

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

101



FROM: TLMA - Planning Department

SUBMITTAL DATE:
June 25, 2008

SUBJECT: Professional Services Agreement With Environmental Science Associates ("ESA")

RECOMMENDED MOTION: That the Board of Supervisors approve the above-referenced sole-source agreement for the preparation of an environmental impact report ("EIR") concerning a proposed amendment to the Land Use Ordinance regulating off-highway vehicle use.

BACKGROUND: In August 2004, the Board of Supervisors directed the Planning Department to prepare an amendment to the Land Use Ordinance regulating off-highway vehicle use on private property. In April 2006, following lengthy and contentious public hearings, the Board tentatively approved the proposed ordinance amendment. As a result of comments made during the public hearing process, the Board directed the Planning Department to prepare an environmental impact report in lieu of the previously prepared Mitigated Negative Declaration.

To satisfy this directive, Planning staff coordinated with County Purchasing seeking bids for the EIR. RFP No. TLARC140 was issued in June 2007. Only a single response was received and it was deemed to be unacceptable. Staff subsequently worked with County Counsel to revise the scope of service within the RFP, and coordinated with County Purchasing for a second RFP. RFP No. TLARC117 was issued in September 2007. Once again, the County only received a single response. Before the bid could be accepted by the County, it was withdrawn from consideration by the bidder due to staffing limitations.

Ron Goldman, Planning Director

P.A.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 74,333	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 37,167	For Fiscal Year:	08/09-09/10
SOURCE OF FUNDS: Air Quality Fees				Positions To Be Deleted Per A-30 <input type="checkbox"/>
APPROVE				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION: BY: Michael R. Shetler
Michael R. Shetler

County Executive Office Signature

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: _____ **District:** All **Agenda Number:** _____

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.131

REVIEWED BY COUNTY COUNSEL
 DATE 06/26/08
 Katherine A. Lind
 REVIEWED BY PURCHASING
 DATE 7/1/08
 MARK S. FINE, ASST. Director
 Departmental Collaborator

Staff recognizes the land use concerns and complaints that result from the unfettered use of off-highway vehicles throughout the county. We continue to have constituents calling to seek information about when the new OHV regulations will take effect. Planning staff has discussed our work program and need for the EIR with several additional vendors to date. At the present time we have received a bid from ESA to prepare the EIR. ESA has prepared many EIR's and has worked with the State Parks Department-OHV Division on other OHV projects. At \$111,500, their bid is 11.5 percent higher than the amount that the Board initially authorized. Staff recommends the acceptance of this bid based on the following justification:

1. Two Requests for Proposal that met all notice and processing regulations were unsuccessful in finding a qualified bidder.
2. ESA is a reputable and established firm with a strong track record in the preparation of environmental documentation.
3. The limitations of the present Land Use Ordinance and the continued pattern of complaints regarding nuisance OHV uses on private property limit the ability to resolve and respond to complaints.
4. The County's lack of success in responding to complaints has been driven by the reluctance of judicial officials to find Land Use Ordinance violations when OHV use is not specifically prohibited therein and when specific location and use restrictions for OHV's are absent.

The EIR prepared by ESA will study the environmental effects, if any, of a proposed ordinance amendment regulating OHV use that has the characteristics described in Appendix A to the Professional Services Agreement. The EIR will not study the effects of the ordinance amendment tentatively approved by the Board in April 2006 as written. Legal counsel has determined that the tentatively approved ordinance amendment as written cannot be implemented.

The total cost of the contract is \$111,500.00. \$74,333.00 is budgeted for fiscal year 2008-2009, with the balance budgeted for fiscal year 2009-2010.

SOLE SOURCE JUSTIFICATION

Date: June 27, 2008
From: Mark F. Balys, Deputy Planning Director
Department/Agency: Planning Department
To: Board of Supervisors

Via: Purchasing Agent

Subject: Sole Source Procurement; Request for Preparation of an Environmental Impact Report for an Amendment to the Land Use Ordinance Regulating OHV Use

The below information is provided in support of my Department requesting approval for a sole source. Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole source.

Supply/Service being requested:

Preparation of an EIR by Environmental Science Associates (ESA) for an Amendment to the Land Use Ordinance Regulating OHV Use.

Supplier being requested:

Environmental Science Associates
9191 Towne Centre Drive, Ste. 340
San Diego, CA 92122

Alternative suppliers that can or might be able to provide supply/service:

None

Extent of market search conducted:

In August 2004, the Board of Supervisors directed the Planning Department to prepare an amendment to the Land Use Ordinance regulating off-highway vehicle use on private property. In April 2006, following lengthy and contentious public hearings, the Board tentatively approved the proposed ordinance amendment. As a result of comments made during the public hearing process, the Board directed the Planning Department to prepare an environmental impact report in lieu of the previously prepared Mitigated Negative Declaration.

In this regard Planning staff coordinated with County Purchasing seeking bids for the EIR. RFP No. TLARC140 was issued in June 2007. Only a single response was received and it was deemed to be unacceptable. Staff subsequently worked with County Counsel to revise the scope of service within the RFP, and coordinated with County Purchasing for a second RFP. RFP No. TLARC117 was issued in September 2007. Once again, the County only received a single response. Before the bid could be accepted by the County, it was withdrawn from consideration by the bidder due to staffing limitations.

At the present time we have received a bid from ESA to prepare the EIR. ESA has prepared many EIR's and has worked with the State Parks Department-OHV Division on other OHV projects. At \$111,500.00, their bid is 11.5 percent higher than the amount that the Board initially authorized.

Since we have gone out to bid twice, and the ensuing delay has created some urgency to move forward with the EIR. In this regard, County Counsel and Planning have prepared a contract, defined scope of work.

Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide:

ESA is willing to fulfill the defined scope of work. Two RFP's were unsuccessful to finding acceptable alternate contractors.

Reasons why my department requires these unique features and what benefit will accrue to the county:

1. Two Requests for Proposal that met all notice and processing regulations were unsuccessful in finding a qualified bidder.
2. ESA is a reputable and established firm with a strong track record in the preparation of *environmental documentation*.
3. The limitations of the present Land Use Ordinance and the continued pattern of complaints regarding nuisance OHV uses on private property limit the ability to resolve and respond to complaints.
4. The County's lack of success in responding to complaints has been driven by the reluctance of judicial officials to find Land Use Ordinance violations when OHV use is not specifically prohibited therein and when specific location and use restrictions for OHV's are absent.

Price Reasonableness:

At \$111,500 , the ESA bid is 11.5 percent higher than the amount that the Board initially authorized for the EIR. It is significantly less than the bid we received for RFP No. TLARC140.

Does moving forward on this product or service further obligate the county to future similar contractual arrangements?

No



Department Head Signature

6-26-08

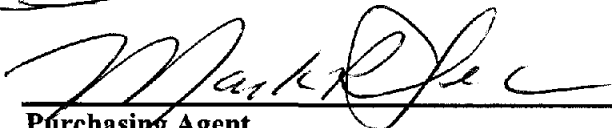
Date

Purchasing Department Comments:

Approve

Approve with Condition/s

Disapprove



Purchasing Agent

2-27-08

Date