



Monterey County

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Board Report

Legistar File Number: A 15-327

September 29, 2015

Introduced: 9/18/2015

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Approve Amendment No. 3 to Professional Services Agreement No. A-12432 with Rincon Consultants, Inc. where the Base budget is increased by \$314,723 to \$618,548 and the Contingency budget is increased by \$110,153 to \$233,069, for a total amount not to exceed \$851,617 to complete new additional tasks associated with the Mitigation Monitoring Reporting Program (MMRP) for the California Flats Solar Project Environmental Impact Report (EIR) (PLN120294) in South County, and extend the term to December 31, 2018; and
- b. Approve Amendment No. 3 to Funding Agreement No. A-12433 with California Flats Solar, LLC where the Base budget is increased by \$314,723 to \$618,548, the Contingency budget is increased by \$110,153 to \$233,069, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$854,787 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to complete new additional tasks associated with the MMRP for the California Flats Solar Project EIR (PLN120294) in South County, and extend the term to December 31, 2018; and
- c. Authorize the Director of Planning to execute Amendment No. 3 to Professional Services Agreement No. A-12432, Amendment No. 3 to Funding Agreement No. A-12433 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

(REF150085/Rincon Consultants, Inc. and PLN120294/EIR for the California Flats Solar Project, in South County)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 3 to Professional Services Agreement No. A-12432 with Rincon Consultants, Inc. where the Base budget is increased by \$314,723 to \$618,548 and the Contingency budget is increased by \$110,153 to \$233,069, for a total amount not to exceed \$851,617 to complete new additional tasks associated with the Mitigation Monitoring Reporting Program (MMRP) for the California Flats Solar Project Environmental Impact Report (EIR) (PLN120294) in South County, and extend the term to December 31, 2018; and
- b. Approve Amendment No. 3 to Funding Agreement No. A-12433 with California Flats Solar, LLC where the Base budget is increased by \$314,723 to \$618,548, the Contingency budget is increased by \$110,153 to \$233,069, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$854,787 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to complete new additional tasks associated with the MMRP for the California Flats Solar Project EIR (PLN120294) in South County, and extend the term to December 31, 2018; and
- c. Authorize the Director of Planning to execute Amendment No. 3 to Professional Services

Agreement No. A-12432, Amendment No. 3 to Funding Agreement No. A-12433 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

SUMMARY:

See Attachment A - Summary of Professional Services Agreement (PSA) and Funding Agreement (FA).

DISCUSSION:

The California Flats Solar Project was approved by the Board of Supervisors on February 10, 2015. This action included adoption of an EIR and approval of a Mitigation Monitoring Reporting Plan (MMRP). The project is now in plan check in preparation of construction. It is clear that effective implementation of the MMRP requires expertise that the County does not possess. The County contractor, who prepared the EIR, has knowledge of the site and understands the requirements associated with the Mitigation Measures. In order to facilitate the implementation of the MMRP, County staff asked the County contractor (Rincon Associates) to submit a Scope of Work for reviewing the technical documents and inspecting the mitigation monitoring work. Rincon has prepared a scope of work which is included in the revised Professional Services Agreement and Revised Funding Agreement. The project is now moving ahead rapidly, and having a contractor working for the County who is familiar with the site allows the County to be responsive to necessary review of technical information. The Project lies within both Monterey County and San Luis Obispo County. San Luis Obispo County used the EIR and MMRP adopted by the County of Monterey. San Luis Obispo County is also using Rincon to perform Mitigation Monitoring oversight. Because two jurisdictions are implementing the same MMRP and propose to use the same contractor minimizes duplication of work to have one Scope of Work for the whole project with provisions for the developer to pay each county for respective work in each county. The Scope of Work prepared by Rincon to include the entire project in both counties with divisions of work between the counties. First Solar is responsible for paying for all MMRP work, and there will be professional service agreements with both Monterey and San Luis Obispo Counties.

The added tasks associated with implementation of the MMRP will be \$424,876 (\$314,723 Base budget plus a \$110,153 Contingency budget), for a total amount not to exceed \$851,617, and will increase the FA by \$424,876 (\$314,723 Base budget plus a \$110,153 Contingency budget with no further increase to the Contract Administration Fee amount of \$3,170), for a total amount not to exceed \$854,787, and extends the term of the PSA and FA through December 31, 2018.

OTHER AGENCY INVOLVEMENT:

The following offices have reviewed Amendment No. 3 as to form and legality, and fiscal provisions, respectively:

Office of the County Counsel
Auditor-Controller's Office

There is a three way agreement being developed between Cal Fire, First Solar and the County to address fire protection needs. This agreement will be pursued independently of the contract

with Rincon.

FINANCING:

Pursuant to the terms of the FA with California Flats Solar, LLC, Project Applicant, and the County, the expenses of Rincon Consultants, Inc. to provide an EIR, including new additional tasks associated with the completion of the MMRP, for the California Flats Solar Project and fees associated with County contract administration will be funded through budgets established in the FA. Separate fees for County staff costs associated with the Project will be paid by the Project Applicant in accordance with the County of Monterey Land Use Fee Schedule. There will be no impact to the General Fund.

Prepared by: Delinda Robinson, Senior Planner, Ext. 5198
Approved by: Mike Novo, AICP, Director, RMA - Planning, Ext. 5192
Carl P. Holm, AICP, Director, RMA

This report was prepared with assistance by Shelley Dickinson, Management Analyst I, and reviewed by Dalia M. Mariscal-Martinez, Management Analyst II.

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

Attachment A Summary of PSA and FA
Attachment B Amendment No. 3 to PSA with Rincon Consultants, Inc.
Attachment C Amendment No. 3 to FA with California Flats Solar, LLC
Attachment D Reference Documents