



Legislation Details (With Board Report)

File #: A 21-107 **Name:** PSA wDDA for the Habitat RMP

Type: BoS Agreement **Status:** Passed

File created: 3/29/2021 **In control:** Board of Supervisors

On agenda: 4/20/2021 **Final action:** 4/20/2021

Title: a. Approve Professional Services Agreement with Denise Duffy & Associates, Inc. to provide biological consulting services to facilitate the County’s implementation of the Installation-Wide Multispecies Habitat Management Plan for former Fort Ord, California, for an amount not to exceed \$616,205.00 for an initial term of fourteen (14) months from April 20, 2021 to June 30, 2022 with the option to extend the Agreement for not more than a total of five (5) years; and
b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the Professional Services Agreement and future amendments to the Agreement to extend the term beyond the original term where the amendments do not significantly alter the scope of work or increase the amount by more than ten percent (10%) of the approved Agreement amount, subject to review and approval of the Office of the County Counsel and the Auditor-Controller’s Office.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - PSA with Denise Duffy Associates, 3. Attachment B - Installation-Wide Multispecies HMP for Former Fort Ord, 4. Attachment C - Executed Sole Source Request 121620, 5. REVISED Attachment A, 6. Completed Board Order Item No. 70, 7. Executed PSA with DD&A 063022, 8. Executed A1 to A-15192_Fort Ord HMP 063023, 9. Executed A2_PSA_DD&A_A-15192_Fort Ord Installation-Wide HMP_042023, 10. Executed A3_PSA_DD&A_A-15192_Fort Ord Installation-Wide HMP_032824, 11. Executed A4_PSA_DD&A_A-15192_Fort Ord Installation-Wide HMP_042525

Date	Ver.	Action By	Action	Result
4/20/2021	1	Board of Supervisors	approved as amended	Pass

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b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the Professional Services Agreement and future amendments to the Agreement to extend the term beyond the original term where the amendments do not significantly alter the scope of work or increase the amount by more than ten percent (10%) of the approved Agreement amount, subject to review and approval of the Office of the County Counsel and the Auditor-Controller’s Office.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Professional Services Agreement with Denise Duffy & Associates, Inc. to provide biological consulting services to facilitate the County’s implementation of the Installation-Wide Multispecies Habitat Management Plan for former Fort Ord, California, for an amount not to exceed \$616,205.00 for an initial term of fourteen (14) months from April 20, 2021 to June 30, 2022 with the option to extend the Agreement for not more than a total of five (5) years; and
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute the Professional

Services Agreement and future amendments to the Agreement to extend the term beyond the original term where the amendments do not significantly alter the scope of work or increase the amount by more than ten percent (10%) of the approved Agreement amount, subject to review and approval of the Office of the County Counsel and the Auditor-Controller's Office.

SUMMARY/DISCUSSION:

Housing and Community Development (HCD) is requesting the Board of Supervisors approve a Professional Services Agreement (PSA) (**Attachment A**) with Denise Duffy & Associates, Inc. (DDA) to provide biological consulting services to facilitate the County's implementation of the Installation-Wide Habitat Management Plan for the Former Fort Ord (HMP) (**Attachment B**).

The U.S. Fish and Wildlife Service (USFWS) has requested local jurisdictions initiate the steps necessary to comply with the HMP. The HMP provides for the conservation and management of wildlife, plant species, and habitats that depend on former Fort Ord lands to survive.

A significant portion of the acreage owned by the County in the former Fort Ord are subject to habitat management provisions of the HMP. The HMP requires the preparation and completion of a site-specific Habitat Resource Management Plan (RMP). Before the dissolution of the Fort Ord Reuse Authority (FORA), FORA worked on developing a base wide Habitat Conservation Plan (HCP), which was intended to fulfill the provisions of the HMP as well as provide the basis for take authorization from the state and federal wildlife agencies. FORA certified an Environmental Impact Report (EIR) for a draft HCP but did not adopt the HCP prior to FORA's dissolution. Now that a base wide HCP is no longer under development, the County is moving forward on developing a site-specific Habitat Resource Management Plan for the lands held by the County in the former Fort Ord.

On December 16, 2020, Contracts/Purchasing Division approved a Sole Source Justification to obtain DDA to complete the Habitat RMP due to their extensive knowledge and experience within the Former Fort Ord area (**Attachment C**). Staff has selected Denise Duffy & Associates (DDA or Consultant) because of DDA's expertise and specific knowledge of the HMP and biological issues on the former Fort Ord. The Consultant completed the HCP EIR for FORA, and therefore, has extensive experience and knowledge of this area. This will enable the Consultant to develop the County's RMP in an efficient, cost-effective manner.

The Scope of Services for this agreement includes DDA to prepare and complete a site-specific Habitat RMP, obtain any necessary permits from State/Federal agencies such as the California Department of Fish and Wildlife and/or USFW. An estimated cost to acquire the permitting, in addition to a more detailed description of tasks, is described in **Attachment A**; however, this may need to be refined based on the outcome of the Habitat RMP. DDA will not proceed with the permitting process unless written authorization is first obtained by the County.

Further, the work identified in the scope of services and cost also includes the habitat management areas that belong to the Monterey Peninsula College (MPC) reserve. DDA will prepare one Habitat RMP that will outline the responsibility of the County for the County-owned habitat management areas and the responsibilities for habitat management areas owned by MPC. To facilitate the East Garrison development, there was a land swap agreement between FORA, MPC, the County, and the U.S. Bureau of Land Management that resulted in an increase of habitat management area. From that, MPC is responsible for 206 acres of habitat management areas. During FORA's transition and in light of the land swap, the Board had discussions regarding the habitat management lands and expressed support to include MPC in the County's Habitat RMP. The cost for MPC to be included in the scope of services results in approximately \$70,000, which is included in the \$616,205 contract amount. The County will be coordinating with MPC for possible reimbursement of these funds as

referenced within the land swap agreement and agreement regarding public safety officer training facilities.

OTHER AGENCY INVOLVEMENT:

The Contracts/Purchasing Division has reviewed and approved a Sole Source Justification prepared by HCD staff. The Office of the County Counsel and the Auditor-Controller's Office have approved the proposed Agreement as to form, and fiscal provisions, respectively.

FINANCING:

Funding for staff time associated with these projects are included in the Fiscal Year 2020-21 Adopted Budget for the former Resource Management Agency, General Fund, Fund 001, Environmental Services Appropriate Unit RMA110 and will be reimbursed from Fund 029 Appropriation Unit RMA111. Funding for the Professional Services Agreement is included in the Habitat Management Program, FY 2020-21 Adopted Budget for Fund 029 Appropriation Unit RMA111. Funding for the staff time associated with these projects in FY 2021-22 will be reimbursed to the General Fund from the Proposed Budget for Housing and Community Development Fund 029, Habitat Management Program Appropriation Unit HCD009. Funding for the PSA is included in the Habitat Management Program FY 2021-22 Proposed Budget for Fund 029 Appropriation Unit HCD009. Further, as stated above, the MPC owned habitat management areas have a cost of approximately \$70,000 out of the \$616,205 contract amount to be included within the County's Habitat RMP. Staff will be coordinating with MPC for possible reimbursement of these funds.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommendation of this report supports the Board of Supervisors' Economic Development, Administration, and Infrastructure Strategic Initiatives by ensuring timely compliance and effective resource management to enable HCD to complete critical work for the long-term benefit of the County.

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

Prepared by: Jacquelyn M. Nickerson, Management Analyst II, (831) 755-5240

Reviewed by: Shandy Carroll, Management Analyst III

Approved by: Melanie Beretti, HCD Housing and Special Programs Manager

Approved by: Mike Novo, AICP, Interim HCD Director

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

Attachment A - Professional Services Agreement, including:

Exhibit A - Scope of Work

Exhibit B - Revisions to Paragraph 8

Attachment B - Installation-Wide Multispecies Habitat Management Plan for former Fort Ord, California

Attachment C - Executed Sole Source Justification 12/16/20