



## Town Council Agenda Report

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Date: July 28, 2020 Item No. 6

To: Honorable Mayor and Town Council

Subject: FEE ADJUSTMENTS TO PROFESSIONAL SERVICES AGREEMENT WITH CHARLES ABBOTT ASSOCIATES, INC., FOR TOWN ENGINEERING AND BUILDING AND SAFETY SERVICES

From: Douglas B. Robertson, Town Manager

Submitted by: Julie Ryan, Special Projects Manager  
Town Manager's Office

Budgeted Item:  Yes  No  N/A

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### RECOMMENDED ACTION

That the Town Council approve the Fee Adjustment to the Professional Services Agreement with Charles Abbott Associates, Inc., for Engineering and Building and Safety Services.

### BACKGROUND

Charles Abbott Associates (CAA), Inc. has served as the Town Engineer and Town Building Official providing engineering services, building plan check and inspection services since 1990. CAA performs all services in a thorough, competent, professional and workmanlike manner and the Town has relied on the expertise and ability to perform duties relating to land subdivision, project inspections, plan check and more. CAA also acts as the Town's liaison with various agencies advocating for the Town's position on projects and programmatic matters of interest and attends meetings with various State and local agencies.

### ANALYSIS

According to the Town's Municipal Code and specifically, Section 3.12.280, which governs the selection of professional services, the Town Council is required to, by resolution, prescribe the procedures governing the procurement of professional services. The resolution is included as Attachment A. In the resolution, Section 5 allows the Purchasing Officer to solicit a single proposal from a consultant where the project is

a continuation of an earlier assignment, Town has an ongoing relationship with the consultant, or the consultant has special expertise; thereby requiring no bidding process.

CAA is experienced in providing Engineering and Building and Safety Administration services to the Town of Apple Valley and continues to provide sufficient staff to oversee all engineering and building and safety duties and serves as liaison for any problems occurring in the field. CAA has not received any fee adjustments since 2005.

Commensurate of the services provided by CAA, staff recommends Council approve the CAA Fee Schedules included as Attachments B and C.

### **FISCAL IMPACT**

Funding has been included in the proposed FY 2020-21 budget for Engineering and Building and Safety Services.

### **ATTACHMENTS**

- A. Resolution No. 94-27
- B. Engineering Fee Schedule
- C. Building and Safety Fee Schedule

**RESOLUTION NO. 94-27**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, PRESCRIBING PROCEDURES, RULES AND REGULATIONS GOVERNING THE SOLICITATION, SELECTION AND AWARD OF PROPOSALS FOR PROFESSIONAL OR CONSULTING SERVICES**

Be it resolved by the Town Council of the Town of Apple Valley as follows:

**SECTION 1.** It is the intent of the Town Council that persons and firms who provide professional consultant services to the Town shall be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required at fair and reasonable prices to the Town, and in accordance with the procedures set forth in Exhibit A, Selecting Professional Consultants, attached.

**SECTION 2.** Contracts for the provision of the following professional services by private consultants are subject to this resolution: Architectural and landscape architectural services, construction project management services, engineering services, environmental services, land surveying services, and special rate investigations services. Providers of such services are hereinafter referred to individually as a "consultant" or collectively as "consultants".

**SECTION 3.** It is the intent of the Town Council that, to the extent practicable, maximum participation by small business enterprises shall be encouraged. As used in this Section, "small business enterprise" means a small business as defined by the Director of the Department of General Services of the State of California pursuant to Section 14837 of the California Government Code. In furtherance of this intent, the Purchasing Officer is hereby directed to solicit and encourage qualified and competent small business enterprises to submit proposals for furnishing such services to the Town.

**SECTION 4.** It is the further intent of the Town Council that firms located in the local area qualified for the services desired and who are professionally qualified to undertake the proposed project be given special consideration. It is understood this policy, however, ensures that the primary selection criteria is on the basis of demonstrated competence and the professional qualifications necessary for the satisfactory performance of the services.

**SECTION 5.** Whenever possible and practical, and taking into consideration the nature and quality of previous work performed by the Town by a consultant, evaluation of contracts for consultant services shall be based on competitive proposals and the contract shall be awarded to the proponent whose

competence and qualifications for the provision of the particular service or services have been verified by the Purchasing Officer and who has submitted the fairest price quotation in light of the quality of services offered. In cases where the project is a continuation of an earlier assignment, the agency has an ongoing relationship with the consultant, or the consultant has some special expertise, the Purchasing Officer may solicit a single proposal from said consultant for professional services.

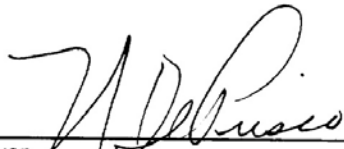
SECTION 6. The Purchasing Officer shall keep a record of all proposals made and contracts awarded pursuant to this Section.

SECTION 7. In considering proposals and awarding contracts pursuant to this Section, it shall be considered misconduct for any Town Officer, employee, or representative to engage in a practice which will likely result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration. All of such conduct is hereby prohibited. No Town Officer, employee, or representative shall participate in the evaluation or selection of a consultant if such participation would constitute a violation of California Government Code Section 87100 or of any regulation adopted pursuant thereto.

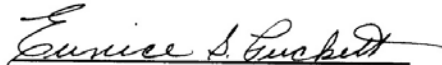
SECTION 8. Where consultants are to be paid for all or part of their services with funds granted or loaned by the United States Government, such consultants shall be evaluated and selected in conformance with applicable federal law and regulations.

SECTION 9. This Resolution is adopted pursuant to Section 3.12.280 of the Municipal Code of the Town of Apple Valley.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 12th day of April, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

(seal)

**STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
TOWN OF APPLE VALLEY**

I, EUNICE S. PUCKETT, TOWN CLERK of the Town of Apple Valley, California do hereby certify that Resolution No. 94-27 was duly and regularly adopted by the Town Council of the Town of Apple Valley, California, at a meeting thereof held on the 12th day of April, 1994 by the following vote:

**AYES:** Councilmembers Davis, Pearson, Mayor Pro Tem Loux and Mayor DePrisco.  
**NOES:** None.  
**ABSENT:** Councilmember Turner.  
**ABSTAIN:** None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 12th day of April, 1994.

  
TOWN CLERK

(SEAL)

## EXHIBIT A

### SELECTING PROFESSIONAL CONSULTANTS

#### I. PURPOSE

This regulation establishes policies and procedures governing the selection of professional consultants in the performance of Town work.

#### II. SCOPE

This regulation is applicable to all Town departments and offices directly responsible to the Town Manager.

#### III. AMENDMENT

The Town Council may amend the policy, procedures, and contents set forth in this regulation from time to time as appropriate.

#### IV. POLICY

Professional consultants for specific projects requiring a special expertise may be retained from the private sector to augment the Town's professional capabilities during peak workload periods and for specialized services not available to the Town.

Consultant services may cover a wide range of professional activity including architectural and landscape architectural services, construction project management services, engineering services, environmental services, land surveying services, and special rate investigations services.

While equipment and construction work (complying with comprehensive specifications) is usually purchased on the basis of competitive bids, it is not reasonable to apply the same procedures for obtaining professional services. A client that "buys" professional services by competitive bid has no realistic basis on which to compare the value of what he will obtain. It is not in the public interest, therefore, to solicit bids for such services.

Professionals have unique expertise in their own disciplines based upon working relationships with many clients with widely differing approaches to problem solving. Each has encountered many and varied problems which provide for a vast accumulation of data and information based upon actual experience. This knowledge and experience is often directed in a specialized area. Payment of a reasonable and adequate fee for such

knowledge and experience assures the recipient of a comprehensive and technically satisfactory professional service.

In accordance with California Government Code Section 4526, lists of professional consultants used in the selection of consultants for major projects, intermediate projects, and minor projects described in Section VI shall include, where possible, businesses in which the principal officers are located in California, in which the officers are domiciled in California, and which are independently owned and are not dominant in their field of operation.

V. LOCAL PREFERENCE

It is the policy of the Town Council to utilize, whenever possible, the services of local consultants/firms to provide consulting services.

Town staff shall, on an annual basis, survey those consultants/firms having established offices within the local area and report said finding to the Council.

In the event no local consultants/firms are qualified or available to perform the work, a Statement of Findings shall be prepared explaining the efforts expended to find qualified local consultants/firms prior to contracting with a non-local consultant/firm.

VI. REASONS FOR RETAINING A PROFESSIONAL CONSULTANT

- The Town will obtain the benefit of a consultant's extensive experience in a variety of problems in the same general field.
- There is a need for specialized expertise or experience beyond the capability of the current Town staff.
- There is a need for review of work performed by the Town staff to assure that such work represents the best possible solution.
- The Town staff is unable to perform the needed work within the time required and the public interest requires such work to be done.

VII. METHOD OF SELECTING A PROFESSIONAL CONSULTANT

A. Major Projects: Anticipated Fee of Over \$50,000

1. The appropriate department head and/or lead manager shall appoint a selection board of qualified individuals. The size of

the selection board is at the discretion of the department head or lead manager. When an unusual project poses special problems beyond the experience of Town staff, the selection board may be augmented by an unbiased, qualified member of the profession being considered, as long as that person is not a proposer for the work to be performed.

2. The selection board will identify not fewer than five (5) consulting firms or individuals who are professionally and financially qualified to undertake the proposed project. When five (5) potential consultants are not available, Town Manager approval shall be obtained to solicit from a smaller selected list. Every effort should be made to solicit proposals from minority and women owned businesses, as well as business enterprises located within the local area, whenever possible.

B. Intermediate Projects: Fee of \$10,000 to \$50,000

1. Follow all procedures under major projects utilizing a selection team composed of qualified individuals and consider no fewer than three (3) qualified firms or individuals. When three potential consultants are unavailable, Town Manager (or designee) approval shall be sought to solicit from a smaller selected list.

C. Minor Projects: Fees less than \$10,000

1. Department directors shall maintain a current file on qualified professional consultants in various categories. When selecting a consultant to provide services on a specific project, the department director, in addition to capability and qualifications, may consider if the project is a continuation of an earlier assignment, the agency has an ongoing business relationship with the consultant, or the consultant has some special expertise.

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**FEE SCHEDULE  
 JULY 2020 AMENDMENT TO  
 AGREEMENT FOR ENGINEERING SERVICES  
 CHARLES ABBOTT ASSOCIATES, INC.**

**ATTACHMENT B**

<u>PERSONNEL SERVICES</u>	<u>GENERAL FUND HOURLY RATE</u>	<u>GAS TAX/CIP HOURLY RATE</u>
Principal	\$130	\$140
Town Engineer/Traffic Engineer	\$105	\$120
Senior Engineer	\$98	\$112
Senior Engineering Associate	\$89*	\$95*
Engineering Associate	\$77*	\$85*
Senior Plan Checker	\$98	\$112
Plan Checker	\$93	\$95
Senior Permit Technician	\$60	\$60
Permit Technician	\$55	\$55
Senior Public Works Inspector	\$87*	\$120
Public Works Inspector	\$77*	\$120

*The above hourly rates include general and administrative overhead and fees and employee payroll burden.*

*\*The Hourly Rates identified are for Non-Prevailing Wage project inspection. Hourly Rates for Prevailing Wage project inspection will be \$120.00 for regular time; \$143.00 for overtime on Mondays through Saturdays; and \$167.00 for overtime on Sundays and Holidays. Prevailing Wage rates are subject to increases pursuant to the State of California's Department of Industrial Wage Rate Determinations.*

**FEE SCHEDULE  
 JULY 2020 AMENDMENT TO  
 AGREEMENT FOR BUILDING AND SAFETY SERVICES  
 CHARLES ABBOTT ASSOCIATES, INC.**

**ATTACHMENT C**

<b>PERSONNEL SERVICES</b>	<b>HOURLY RATE</b>
Principal	\$140
Building Official	\$100*
Structural/Senior Engineer	\$98
Senior Plan Checker	\$98
Plan Checker	\$93
Senior Building Inspector	\$80*
Building Inspector	\$70*
Senior Permit Technician	\$60
Permit Technician	\$55

*The above hourly rates include general and administrative overhead and fees and employee payroll burden.*

*\*The Hourly Rates identified are for Non-Prevailing Wage project inspection. Hourly Rates for Prevailing Wage project inspection will be \$120.00 for regular time; \$143.00 for overtime on Mondays through Saturdays; and \$167.00 for overtime on Sundays and Holidays. Prevailing Wage rates are subject to increases pursuant to the State of California's Department of Industrial Wage Rate Determinations.*