

TO: Andrew P. Powers, City Manager

FROM: Kelvin Parker, Community Development Director

DATE: June 18, 2024

SUBJECT: On-Call Professional Services Agreements for Planning Division

RECOMMENDATION:

1. Approve on-call professional services agreements with ten firms to assist the Planning Division with Environmental Consulting and Professional Planning Consulting services for a three-year period ending June 30, 2027, with not-to-exceed amounts of \$125,000 for each individual Task Order, \$200,000 per fiscal year, or total of \$600,000 per agreement.
2. Authorize expenditure in the amount of \$1,000,000 in FY 2024-25 from A/C #001-4210-641-5947 (Contracted Services, Reimbursable) and \$100,000 from A/C #001-4210-641-5699 (Contracted Services, Other).
3. Find that this action is not a project as defined under the California Environmental Quality Act.

LEVINE ACT ITEM: Yes

FINANCIAL IMPACT:

Financial Impact to be Determined. Minimal staff time to prepare Request for Proposals/Qualifications (RFP/Q) and staff report is included in the Adopted FY 2023-24 General Fund Budget. The budget for the Contracted Services, Reimbursable fund in FY 2024-25, is \$1,130,000.00. The majority of tasks completed under these agreements will be reimbursed by the applicant with a deposit paid at the beginning of the project. If the service providers are to perform tasks that are not covered by an applicant deposit funds will be identified on a case-by-case basis and will be charged to Contracted Services. Budget for the

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additional contract term will be requested during the upcoming biennial budget process.

BACKGROUND:

The Community Development Department (CDD) utilizes professional consultants and contractors regularly for a variety of projects. On-call agreements with pre-qualified companies are often used to ensure projects are completed in a timely and efficient manner. These agreements and services are also available to fill gaps in expertise and provide supplemental staff resources.

Through the on-call agreement process, staff utilizes the services of pre-qualified consultants who perform professional Environmental Consulting services and professional Planning Consulting services, including General Plan support and performance of planning-related tasks on an as-needed basis. CDD will only assign work to consultants when projects require specific expertise not available through City staff. Companies recommended for on-call agreements are selected based on their expertise for one or more service categories noted in their Statement of Qualifications (SOQ) in response to RFP/Q. Specific projects are authorized through individual Task Orders up to \$125,000.

CDD issued a formal RFP/Q for Professional Consulting Services on May 3, 2024, which was publicly advertised in the Thousand Oaks Acorn newspaper on April 24, 2024, and on the City's e-procurement website per City purchasing requirements (Thousand Oaks Municipal Code Section 3-10.401d).

DISCUSSION/ANALYSIS:

The City issued a formal RFP/Q for Professional Consulting Services in two categories: Environmental Consulting Services and Planning Consulting Services. A total of 11 SOQs were received, three of which proposed to provide services in both categories, one in Planning Consulting services only, six in Environmental Consulting services only, and one being unresponsive to the request. Each request was reviewed based on the criteria listed below:

1. Approach and project understanding of work required by City
2. Quality, clarity, responsiveness, conformance with the terms of this RFP/Q, and overall impression of the proposal
3. Qualifications and availability of key persons to be assigned to the contract resulting from this solicitation
4. Work experience with City
5. Client references: Has the firm provided references (local government preferred) and contacts for other similar projects completed? Any negative

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- history noted? (Ideally 5 client references with at least 3 from local government)
6. Demonstrated competence
 7. Reasonableness of cost (hourly rates)

Based on staff's review of the 11 SOQs, staff is recommending that ten of the responding companies be offered contracts and be added to the City's Master On-Call Professional Services list (Attachment #1). One firm did not meet the requirements of the RFP/Q. A sample On-Call Agreement is included as Attachment #2.

Task Orders are issued for each specific project. Pre-approved companies are contracted to provide proposals for specified projects, and selection is determined under the following criteria, as provided by the City's Purchasing Policy (TOMC 3-10.108c):

1. For Task Orders up to \$75,000, award will be made either on a rotational basis based on the consultant's expertise or based on a minimum of three proposals obtained from the approved list of on-call companies for that specific service category. A Task Order is then negotiated with the company that provides the proposal with the best value.
2. For Task Orders greater than \$75,000 and up to \$125,000, proposals are requested from the list of approved on-call companies (minimum of three proposals) for that specific service category. A Task Order is then negotiated with the company that provides the proposal with the best value.
3. Services estimated to cost over \$125,000 must be selected through a formal RFP/Q process with a separate agreement approved by City Council.

The Agreements recommended for approval are for a maximum of \$125,000 per Task Order (Not-to-Exceed \$200,000 per fiscal year, or \$600,000 per agreement term) and are scheduled to expire on June 30, 2027, to be consistent with the City's existing on-call agreements.

Copies of the standard on-call agreements with the selected firms are available for review by request to the Community Development Department by email at: communitydevelopment@toaks.org or by phone at 805-449-2500.

This action is not a project as defined under the California Environmental Quality Act because this action will not result in a direct or foreseeable physical change in the environment.

LEVINE ACT (California Government Code § 84308):

This item is subject to the Levine Act. City Councilmembers who have received a

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campaign contribution of more than \$250 (aggregated) within the preceding 12 months from a party or their agent/representative, or a financially interested participant involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; or if applicable (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the official knew or should have known about the contribution, and participate in the proceeding.

All parties and their agents/representatives must disclose on the record of this proceeding any aggregated contribution of more than \$250 made to any Councilmember within the preceding 12 months (Attachment #3). Councilmembers are prohibited from accepting, soliciting, or directing a campaign contribution of more than \$250 (aggregated) from a party, their agent/representative, or a financially-interested participant during a proceeding and for 12 months following the date a final decision is made. In addition, a party, their agent/representative, or a financially interested participant is prohibited from contributing more than \$250 (aggregated) to a Councilmember during a proceeding and for 12 months following the date a final decision is made.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

F. Provide and enhance essential infrastructure to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.

PREPARED BY: Krystin Rice, Planning Division Manager

Attachments:

Attachment #1 – Company List

Attachment #2 – On-Call Agreement Template

Attachment #3 – Levine Act Disclosure Forms