

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Environmental Resources

BOARD AGENDA #: *B-3

AGENDA DATE: December 20, 2016

SUBJECT:

Approval of Amendment No. 5 to the Professional Design Services Agreement with Jacobson James and Associates for Hydrogeological Services

BOARD ACTION AS FOLLOWS:

No. 2016-647

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: 
PAM VILLARREAL, Assistant Clerk

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

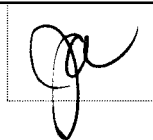
DEPT: Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-3

AGENDA DATE: December 20, 2016

CEO CONCURRENCE:

pht



4/5 Vote Required: Yes No

SUBJECT:

Approval of Amendment No. 5 to the Professional Design Services Agreement with Jacobson James and Associates for Hydrogeological Services

STAFF RECOMMENDATIONS:

1. Approve Amendment No. 5 to the Professional Design Services Agreement with Jacobson James and Associates for hydrogeological services in the amount of \$62,500.
2. Authorize the Director of Environmental Resources, or designee, to execute and sign the Amendment.

DISCUSSION:

On November 25, 2014, the Stanislaus County Board of Supervisors adopted a revised Groundwater Ordinance (GWO, County Code Section 9.37) related to sustainable groundwater extraction. Among other things, the revised GWO clarified the role of the California Environmental Quality Act (CEQA) in the County's well construction permitting process. As a consequence, it was envisioned that a consultant would need to be hired to provide the specialized CEQA services required by the GWO. After completing a competitive review process, the firm of Jacobson James & Associates (JJ&A) from Roseville, CA, was selected to perform these services.

In the Fall of 2015, the California Department of Water Resources developed the Sustainable Groundwater Planning Grant Program (Grant Program). The source of funds for this Grant Program is the "Water Quality, Supply, and Infrastructure Improvement Act of 2014," otherwise known as Proposition 1. The Grant Program was designed to encourage sustainable management of groundwater resources by providing funding for projects that support the Sustainable Groundwater Management Act (SGMA) through planning and implementation.

On November 24, 2015, the Board of Supervisors authorized the Department of Environmental Resources to apply for the Grant Program for the purpose of developing a County-wide Programmatic Environmental Impact Report (PEIR) in support of the implementation of the County's GWO. On March 24, 2016, the Department of Water Resources notified the Department that it was successful in obtaining a grant in the amount of \$250,000. On June 29, 2016, the grant agreement between the State and Stanislaus County was formally executed. Because the PEIR work is tied to the County's Groundwater Ordinance and the related CEQA

Approval of Amendment No. 5 to the Professional Design Services Agreement with Jacobson James and Associates for Hydrogeological Services

work for non-exempt well construction permits, the services of JJ&A were utilized to perform this work.

On August 16, 2016, the Board approved Amendment No. 4 to the Professional Design Services Agreement with JJ&A to incorporate their work associated with the PEIR. The contract total at that time was \$660,400 with no funds set aside for contingencies. It is anticipated, and can be reasonably foreseen, that additional hydrogeological support work will be required in the near future. Rapid changes in the regulatory and legislative water environment and the short amount of time often allowed to respond to these events, requires the County to respond in a timely and meaningful manner. Having a variety of available resource response tools to turn to in these matters is extremely useful and beneficial to all of our constituents.

The near term activities and upcoming tasks that are envisioned include, but are not limited to, the following:

- Continued review of well permit applications that are not exempt from the Groundwater Ordinance. (Note: this task will be self-sustaining as applicants are required to reimburse the County for all CEQA expenses) [Estimate: \$30,000 for two applications]
- Review and development of questions and comments regarding the State Water Board's Substitute Environmental Document (SED) pertaining to a 30% to 50% increase in unimpaired flow requirements. This includes participating in upcoming hearings and workshops, and coordination with local technical response teams as well as Merced and San Joaquin Counties to prepare comments and other support in preparing written comments and/or making presentations. [Estimate: \$12,500]
- Updating/refinement of the Groundwater Ordinance well permitting implementation guidelines, including refinement of management zones, and development of criteria in some areas for ministerial permitting. [Estimate: \$10,000]
- Updating of County well database with additional well and Specific Capacity test data obtained from eastside wells. [Estimate: \$10,000]
- Contingency funds in an amount not to exceed 10% of this contract amendment [\$6,250]

Because the PEIR work is tied to the County's Groundwater Ordinance and the related CEQA work for non-exempt well construction permits that JJ&A has already performed, staff recommends that JJ&A continue to be retained to perform this work for the County. The existing services contract with JJ&A will be amended, as Amendment No. 5 (Attachment 1), to include this additional work. If approved, Amendment No. 5 increases the current agreement from \$660,400 to a new not to exceed amount of \$722,900.

POLICY ISSUE:

Board of Supervisor's approval is required for all contracts exceeding \$100,000.

Approval of Amendment No. 5 to the Professional Design Services Agreement with Jacobson James and Associates for Hydrogeological Services

FISCAL IMPACT:

The total amount of this proposal is \$62,500, plus a 10% contingency fund of \$6,250, represents a total cost of \$68,750. Funding is currently available for this purpose in the Environmental Resources Fund Balance, however, a Mid-Year Budget adjustment will be made to adjust the appropriations for the Fiscal Year 2016-2017 Adopted Final Budget.

Cost of recommended action:	\$	68,750
Source(s) of Funding:		
Department Fund Balance	\$	68,750
Funding Total:	\$	68,750
Net Cost to County General Fund	<u>\$</u>	<u>-</u>

Fiscal Year:

2016/2017
No

Budget Adjustment/Appropriations needed:

Fund Balance as of November 30, 2016

Environmental Resources budget \$ 7,374,400

BOARD OF SUPERVISORS' PRIORITY:

The recommended action is consistent with the Board's priorities of a Safe Community, a Healthy Community, a Strong Local Economy, Effective Partnerships, and a Well Planned Infrastructure System by ensuring a coordinated approach towards regional groundwater resources management. Continued participation in groundwater management activities supports the Department of Environmental Resources' mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships and environmental regulation.

STAFFING IMPACT:

Existing staff will continue to oversee the work associated with this item.

CONTACT PERSON:

Jami Aggers, Director, Department of Environmental Resources	Telephone: 209-525-6770
Walter Ward, Water Resources Manager	Telephone: 209-525-6710

ATTACHMENT(S):

Jacobson James & Associates Professional Services Agreement Amendment No. 5



Agreement Number A030315

Department of Environmental Resources
3800 Cornucopia Way, Suite C,
Modesto, Ca 95358-9492
Phone: (209) 525-6700
Fax: (209) 525-6774

AMENDMENT NO. 5

TO

STANISLAUS COUNTY PROFESSIONAL DESIGN SERVICES AGREEMENT

This Amendment No. 5 to the Agreement for Professional Design Services ("Amendment No. 5") by and between the County of Stanislaus ("County") and Jacobson James & Associates, Inc. ("Consultant") is made and entered into on December 21, 2016

WHEREAS, the County and Consultant entered into an Agreement for Professional Design Services dated March 30, 2015, ("the Agreement"), which was amended on March 7, 2016 ("Amendment No. 1"), April 20, 2016 (Amendment No. 2"), August 3, 2016 ("Amendment No. 3"), and also on August 16, 2016 ("Amendment No. 4); and

WHEREAS, Section 7.20 – "Amendments" stipulates that the Agreement may be amended by writing; and

WHEREAS, the County has requested that Consultant assist the Department of Environmental Resources by performing continued well permit application review services to support compliance with the requirements of the County Groundwater Ordinance and the California Environmental Quality Act (CEQA), and has need to increase funding to Task 3 by \$10,000 and Task 4 by \$20,000; and

WHEREAS, the County has requested that Consultant assist the Department of Environmental Resources in reviewing and responding to the Draft Revised Substitute Environmental Document (SED) prepared by the State Water Resources Control Board (SWRCB) in support of potential changes to the Bay-Delta Water Quality Control Plan, and has a need to increase funding to Task 7 (under new Subtask 7.3) by an additional \$12,500 in order to cover the cost of the work; and

WHEREAS, the County has requested that Consultant assist the Department of Environmental Resources in updating/refinement of the Groundwater Ordinance well permitting implementation guidelines, including refinement of management zones, and development of criteria in some areas for ministerial permitting, and has a need to increase funding to Task 7 (under new Subtask 7.4) by an additional \$10,000 in order to cover the cost of the work; and

WHEREAS, the County has requested that Consultant assist the Department of Environmental Resources in updating of the County well database with additional well and specific capacity test data obtained from eastside wells, and has a need to increase funding to Task 7 (under new Subtask 7.5) by an additional \$10,000 in order to cover the cost of the work; and

WHEREAS this Amendment is for the mutual benefit of County and Consultant;

NOW, THEREFORE, the County and Consultant agree as follows:

1. Section 2 Compensation and Billing, Item 2.1- Compensation of the Agreement is amended to read as follows:

“Consultant shall be paid in accordance with the fee schedule set forth in Exhibit “B”, attached hereto and made a part of this Agreement (the “Fee Schedule”). Consultant’s compensation shall in no case exceed **Seven Hundred Twenty Two Thousand Nine Hundred Dollars (\$722,900)**. Consultant will be compensated on a time and materials basis, based on the hours worked by the Consultant’s employees or subcontractors at the hourly rates specified in the Fee Schedule. The Fee Schedule rates include direct salary costs, employee benefits, and overhead. The rates stated in the Fee Schedule are not adjustable during the term of this Agreement. The County may retain ten percent of all periodic or progress payments made to the Consultant until completion and acceptance of all work tasks and County shall have right to withhold payment from Consultant for any unsatisfactory service until such time service is performed satisfactorily.”

2. Exhibit A Scope of Work Section 2.7 “Task 7 – As-Needed Services is amended to include the following:

- “c. Consultant shall assist the Department of Environmental Resources in review and development of questions and comments regarding the State Water Board’s Substitute Environmental Document (SED) pertaining to a 30% to 50% increase in unimpaired flow requirements. This includes participating in upcoming hearings and workshops, and coordination with local technical response teams as well as Merced and San Joaquin Counties to prepare comments and other support in preparing written comments and/or making presentations (new Subtask 7.3).
- d. Consultant shall assist the Department of Environmental Resources in updating/refinement of the Groundwater Ordinance well permitting implementation guidelines, including refinement of management zones and permitting conditions, and development of criteria in some areas for ministerial permitting, as appropriate (new Subtask 7.4).
- e. Consultant shall assist the Department of Environmental Resources in updating of the County well database with additional well and specific capacity test data obtained from eastside and other wells (new Subtask 7.5).”

3. Exhibit B Fee Schedule Item 3.1 is amended to read as follows:

“

Task	Description	Estimated Maximum Total Task Price
1	Inception, Initial Consultation and Project Management	\$9,187
2	Administrative Review of Well Permit Applications	\$3,319
3	Sustainability (Substantial Evidence) Review of Well Permit Applications	\$28,697
4	CEQA Initial Study and Determination Support	\$30,841
5	County Staff Training and Consultation	\$597
6	Meetings with WAC, TAC and County Staff	\$3,705
7	Additional As-Needed Services	--
	Task 7.1 As Needed Services	\$4,054
	Task 7.2 Groundwater Resources Impact Assessment for CLIBP (Amendment 3)	\$10,000
	Task 7.3 Review and Comment on Draft Revised SED (Amendment 5)	\$12,500
	Task 7.4 Update GW Ordinance Well Permitting Implementation Guidelines (Amendment 5)	\$10,000
	Task 7.5 Update County Well Database (Amendment 5)	\$10,000

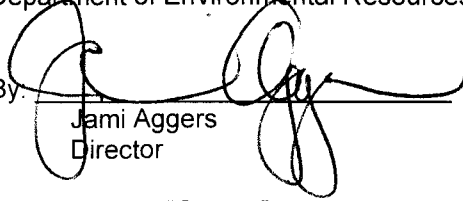
8	SWGP Grant Application Support	\$15,000
9	PEIR for the Implementation of the Stanislaus Count Groundwater Ordinance	--
	Task 1 – Grant Administration	\$52,500
	Task 2 – GSP Development	--
	- Task 2.1 – Hydrologic Modeling	\$236,500
	- Task 2.2 – GSA Support	\$45,700
	Task 3 – Ordinance Development	--
	- Task 3.1 – Programmatic EIR Preparation	\$250,300
	TOTAL	\$722,900

Notes: Actual costs for Tasks 2, 3 and 4 shall depend on the number of permits Consultant reviews during the Agreement period. However, the not-to-exceed maximum shall not be exceeded without prior written authorization in the form of an amendment to the Agreement. A budget shall be allotted for Tasks 5 and 7 (including subtasks) after assignment of a specific scope of work by the County."

4. Except as stated herein, all other terms and conditions of the Agreement remain unchanged.

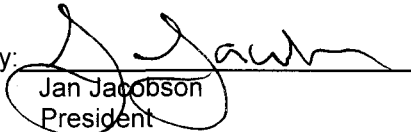
In witness whereof, the parties have executed this Amendment on the date written above.

COUNTY OF STANISLAUS
Department of Environmental Resources

By: 
Jami Aggers
Director

"County"

JACOBSON JAMES & ASSOCIATES

By: 
Jan Jacobson
President

"Consultant"

APPROVED AS TO FORM:

John P. Doering
County Counsel

By: 
Amanda DeHart
Deputy County Counsel



Department of Environmental Resources
3800 Cornucopia Way, Suite C,
Modesto, Ca 95358-9492
Phone: (209) 525-6700
Fax: (209) 525-6774

AMENDMENT NO. 7
TO
STANISLAUS COUNTY
PROFESSIONAL DESIGN SERVICES AGREEMENT

This Amendment No. 7 to the Agreement for Professional Design Services ("Amendment No. 7") by and between the County of Stanislaus ("County") and Jacobson James & Associates, Inc. ("Consultant") is made and entered into on December 11, 2017

WHEREAS, the County and Consultant entered into an Agreement for Professional Design Services dated March 30, 2015, ("the Agreement"), which was amended on March 7, 2016 ("Amendment No. 1"), April 20, 2016 (Amendment No. 2"), August 3, 2016 ("Amendment No. 3"), August 16, 2016 ("Amendment No. 4), December 21, 2016 ("Amendment No. 5") and also on June 6, 2017 ("Amendment No. 6"); and

WHEREAS, Section 7.20 – "Amendments" stipulates that the Agreement may be amended by writing; and

WHEREAS, on December 20, 2016, the Stanislaus County Board of Supervisors approved the Director of the Department of Environmental Resources to sign amendments to this Agreement for an overall total not to exceed amount of \$729,150 (Board Item B03 2016-647); and

WHEREAS, on June 6, 2017, task budgets were adjusted and approved per Amendment No. 6, with the overall total not to exceed amount of \$722,900; and

WHEREAS, the County has a need to increase the not to exceed amount of this agreement by \$6,250 to continue to process non-exempt permits under Task 4; and

WHEREAS, the County has a need to extend the term of this Agreement to allow services to continue; and

WHEREAS this Amendment is for the mutual benefit of County and Consultant;

NOW, THEREFORE, the County and Consultant agree as follows:

1. Section 2 "Compensation and Billing", Item 2.1- "Compensation," is amended to read as follows:

"Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "B", attached hereto and made a part of this Agreement (the "Fee Schedule"). Consultant's compensation shall in no case exceed **Seven Hundred Twenty Nine Thousand One Hundred Fifty Dollars (\$729,150)**. Consultant will be compensated on a time and materials basis, based on the hours worked by the Consultant's employees or subcontractors at the hourly rates specified in the Fee Schedule. The Fee Schedule rates include direct salary costs, employee benefits, and overhead. The rates stated in the Fee Schedule are not adjustable during the term of this Agreement. The County may retain ten percent of all periodic or progress payments made to

the Consultant until completion and acceptance of all work tasks and County shall have right to withhold payment from Consultant for any unsatisfactory service until such time service is performed satisfactorily.”

2. Section 4 “Term of Contract and Termination”, Item 4.1 “Term,” is amended to read as follows:

“This Agreement shall commence on **March 30, 2015**, or upon the signing of this Agreement and continue until **March 29, 2020**, or until work required herein is completed, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.”

3. Exhibit B Fee Schedule Item 3.1 is amended to read as follows:

Task	Description	Estimated Maximum Total Task Price
1	Inception, Initial Consultation and Project Management	\$9,187
2	Administrative Review of Well Permit Applications	\$3,319
3	Sustainability (Substantial Evidence) Review of Well Permit Applications	\$28,697
4	CEQA Initial Study and Determination Support	\$37,091
5	County Staff Training and Consultation	\$597
6	Meetings with WAC, TAC and County Staff	\$3,705
7	Additional As-Needed Services	--
	Task 7.1 As Needed Services	\$4,054
	Task 7.2 Groundwater Resources Impact Assessment for CLIBP (Amendment 3)	\$10,000
	Task 7.3 Review and Comment on Draft Revised SED (Amendment 5)	\$10,024
	Task 7.4 Update GW Ordinance Well Permitting Implementation Guidelines (Amendment 5)	\$8,976
	Task 7.5 Update County Well Database (Amendment 5)	\$13,500
8	SWGP Grant Application Support	\$15,000
9	PEIR for the Implementation of the Stanislaus County Groundwater Ordinance	--
	Task 1 – Grant Administration	\$52,500
	Task 2 – GSP Development	--
	- Task 2.1 – Hydrologic Modeling	\$236,500
	- Task 2.2 – GSA Support	\$45,700
	Task 3 – Ordinance Development	--
	- Task 3.1 – Programmatic EIR Preparation	\$250,300
	TOTAL	\$729,150

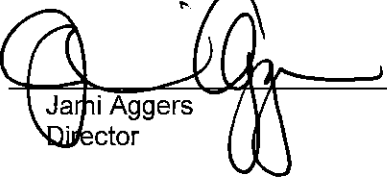
Notes: Actual costs for Tasks 2, 3 and 4 shall depend on the number of permits Consultant reviews during the Agreement period. However, the not-to-exceed maximum shall not be exceeded without prior written authorization in the form of an amendment to the Agreement. A budget shall be allotted for Tasks 5 and 7 (including subtasks) after assignment of a specific scope of work by the County.”

4. Except as stated herein, all other terms and conditions of the Agreement remain unchanged.

[Signatures appear on next page]

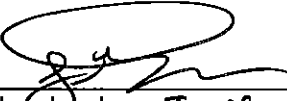
In witness whereof, the parties have executed this Amendment on the date written above.

COUNTY OF STANISLAUS
Department of Environmental Resources

By:  _____
Jami Aggers
Director

"County"


JACOBSON JAMES & ASSOCIATES

By:  _____
for Jan Jacobson Jennifer Garner
President

"Consultant"

APPROVED AS TO FORM:

John P. Doering
County Counsel

By:  _____
Amanda DeHart
Deputy County Counsel