



Office of the City Manager

CONSENT CALENDAR
September 11, 2007

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Dan Marks, Director, Planning and Development Department

Subject: Contract: Environmental and Planning Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to approve a contract and any amendments with RRM Design Group for planning and environmental review services in an amount not to exceed \$250,000 for a total contract period of three years, providing authorization to negotiate more contracts on the open market, and authorizing limited use of environmental services contracts for City projects.

FISCAL IMPACTS OF RECOMMENDATION

None. The total amount that the contractor may be paid is \$250,000 over a three-year period; however, the contract will not be exercised unless the applicant requests expedited processing of a Use Permit or other discretionary zoning application, or an Environmental Impact Report or other technical environmental review is required. Generally, no work will be authorized under the contract and no funds will be encumbered unless an applicant provides full funding. The revenue code for deposits is 833-8501-328.15-01; the expenditure code is 833-8502-463.30-38.

As described further below, Staff may occasionally request City Manager approval to use consultant contracts if \$10,000 or less of technical expertise is needed to assist with a City project or City review of a project and the department has funding.

The Contract Management System number is EPIQS.

CURRENT SITUATION AND ITS EFFECTS

The City currently has 13 firms on contract who provide planning and environmental services for land use planning applications. Two services are provided:

1. Expedited processing of applications. Approximately 40% of applicants request expedited processing and additional consultants are needed to meet the demand. Applicants save two – six months by using the service. Staff remains actively involved with the projects and coordinate closely with the consultants.

2. Environmental Impact Reports (EIR) or other technical environmental documents. The City utilizes some of the planning firms for EIR or for specific technical resources, such as noise, air quality, and traffic.

Staff distributed the first Request for Qualification in November 2004 (Spec No. 05-10023-C). Twenty-two firms responded and, on March 8, 2005, the City Council authorized the City Manager to approve contracts with four firms. On June 14, 2005, the City Council authorized the City Manager to approve contracts with six additional firms.

Staff distributed a Request for Proposal (RFP) in July 2006 (Spec No. 07-10154-C). Four firms responded and on January 16, 2007, the City Council authorized the City Manager to approve contracts with two of the firms that responded to the 2006 RFP and one firm that responded to the 2004 RFP.

Although the City has contracts with 13 firms, three are no longer used and two provide technical, rather than general planning, services. Therefore, there are eight firms that actively provide planning services, some of which are single proprietors who only handle small projects.

Contract: Two project planners who provided excellent work for the City recently left one of the firms under contract. Approval of a contract with the planners' new firm RRM Design Group, is requested to maintain the expertise with the City that the planners developed. The firm provides a broad range of services and their's Northern California offices are in Sausalito. Their rates are comparable with other firms currently under contract.

Future contracts: When an applicant requests expedited processing, staff contacts several firms to determine availability and interest. Additional contracts are needed because there have been instances when firms with the specific desired staffing and expertise have not been available.

When additional contracts are needed, Staff is requesting permission to negotiate on the open market with consultants, rather than to distribute a new RFP. Although the response to last year's RFP was limited, a number of firms have indicated interest since then. The RFP process is not needed to identify a range of cost for such contracts because we have several existing contracts that provide such context and each project has a not-to-exceed cost based on hourly charges as stipulated in the contract.

Use of contracts for City work: Previous City Council reports and resolutions have stated that the sole source of funding will be derived from funds provided by applicants. There is an occasional need for a limited amount of technical traffic, air, or noise expertise to assist with a City project or City review of a project separate from the zoning process. Staff would like to utilize the "stable contracts" for this purpose if a department has funding for such work, it is \$10,000 or less, and the City Manager approves use of the contract.

BACKGROUND

The Planning Department developed a “stable” of consultants because the process to hire a consultant takes three to five months, which delays the timely completion of Environmental Impact Reports and does not assist with providing expedited permit processing.

The contracts establish the parameters for future project-specific work and hourly rates. The process works as follows. When an EIR is needed or when an applicant requests that the City utilize a consultant for expedited processing or assistance with environmental review, the contracts will already be in place. The City releases a “Letter RFP” for a specific project to a minimum of two consultants under contract. The consultants respond with a project-specific proposal that includes an overview of the approach to the project, staff assignments, an estimate of time allocation for the various tasks as required in the scope of work, and a not-to-exceed cost based on hourly charges as stipulated in the contract. The City then selects a consultant and the Planning Director issues a Notice to Proceed. Staff work closely with the consultants and approve all work prior to distribution to the Zoning Adjustment Board.

RATIONALE FOR RECOMMENDATION

Consultant support is needed because staff does not have expertise in technical subjects such as noise and air quality, the time or expertise to prepare EIRs, or adequate resources to expedite applications upon request.

ALTERNATIVE ACTIONS CONSIDERED

Staff could expedite projects by moving them ahead of other applications with earlier submittal dates, or contracts could continue to be handled on a case-by-case basis.

CONTACT PERSON

Wendy Cosin, AICP, Deputy Director, Planning and Development Department, 981-7402

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: RRM DESIGN GROUP FOR PLANNING AND ENVIRONMENTAL
REVIEW SERVICES

WHEREAS, consultants are needed when an Environmental Impact Report (EIR) and when technical analysis of environmental issues are needed; and

WHEREAS, the City offers applicants for use permits the option of hiring a consultant to pay for expedited processing; and

WHEREAS, in November 2004, staff distributed a Request for Qualification (RFQ) (Spec No. 05-10023-C) for planning and environmental services; and

WHEREAS, in July 2006, staff distributed a Request for Proposal (RFP) (Spec No. 07-10154-C) for planning and environmental services; and

WHEREAS, additional contracts are needed to provide services.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments for planning and environmental review services with RRM Design Group in an amount not to exceed \$250,000 for a contract period of three years. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.