



## **CITY OF MENIFEE**

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SUBJECT: Agreements for On-Call Services for the Public Works Engineering and Capital Improvement Program Divisions for Fiscal Years 2023 - 2026

MEETING DATE: June 21, 2023

TO: Mayor and City Council

PREPARED BY: Kristen Jensen, Financial Analyst

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Approve a Master Agreement for Professional On-Call Services as to form; and
2. Authorize the City Manager to execute Master Agreement for Professional On-Call Services with the qualified firms established on the approved On-Call Short Lists for the Public Works Engineering and Capital Improvement Program divisions; and
3. Approve individual multi-year agreement not-to-exceed amounts for each Master Agreement for Professional On-Call Services authorized; and
4. Authorize the City Manager to issue purchase orders on an as-needed basis in the aggregate of the not-to-exceed amount approved for each multi-year for each Master Agreement for Professional On-Call Services authorized.

### **DISCUSSION**

The Public Works Land Development Engineering Division is responsible for processing and approving developer submittals for private residential, commercial, and industrial developments. Processing of submittals often requires that multiple plan checks and field inspections be performed to comprehensively review all aspects of a project's proposed onsite and offsite improvements and engineering studies.

The Public Works Capital Improvement Program (CIP) Division is responsible for the planning, design, and implementation of public infrastructure improvement projects throughout the City of Menifee. CIP projects require the support of technical and specialized professional services to move a project through all phases from concept to construction completion. These services

include, but are not limited to, environmental assessments, design services, labor compliance, right-of-way acquisition, grant management and materials testing.

California Law, and specifically Government Code Section 4525 *et seq* provides that professional services agreements are not subject to competitive bidding requirements for public works contracts. These professional services contracts must instead be awarded based on demonstrated competence and on the professional qualifications necessary to perform the services requested. While no formal bidding is required, local agencies must prohibit unlawful activity in connection with the award of a professional services contract. Section 3.12.080 of the City's Municipal Code contains procedures for the award of Professional Services Agreements (PSAs) in-line with these requirements.

The City has historically established annual On-Call PSAs with dozens of firms to provide the support services outlined above on an as-needed basis. The annual agreements are set up to expire at the end of each fiscal year. Given the sheer number of annual agreements, the internal processes involved with issuing, closing out, and reissuing annual contracts and the corresponding purchase orders (POs) every fiscal year has become a challenging and cumbersome practice requiring excessive staff time in several departments. This process coincides with all other fiscal year end activities and budget finalization which demand heavy staff resources to complete. Additionally, the time required to close and reissue agreements and POs can often impact the timeliness and efficiency with which staff is able to secure needed services for development and capital projects.

In an effort to streamline processes and ensure the highest and best use of available resources, staff is proposing to implement the attached multi-year Master Agreement for Professional On-Call Services (Agreement) to be utilized with pre-qualified professional service firms. The proposed Agreement would serve as a master agreement that would be established for a specific number of years and with a predetermined not-to-exceed amount for the full Agreement term. If approved, staff would work with each qualified firm to enter into individual Agreements with not-to-exceed amounts established based on the service needs anticipated over the full three-year agreement term. The proposed Agreement would contain a provision stating that the continuance of the Agreement is contingent on the allocation of funding in the City's annual budget and would allow for termination without breach if no funding or insufficient funding is allocated for the Agreement each year. The proposed Agreement would also contain provisions to prevent unlawful awards of contracts and POs.

In 2022, the Engineering and CIP divisions administered separate formal Request for Qualification (RFQ) processes to establish approved short-lists of qualified firms in various categories of on-call professional services. In May 2022, the City completed the RFQ for Engineering consultants specifically qualified to provide services for land development engineering and the short list was approved by the City Council on August 17, 2022. Similarly, in June 2022, an RFQ was completed to establish a short list of CIP consultants to provide services regularly required for capital project implementation. The CIP On-Call professional services Short List was approved by the City Council on September 21, 2022. The Short Lists are included as attachments to this Staff Report and are valid through the end of Fiscal Year (FY) 2025/2026.

If approved, the proposed multi-year Agreement would be used to establish qualified On-Call professional services providers for the Engineering and CIP divisions from the respective established Short Lists. Proposed not-to-exceed amounts for each firm were reviewed and proposed based upon the type of service to be provided, the historical use of these services, and the projected use of services anticipated to be required July 1, 2023, through June 30, 2026. The proposed Agreement is designed for the performance of professional services only and would not be used for any contract requiring formal or informal bidding pursuant to the City's Municipal Code or state law. A summary of the firms, type of service(s) to be provided, and the three-year not-to-exceed amounts are summarized in Table No. 1 and Table No. 2 below.

**Table No. 1 - Engineering Proposed On-Call Agreement Services**

	Firm Name	Services	Term	Not-to-exceed Amount
1	D.R. Bechter	Construction Inspection	07/01/23 - 06/30/2026	\$ 195,000
2	Dudek	Construction Inspection	07/01/23 - 06/30/2026	\$ 50,000
3	SCS Engineers	Environmental Review	07/01/23 - 06/30/2026	\$ 70,000
4	NV5 *	Environmental Review / General Civil Engineering / Landscape Design & Inspection / Hydrological & Hydraulics Engineering	07/01/23 - 06/30/2026	\$ 200,000
5	Pettit	General Civil Engineering	07/01/23 - 06/30/2026	\$ 300,000
6	CN Engineering	General Civil Engineering	07/01/23 - 06/30/2026	\$ 45,000
7	CG Resources and Management	Hydrological Review and Inspection Services	07/01/23 - 06/30/2026	\$ 150,000
8	J. Smith & T. Muli, Inc	Hydrological Review and Inspection Services	07/01/23 - 06/30/2026	\$ 150,000
9	Gary F. Hoyt Landscape	Landscape Design and Inspection Services	07/01/23 - 06/30/2026	\$ 230,000
10	Albert A Webb & Associates	Landscape Design and Inspection Services	07/01/23 - 06/30/2026	\$ 150,000
11	Coast Surveying, Inc.	Land Surveying & Mapping Review	07/01/23 - 06/30/2026	\$ 100,000
12	Dennis Janda, Inc.	Land Surveying & Mapping Review	07/01/23 - 06/30/2026	\$ 230,000
13	Advantec Consulting	Traffic Engineering Review	07/01/23 - 06/30/2026	\$ 150,000

14	STC Traffic, Inc	Traffic Engineering Review	07/01/23 - 06/30/2026	\$ 400,000
15	Parsons Transportation Group	Traffic Engineering Review	07/01/23 - 06/30/2026	\$ 150,000
16	General Technologies and Solutions (GTS)	Traffic Engineering Review	07/01/23 - 06/30/2026	\$ 150,000

*\* NV5 was approved as a qualified firm in multiple disciplines. A single agreement would be established encompassing multiple service scopes.*

**Table No. 2 - CIP Proposed On-Call Agreement Services**

	Firm Name	Services	Term	Full Term Not-to-exceed Amount
1	Albert Webb & Associates	Inspection & Labor Compliance	07/01/23 - 06/30/2026	\$ 450,000
2	Anser Advisory	Inspection & Labor Compliance	07/01/23 - 06/30/2026	\$ 450,000
3	Cumming Construction Management	Inspection & Labor Compliance	07/01/23 - 06/30/2026	\$ 450,000
4	Dudek	Inspection & Labor Compliance	07/01/23 - 06/30/2026	\$ 450,000
5	Dennis Janda	Surveying & Mapping	07/01/23 - 06/30/2026	\$ 300,000
6	Hunsaker and Associates	Surveying & Mapping	07/01/23 - 06/30/2026	\$ 300,000
7	Towil	Surveying & Mapping	07/01/23 - 06/30/2026	\$ 300,000
8	Earth Systems	Materials Testing & Geotechnical	07/01/23 - 06/30/2026	\$ 450,000
9	Leighton Consulting, Inc.	Materials Testing & Geotechnical	07/01/23 - 06/30/2026	\$ 450,000
10	Ninyo & Moore	Materials Testing & Geotechnical	07/01/23 - 06/30/2026	\$ 450,000
11	Aztec Engineering	Subsurface Investigation	07/01/23 - 06/30/2026	\$ 300,000
12	SiteScan Subsurface Imaging, Inc.	Subsurface Investigation	07/01/23 - 06/30/2026	\$ 300,000
13	Dokken Engineering**	Civil Design / Grant Writing & Administration / Right-of-Way Acquisition	07/01/23 - 06/30/2026	\$ 450,000

14	ERSC	Civil Design	07/01/23 - 06/30/2026	\$ 450,000
15	K&A Engineering, Inc.	Civil Design	07/01/23 - 06/30/2026	\$ 450,000
16	Kimley-Horn and Associates, Inc.	Civil Design	07/01/23 - 06/30/2026	\$ 450,000
17	NV5	Civil Design	07/01/23 - 06/30/2026	\$ 450,000
18	RailPros	Civil Design	07/01/23 - 06/30/2026	\$ 450,000
19	Kimley-Horn and Associates, Inc.	Grant Writing & Administration	07/01/23 - 06/30/2026	\$ 300,000
20	Parsons	Grant Writing & Administration	07/01/23 - 06/30/2026	\$ 300,000

*\*\*Dokken Engineering was approved as a qualified firm in multiple disciplines. A single agreement would be established encompassing multiple service scopes.*

Being that use of multi-year, On-Call Agreements is a relatively new process for the City, and in the spirit of transparency, staff would provide an annual summary of POs issued against these agreements in January of each year. Any amendments to these Agreements would be brought before City Council for consideration in accordance with the City of Menifee Municipal Code.

### **STRATEGIC PLAN OBJECTIVE**

#### Thriving Economy

Implementation of multi-year contracts would support objectives in the City's Strategic Visioning for a Thriving Economy by streamlining internal development related processes and providing more transparency of contract service expenditures for ease of future reporting and contract monitoring.

### **FISCAL IMPACT**

Funding for Engineering's On-Call PSAs is proposed in the FY 2023/2024 and 2024/2025 Operating Budget, which included these agreement amounts and therefore will not change the proposed budget. In addition, funding would be included in future FY 2025/2026 Operating Budget requests. The budgets required for Engineering On-Call services would be offset by developer fees and deposits collected for each specific project and type of review. Funding for CIP On-Call services would be supported by specific project budgets established through the approved 2023-2028 Capital Improvement Program document for all fiscal years.

It is important to note that POs would only be issued for services after confirmation of budget availability and for amounts within the not-to-exceed amounts approved through this item by the

City Council. The Agreement is contingent on budget allocation in each year of the Agreement term.

**ATTACHMENTS**

1. Master Agreement for Professional On-Call Services Template
2. Engineering Approved On-Call Short List
3. CIP Approved On-Call Short List