



# Monterey County

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

Legistar File Number: A 20-003

January 14, 2020

**Introduced:** 1/3/2020

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** BoS Agreement

- a. Approve Amendment No. 3 to Standard Agreement No. A-13559 with Albion Environmental, Inc. to continue to provide services associated with the construction for completion of the Moss Landing Rule 20A Underground Utility District Project, under Request for Proposals No. 10513, to increase the not to exceed amount by \$226,293 for a total amount not to exceed \$450,395 with no term extension to the term from October 15, 2017 to December 31, 2020;
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 3 to Standard Agreement No. A-13559; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments to Standard Agreement No. A-13559 to extend the term beyond the original term authorized in Request for Proposals No. 10513 where the amendments do not significantly alter the scope of work or increase the approved Agreement amount.

### RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 3 to Standard Agreement No. A-13559 with Albion Environmental, Inc. to continue to provide services associated with the construction for completion of the Moss Landing Rule 20A Underground Utility District Project, under Request for Proposals No. 10513, to increase the not to exceed amount by \$226,293 for a total amount not to exceed \$450,395 with no term extension to the term from October 15, 2017 to December 31, 2020;
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 3 to Standard Agreement No. A-13559; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute future amendments to Standard Agreement No. A-13559 to extend the term beyond the original term authorized in Request for Proposals No. 10513 where the amendments do not significantly alter the scope of work or increase the approved Agreement amount.

### SUMMARY/DISCUSSION:

On June 7, 2005, the Board of Supervisors (BOS) approved Resolution No. 05-120 creating the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the community of Moss Landing. This resolution set the completion date for underground utility companies and reconnection no later than December 2009, and removal of poles, overhead wires and other associated overhead structures no later than May 2010. On July 26, 2011, the BOS approved Resolution No. 11-271 extending these dates to March 2015 and June 2015, respectively. On May 12, 2015, the BOS approved Resolution No. 15-110 further extending these dates to March 2020 and June 2020, respectively.

On December 11, 2014, the Zoning Administrator approved Resolution No. 140-041 adopting a Mitigated Negative Declaration, approving a Combined Development Permit (CDP), and adopting a Mitigation Monitoring and Reporting Plan for the Moss Landing Rule 20A Underground Utility District Project (PLN130590) (Project). On December 16, 2014, the BOS approved Resolution No. 14-364 adopting the Conditions of Approval (COA) and Mitigation Monitoring and Reporting Program for the Project.

COA No. 14 (Mitigation Measure No. 8) requires the County to retain a professional archaeologist to be present on the Project site during construction activities that involve earth disturbance. In compliance with that requirement, the County conducted a competitive Request for Proposals (RFP) process (RFP No. 10513), and on October 9, 2017, the Contracts/Purchasing Officer executed a Standard Agreement (SA) with Albion Environmental, Inc. (Albion) of Santa Cruz, California to provide the required services.

Subsequently, during its review of the County's request to extend the expiration date of the CDP, the Office of the Zoning Administrator directed that the SA for the required archaeological monitoring services be amended to include a full-time on-site Native American construction monitor from the Monterey Band of Monterey County/Ohlone Costanoan Esselen Nation (OCEN).

Amendment No. 3 will allow Albion to continue to provide services associated with construction for completion of the Project. Amendment No. 3 will allow an update to the hourly rates/pricing sheet of the SA, effective as of the execution date of Amendment No. 3, and increase the total not to exceed amount of \$224,102 by \$226,293 for a total amount not to exceed \$450,395 with no term extension to the term of October 15, 2017 to December 31, 2020 (beyond the anticipated one (1) year SA term allowed per RFP No. 10513 for a total term of three (3) years and approximately three (3) months). The increase to Amendment No. 3 will allow for additional monitoring, and in the event that sensitive archaeological remains are found, will allow for an archaeological excavation which is necessary to comply with the CDP for the Project.

Attachment G provides a summary of the SA to date and Attachment H provides a summary of the SA current annual expenditures and balance.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Auditor-Controller's Office have reviewed and approved Amendment No. 3 as to form, and fiscal provisions, respectively.

Resource Management Agency (RMA) - Land Use and Community Development Division's Planning Section and the Zoning Administrator concur with the recommended Amendment No. 3.

RMA - Public Works, Parks and Facilities Division is working closely to coordinate with AT&T, PG&E, Charter Communications, Comcast, and the Moss Landing Marine Laboratories to implement construction of the Project.

FINANCING:

Amendment No. 3 to the Agreement with Albion Environmental, Inc., which increases the not to exceed amount by \$226,293 for a total amount not to exceed \$450,395, will be financed from the Moss Landing Deposit Account, in the Road Fund, Fund 002, Account 2686. The Moss Landing Deposit Account is funded by Duke Energy/Dynergy per the Funding Agreement between Duke and the County and currently has a balance of \$1,346,103. Any costs not eligible for reimbursement by Rule 20A funds, including compliance with environmental mitigations, are financed through the Funding Agreement. All eligible costs of the Project will be borne by the utilities involved.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action complies with the Board of Supervisors' Strategic Initiative for Infrastructure, by providing up-to-date utility infrastructure in the community of Moss Landing, and by improving the quality of life of County residents in the community by removing unsightly overhead wires and poles.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Kyle Oyama, Assistant Engineer, (831) 755-5090

Reviewed by: Randell Ishii, M.S., P.E., Chief of Public Works

Approved by: Leigh Ann Sutton, P.E., RMA Deputy Director of Public Works, Parks and Facilities

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Amendment No. 3 to SA

Attachment B - Amendment No. 2 to SA

Attachment C - Amendment No. 1 to SA

Attachment D - SA

Attachment E - Project Budget

Attachment F - Location Map

Attachment G - Summary of SA

Attachment H - Summary of SA Annual Expenditures and Balance