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**Title:** Actions pertaining to professional consulting services for Senate Bill 1383 (SB 1383) compliance planning:  
 1. Affirm City Manager’s determination that Stearns, Conrad, and Schmidt Consulting Engineers (SCS Engineers, Inc.) is uniquely qualified  
 2. Approve the First Amendment to the consultant services agreement with SCS Engineers, Inc., to expand the scope of services and increase the original contract amount of \$49,600 by \$34,940 for a total amended contract amount of \$84,540, for professional consulting services for SB 1383 compliance planning. (Citywide)

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - Uniquely Qualified Memo dated April 4 2022.pdf, 2. Attachment 2 - First Amendment - Stearns\_Conrad\_&\_Schmidt-SB\_1383.docx.pdf, 3. Attachment 3 - Uniquely Qualified Memo dated August 19, 2021.pdf, 4. Attachment 4 - Consultant Services Agreement.pdf

Date	Ver.	Action By	Action	Result
4/21/2022	1	City Council	ADOPTED	Pass

**REPORT TO THE CITY COUNCIL**

**FROM:** BROCK D. BUCHE, PE, PLS, Interim Director  
Department of Public Utilities

**BY:** AHMAD ALKHAYYAT, PE, MBA, Assistant Director  
Department of Public Utilities - Solid Waste Management Division

**SUBJECT**

Actions pertaining to professional consulting services for Senate Bill 1383 (SB 1383) compliance planning:

- Affirm City Manager’s determination that Stearns, Conrad, and Schmidt Consulting Engineers (SCS Engineers, Inc.) is uniquely qualified
- Approve the First Amendment to the consultant services agreement with SCS Engineers, Inc., to expand the scope of services and increase the original contract amount of \$49,600 by \$34,940 for a total amended contract amount of \$84,540, for professional consulting services for SB 1383 compliance planning. (Citywide)

**RECOMMENDATIONS**

Staff recommends that City Council:

1. Affirm City Manager's determination that SCS Engineers, Inc. is uniquely qualified.
2. Approve the First Amendment to the consultant services agreement with SCS Engineers, Inc., to expand the scope of services and increase the original contract amount of \$49,600 by \$34,940 for a total amended contract amount of \$84,540, for professional consulting services for SB 1383 compliance; and authorize the Director of Public Utilities, or designee, to sign the Amendment on behalf of the City of Fresno (City).

## **EXECUTIVE SUMMARY**

On September 7, 2021, a consultant services agreement was awarded in the amount of \$49,600 to SCS Engineers, Inc. (SCS) to provide professional consulting services for SB 1383 compliance planning after the City Manager determined that SCS was uniquely qualified. SCS has been working with the Solid Waste Management Division to gather the appropriate background information, review and amend hauler agreements, analyze programs, and prepared the City's Notice of Intent to Comply (NOIC), among other tasks. In order to meet compliance deadlines, the City requires additional consultant assistance for specific tasks, including review of waivers, preparation of an education and outreach implementation plan, and preparation of updates to the City's procurement policies to incorporate the purchasing requirements of SB 1383. An expanded project scope of services incorporates these additional tasks. The First Amendment to the agreement with SCS will increase the original contract amount of \$49,600 by \$34,940 for a total amended contract amount of \$84,540. Completion of the additional tasks will bring the City into compliance with SB 1383 regulations as identified in the NOIC.

## **BACKGROUND**

In order to meet the January 1, 2022, SB 1383 compliance deadline, the City entered into a consulting services agreement with SCS Engineers, Inc. on September 7, 2021, in the amount of \$49,600, after the City Manager determined that SCS was a uniquely qualified professional consulting services provider for SB 1383 compliance planning. SCS was selected for the work and was determined to be uniquely qualified because they were already contracted with Fresno County and had already completed a lot of the preliminary SB 1383 compliance planning work countywide, resulting in an extensive knowledge regarding the services, programs, and capacity within the City of Fresno. Additionally, since SB 1383 compliance is required of all jurisdictions throughout the State of California, there are very limited options for compliance consulting services anywhere in the State, and SCS was willing to take the City on as a client since the work required aligned with the work that had already been completed for Fresno County.

Since entering into the agreement with the City, SCS has been working with the Solid Waste Management Division to gather the appropriate background information, review and amend hauler agreements, analyze programs, and prepared the City's Notice of Intent to Comply (NOIC), among other tasks.

The City's NOIC was submitted to CalRecycle on February 25, 2022, committing the City to a more flexible schedule of deliverables and actions toward full compliance with SB 1383 regulations. The City must work quickly to meet the compliance deadlines and actions established in the NOIC.

In order to meet the NOIC deadlines, the City requires additional consultant assistance for specific tasks, including review of waivers, preparation of an education and outreach implementation plan, and preparation of updates to the City's procurement policies to incorporate the purchasing

requirements of SB 1383. An expanded project scope of services incorporates these additional tasks.

The First Amendment to the agreement with SCS will increase the original contract amount of \$49,600 by \$34,940 for a total amended contract amount of \$84,540. Completion of the expanded tasks will bring the City into compliance with SB 1383 regulations as identified in the NOIC.

The City Attorney's Office has reviewed and approved as to form this First Amendment to the Agreement. Upon approval by the City Council, the First Amendment to Agreement will be executed by the Director of Public Utilities, or designee.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, the award of this Consultant Services Agreement for the design services does not qualify as a "project" for the purposes of CEQA.

## **LOCAL PREFERENCE**

Local preference does not apply to this action because the award of agreement is occurring under a process deeming the consultant as uniquely qualified.

## **FISCAL IMPACT**

There is no impact to the General Fund. Funding for the Agreement is included in the Solid Waste Management Division's Fiscal Year 2022 Operating Fund (41001) Amended Budget.

### **Attachments:**

Attachment 1 - Uniquely Qualified Memo dated April 4, 2022

Attachment 2 - First Amendment to Agreement

Attachment 3 - Uniquely Qualified Memo dated August 19, 2021

Attachment 4 - Consultant Services Agreement