingency. Funding for the preparation of the environmental document will not have a direct fiscal impact on the City's General Fund, as \$71,885 will be borne by the RBOC and will be deposited prior to the authorization of additional work. It is anticipated the remaining balance of the contract will be spent during the current fiscal year. Indirect and support costs will be addressed by utilization of existing budget appropriations.

Respectfully submitted,



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