

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

DEPT: Environmental Resources

BOARD AGENDA: 6.B.2
AGENDA DATE: March 20, 2018

SUBJECT:

Approval of Amendment No. 8 to the Professional Design Services Agreement with Jacobson James and Associates, Inc., for Hydrogeological Services

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0121

On motion of Supervisor Chiesa , Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Olsen

Abstaining: Supervisor: None

1) Approved as recommended

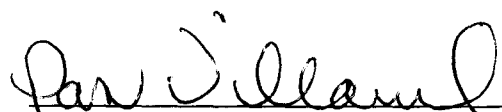
2) Denied

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

BOARD AGENDA:6.B.2
AGENDA DATE: March 20, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

SUBJECT:

Approval of Amendment No. 8 to the Professional Design Services Agreement with Jacobson James and Associates, Inc., for Hydrogeological Services

STAFF RECOMMENDATION:

1. Approve Amendment No. 8 to the Professional Design Services Agreement with Jacobson James and Associates, Inc., for hydrogeological California Environmental Quality Act services, which increases the contract by \$150,000 for a not-to-exceed amount of \$879,150.
2. Authorize the Director of Environmental Resources, or designee, to execute Amendment No. 8 with Jacobson James and Associates, Inc., and to sign any necessary documents.
3. Authorize the Director of Environmental Resources, or designee, to sign additional related amendments to the Agreement for an overall total not-to-exceed amount of \$894,150, which includes a contingency of \$15,000.
4. Direct the Auditor-Controller to make the necessary budget adjustments, per the attached budget journal.

DISCUSSION:

On November 25, 2014, the 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 (DWR) 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 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, DWR 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 directly related to the County's GWO and the related CEQA work for non-exempt well construction permits, the services of JJ&A were utilized to perform this work. In addition, JJ&A has supported the County to implement and refine the well permitting program, and to respond to the State Water Board's proposal to increase surface water flow requirements in the Stanislaus, Tuolumne and Merced rivers which could significantly impact both surface and groundwater supplies in the region.

The current approved budget under the Professional Design Services Agreement (PDSA) with JJ&A to complete their work associated with the PEIR and provide other services associated with implementation of the GWO is currently \$729,150, with no funds set aside for contingencies or continuation of the work through 2018. It is anticipated, and can be reasonably foreseen, that additional hydrogeological support work will be required in the near future. The PEIR was originally scheduled to be completed and adopted by November, 29, 2017, and is now expected to be completed and adopted by June 26, 2018, due in part to delays associated with the upgrade of the DWR Central Valley Simulation Model – 2nd Version (C2V-Sim hydrologic model) not being made available to the public in a timely manner. The C2V-Sim is a computer model developed by the DWR, and is the underlying foundation of the PEIR's analysis of the interaction between surface water flows and groundwater pumping.

The near term activities and upcoming tasks envisioned include the following:

- Continued review of well permit applications that are not exempt from the GWO beyond the two additional applications that have been processed thus far. (Note: this task will be self-sustaining as applicants are required to reimburse the County for all CEQA expenses). [Estimate: \$150,000 for up to six (6) additional applications]
- Contingency funds: The Department's past experience with implementation of the GWO and related CEQA (PEIR) work indicates the need for contingency funds to allow staff some flexibility to address uncertainties associated with the nature of this work. Therefore, A 10% contingency budget of \$15,000 is included to be used at the County's discretion, and only with written approval from County staff to support continued work under the tasks already approved under the Agreement.

Because JJ&A has already provided CEQA support services related to processing non-exempt well permit applications and developed this program for the County, 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. 8, to include this additional work.

POLICY ISSUE:

Government Code Section 23005 and 25502.5 requires Board of Supervisor's approval for all contracts exceeding \$100,000.

FISCAL IMPACT:

The amendment increases the contract by \$150,000, for a total contract amount of \$879,150. In addition, staff is asking for a 10% contingency of \$15,000 for an overall not to exceed amount of \$894,150. The increase in contracts appropriations in the amount of \$165,000 will be covered by fund balance.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of *Delivering Efficient Public Services and Community Infrastructure* by providing 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,
Walter Ward, Water Resources Manager

Telephone: 209 525-6770
Telephone: 209-525-6710

ATTACHMENT(S):

1. Budget Journal
2. Jacobson James & Associates Amendment 8



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 Phone: (209) 525-6700
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**AMENDMENT NO. 8
 TO
 STANISLAUS COUNTY
 PROFESSIONAL DESIGN SERVICES AGREEMENT**

This Amendment No. 8 to the Agreement for Professional Design Services ("Amendment No. 8") by and between the County of Stanislaus ("County") and Jacobson James & Associates, Inc. ("Consultant") is made and entered into on March 23, 2018.

WHEREAS, the County and Consultant entered into an Agreement for Professional Design Services dated March 30, 2015, ("the Agreement"), and subsequent amendments numbered 1-7; and

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

WHEREAS, the County has a need to increase the not to exceed amount of this agreement by \$150,000, for continued well permitting support under Tasks 2 through 4; 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 **Eight Hundred Seventy-Nine Thousand, One Hundred Fifty Dollars (\$879,150)**. 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. 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	\$9,319
3	Sustainability (Substantial Evidence) Review of Well Permit Applications	\$58,697
4	CEQA Initial Study and Determination Support	\$151,091
5	County Staff Training and Consultation	\$597
6	Meetings with WAC, TAC and County Staff	\$3,705

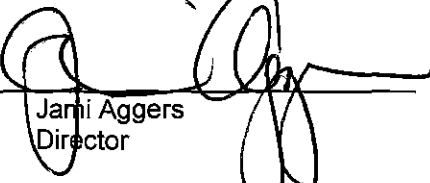
Task Summary (Continued)		
Task	Description	Estimated Maximum Total Task Price
7	Additional As-Needed Services	--
	Task 7.1 As Needed Services	\$4,054
	Task 7.2 Groundwater Resources Impact Assessment for CLIBP (Amendment 3)	\$10,000
	Task 7.3 Review and Comment on Draft Revised SED (Amendment 5)	\$10,024
	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	\$879,150

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."


3. 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: 
Jennifer Garner
Controller
"Consultant"

APPROVED AS TO FORM:

John P. Doering
County Counsel

By: 
Amanda DeHart
Deputy County Counsel