



# County of Monterey

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

## Legislation Details (With Board Report)

|                      |               |                      |   |
|----------------------|---------------|----------------------|---|
| <b>File #:</b>       | A 20-048      | <b>Name:</b>         | Approve Amendment No. 8 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. |
| <b>Type:</b>         | BoS Agreement | <b>Status:</b>       | Passed - RMA Administration   |
| <b>File created:</b> | 3/4/2020      | <b>In control:</b>   | Board of Supervisors  |
| <b>On agenda:</b>    | 3/24/2020     | <b>Final action:</b> | 3/24/2020   |

**Title:** a. Approve Amendment No. 8 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. to provide continued services associated with completion of an Environmental Impact Report for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan for Phases 1 and 2 to update the Schedule of Rates; reallocate unused funding in the amount of \$88,193 to expand existing and new tasks; increase the not-to-exceed amount of \$824,554 by \$722,699, for a total amount not to exceed \$1,547,253; and extend the expiration date for six (6) additional months through June 30, 2022, for a revised term from April 23, 2013 to June 30, 2022 (REF120051);

b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute: 1) Amendment No. 8 to Professional Services Agreement No. A-12442, and 2) up to three (3) future amendments to Professional Services Agreement No. A-12442 to extend the term beyond the original term where the amendments do not exceed more than five (5) years cumulatively and do not substantially alter the scope of work or increase the approved amount of the Agreement, subject to the review and approval of the Office of the County Counsel as to form.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A-Summary of PSA, 3. Attachment B-Summary of PSA Annual Expenditures and Balance, 4. Attachment C-A8 to PSA, 5. Attachment D-A7 to PSA, 6. Attachment E-A6 to PSA, 7. Attachment F-A5 to PSA, 8. Attachment G-A4 to PSA, 9. Attachment H-A3 to PSA, 10. Attachment I-A2 to PSA, 11. Attachment J-A1 to PSA, 12. Attachment K-Executed PSA, 13. Item No. 31 Completed Board Order, 14. Fully Executed Agreement

| Date      | Ver. | Action By            | Action | Result |
|-----------|------|----------------------|--------|--------|
| 3/24/2020 | 1    | Board of Supervisors |        |        |

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**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 8 to Professional Services Agreement No. A-12442 with Denise Duffy & Associates, Inc. to provide continued services associated with completion of an Environmental Impact Report for projects located in the Carmel River Lagoon Area and Carmel River Lagoon Restoration and Management Plan for Phases 1 and 2 to update the Schedule of Rates; reallocate unused funding in the amount of \$88,193 to expand existing and new tasks; increase the not-to-exceed amount of \$824,554 by \$722,699, for a total amount not to exceed of \$1,547,253; and extend the expiration date for six (6) additional months through June 30, 2022, for a revised term from April 23, 2013 to June 30, 2022 (REF120051);
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute: 1) Amendment No. 8 to Professional Services Agreement No. A-12442, and 2) up to three (3) future amendments to Professional Services Agreement No. A-12442 to extend the term beyond the original term where the amendments do not substantially alter the scope of work or increase the approved amount of the Agreement, subject to the review and approval of the Office of the County Counsel as to form.

#### SUMMARY/DISCUSSION:

In April 2013, the County of Monterey [Resource Management Agency (RMA)] entered into a Professional Service Agreement with Denise Duffy & Associates, Inc. (DDA) to assess flood protection projects located within and adjacent to the Carmel River State Beach and Lagoon between State Route 1 and the Pacific Ocean in the unincorporated area of Carmel, Monterey County, California. In June 2014, the County of Monterey RMA, as Lead Agency for CEQA, amended the contract with DDA to include preparation of an environmental impact report (EIR) for an Ecosystem Protective Barrier, Scenic Road Protective Structure (SRPS) and interim sandbar management (Project). The Project is a multi-objective, multiyear, multi-organizational effort to improve habitat for threatened and endangered species in the lower Carmel River and Lagoon, improve natural floodplain function, and protect public infrastructure, while maintaining or improving flood risk to existing developed areas.

A Draft Environmental Impact Report (DEIR) was released for a 60-day public review period, which ended on January 31, 2017. The County received numerous comments, including challenges to and requests for additional technical studies related to the SRPS component of the Project which created significant delays. The County has amended the PSA with DDA while it works through these items. The RMA has identified the need to process Amendment No. 8 to Agreement A-12442 with DDA (Amendment No. 8) to provide ongoing consultation services, additional technical studies, and environmental analysis related to a Revised DEIR for the Project. Amendment No. 8 will update the Schedule of Rates; reallocate the unused PSA balance of \$88,193 to new and existing tasks, increase the not-to-exceed amount of \$824,554 by \$722,699, for a total amount not to exceed \$1,547,253, with an extension to the term scheduled to end December 31, 2021 through June 30, 2022. The Final EIR (FEIR) for the Project is anticipated to be brought to the Board of Supervisors for certification before June 2022.

Attachment A and B provide the Summary of the PSA and Annual Expenditures and Balance. Attachment C is the proposed Amendment No. 8. Attachments D through K include Amendment Nos. 1 through 7 and PSA No. A-12442.

#### OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Auditor-Controller have reviewed and approved Amendment No. 8 as to form and fiscal provisions, respectively.

#### FINANCING:

The County has spent a total of \$779,099 in Fiscal Years (FYs) 2012-13 through 2016-17 toward planning and analyzing the overall long-term Carmel Lagoon Project. No funding was identified in FYs 2017-18 and 2018-19. RMA Fund 404 for FY 2019-20 Adopted Budget includes \$454,000 for the Project. Of this \$454,000, only

\$112,562 is anticipated to be expended by June 30, 2020 due to extra time involved amending the consultant agreement before initiating work. The remaining consultant activities to complete the environmental review for this Project will be included in FYs 2020-21 (\$348,924) and 2021-22 (\$348,925) budget.

Regarding the DDA Agreement specifically, the \$810,892 (\$722,699 for new and existing tasks; \$88,193 in reallocated funds) in FYs 2019-20 through 2021-22 will cover DDA's charges to recirculate a revised DEIR, FEIR, and Project permitting. Once the FEIR is certified by the Board of Supervisors and a project is selected, RMA staff will develop a cost estimate, timeline, and funding strategy to complete the design, construction, and post-construction monitoring phases of the Project.

BOARD OF SUPERVISORS' STRATEGIC INITIATIVES:

Approval of Amendment No. 8 supports the Board of Supervisors' Infrastructure and Public Safety Strategic Initiatives by facilitating the planning and development of sustainable infrastructure that will balance environmental protection with maintaining flood protection for lagoon-area properties and public infrastructure. The technical studies and ongoing environmental review continue to advance the Project toward implementation.

Economic Development  
Administration  
Health & Human Services

X Infrastructure  
X Public Safety

Prepared by: Karen Riley-Olms, Management Analyst II (831) 755-5132  
Reviewed by: Melanie Beretti, Property Administration/Special Programs Manager  
Approved by: Shawne E. Ellerbee, RMA Deputy Director of Administrative Services  
Approved by: Carl P. Holm, AICP, RMA Director

<mailto:>Attachments:  
Attachment A-Summary of PSA  
Attachment B-Summary of PSA Annual Expenditures and Balance  
Attachment C-Amendment No. 8 to PSA  
Attachment D-Amendment No. 7 to PSA  
Attachment E-Amendment No. 6 to PSA  
Attachment F-Amendment No. 5 to PSA  
Attachment G-Amendment No. 4 to PSA  
Attachment H-Amendment No. 3 to PSA  
Attachment I-Amendment No. 2 to PSA  
Attachment J-Amendment No. 1 to PSA  
Attachment K-PSA  
(Attachments are on file with the Clerk of the Board)