



Board Report

File #: 17-0646, **Version:** 1

- a. Approve Amendment No. 4 to Professional Services Agreement (PSA) No. A-12432 with Rincon Consultants, Inc. where the Base Budget in the amount of \$618,548 is increased by \$228,062 to \$846,610 and the Contingency Budget in the amount of \$233,069 is increased by \$68,419 to \$301,488, which increases the not to exceed amount of \$851,617 by \$296,481 to a total amount not to exceed \$1,148,098, to provide additional services for existing tasks associated with the completion of the Mitigation Monitoring and Reporting Program (MMRP) for the Environmental Impact Report (EIR) for the California Flats Solar Project (PLN120294) in South County, and extend the expiration date from December 31, 2018 for six (6) additional months through June 30, 2019, for a revised term from March 13, 2013 to June 30, 2019; and
- b. Approve Amendment No. 4 to Funding Agreement (FA) No. A-12433 with California Flats Solar, LLC where the Base Budget in the amount of \$618,548 is increased by \$228,062 to \$846,610, the Contingency Budget in the amount of \$233,069 is increased by \$68,419 to \$301,488, and the County Contract Administration Fee is unchanged at \$3,170, which increases the not to exceed amount of \$854,787 by \$296,481 to a total amount not to exceed \$1,151,268, to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to provide additional services for existing tasks associated with the completion of the MMRP for the EIR for the California Flats Solar Project (PLN120294) in South County, and extend the expiration date from December 31, 2018 for six (6) additional months through June 30, 2019 for a revised term from March 13, 2013 to June 30, 2019; and
- c. Authorize the Resource Management Agency Director or Chief of Planning to execute Amendment No. 4 to PSA No. A-12432 and Amendment No. 4 to FA 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.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 4 to Professional Services Agreement (PSA) No. A-12432 with Rincon Consultants, Inc. where the Base Budget in the amount of \$618,548 is increased by \$228,062 to \$846,610 and the Contingency Budget in the amount of \$233,069 is increased by \$68,419 to \$301,488, which increases the not to exceed amount of \$851,617 by \$296,481 to a total amount not to exceed \$1,148,098, to provide additional services for existing tasks associated with the completion of the Mitigation Monitoring and Reporting Program (MMRP) for the Environmental Impact Report (EIR) for the California Flats Solar Project (PLN120294) in South County, and extend the expiration date from December 31, 2018 for six (6) additional months through June 30, 2019, for a revised term from March 13, 2013 to June 30, 2019; and
- b. Approve Amendment No. 4 to Funding Agreement (FA) No. A-12433 with California Flats Solar, LLC where the Base Budget in the amount of \$618,548 is increased by \$228,062 to \$846,610, the Contingency Budget in the amount of \$233,069 is increased by \$68,419 to \$301,488, and the County Contract Administration Fee is unchanged at \$3,170, which increases the not to exceed amount of \$854,787 by \$296,481 to a total amount not to exceed \$1,151,268, to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to provide additional services for existing tasks associated with the completion of the MMRP for the EIR for the California Flats Solar Project (PLN120294) in South County, and extend the expiration date from December 31, 2018 for six (6) additional months through June 30, 2019 for a revised term from March 13, 2013 to June 30, 2019; and
- c. Authorize the Resource Management Agency Director and Chief of Planning to execute Amendment No. 4 to PSA No. A-12432 and Amendment No. 4 to FA 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/DISCUSSION:

The original PSA between Rincon Consultants, Inc. (Rincon) and the County was to provide for an EIR for the California Flats Solar Project (Project). On February 10, 2015 the Board of Supervisors adopted Resolution No. 15-026 certifying the Final EIR. Amendment No. 3 to the PSA included additional services for implementation and monitoring of the Mitigation Monitoring and

Reporting Program (MMRP) for the project. The FA between California Flats Solar, LLC (Project Applicant) and the County, as amended, is to provide funding to the County for the services provided by Rincon for completion of the EIR and additional tasks associated with implementation of the MMRP for the Project. The project is being constructed in two phases and is just beginning the second phase. As a result of construction delays and compliance issues in the early phases of construction, full time compliance monitoring by Rincon had to be significantly expanded beyond what was assumed in the initial scope, which caused depletion of the on-site compliance monitoring budget. Also, the number and content of documents submitted in support of compensatory mitigation compliance exceeded what was originally anticipated, required multiple revisions and included additional revisions following the California Department of Fish and Wildlife review, resulting in an increase to the document review budget. Therefore, we are requesting to increase the budget and extend the contract to continue these services.

Amendment No. 4 to the PSA will allow Rincon to complete additional third-party compliance monitoring by expanding existing tasks associated with Task 10.2, Draft Mitigation Monitoring and Reporting Program (MMRP), in the amount of \$296,481 (increases Base Budget by \$228,062 and Contingency Budget by \$68,419) for a total amount not to exceed \$1,148,098 (Base Budget of \$846,610 and Contingency Budget of \$301,488) and extend the expiration date of the PSA from December 31, 2018 for six (6) additional months to June 30, 2019. Amendment No. 4 to the FA will allow funding by the Project Applicant to the County for costs associated with completion of third-party compliance monitoring by expanding existing tasks associated with completion of the Project in the amount of \$296,481 for a total amount not to exceed \$1,151,268 (Base Budget of \$846,610, Contingency Budget of \$301,488 and Contract Administration Fee of \$3,170) and extend the expiration date from December 31, 2018 for six (6) additional months to June 30, 2019.

OTHER AGENCY INVOLVEMENT:

The following offices have reviewed the Agreements as to form and legality, and fiscal provisions, respectively:

Office of the County Counsel
Auditor-Controller's Office

FINANCING:

Pursuant to the terms of the Funding Agreement between California Flats Solar and the County, EIR services provided by Rincon and County Contract Administration fees will be paid by California Flats Solar with an advanced deposit. 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.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The PSA with Rincon and the FA with the Project Applicant will allow for completion of an EIR for the Project which could potentially impact the revenue base and quality of life within the County. All services to complete the EIR are fully funded by the Project Applicant.

Strategic Initiatives:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development
 Administration
 Health & Human Services
 Infrastructure
 Public Safety

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

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

Attachment A - Summary of PSA and FA
Attachment B - Amendment No. 4 to the PSA
Attachment C - Amendment No. 4 to the FA
Attachment D - PSA and Amendments No. 1 - 3 to the PSA
Attachment E - FA and Amendments No. 1 - 3 to the FA