



DATE: September 18, 2023

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager  
Marlene Subhashini, Assistant City Manager

FROM: Sofia Mangalam, Community Development Director  
Thai-Chau Le, Planning Manager

DEPARTMENT: Community Development

SUBJECT: ESTABLISH A LIST OF A LIST OF QUALIFIED ENVIRONMENTAL CONSULTANTS TO PROVIDE PROJECT BASED PROFESSIONAL ON-CALL SERVICES FOR CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEWS FOR THE PLANNING DIVISION AND AUTHORIZATION TO EXECUTE MASTER SERVICES AGREEMENTS WITH EACH CONSULTANT

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## RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution: (1) approving the established list of qualified environmental consultants to provide project-based professional on-call services for CEQA reviews for the Planning Division of the Community Development Department (CDD); (2) authorize the Mayor to execute a Master Professional Services Agreement with each consultant on the list with no compensation maximum for a term of five years; and (3) find the approval of the on-call list and Master Professional Services Agreements exempt under CEQA pursuant to CEQA Guidelines section 15061(b)(3).

## EXECUTIVE SUMMARY

CDD is committed to planning, maintaining, and improving the quality of life and public safety of Foster City in keeping with the vision of the City Council in the General Plan and other measures that reflect the City's heritage as a Master Planned community. CDD is comprised of the Planning/Code Enforcement and Building Divisions. The Planning/Code

Enforcement Division is responsible for long-term planning regarding the growth and development of the City, for reviewing and processing applications for all land use and development proposals, and for maintaining the appearance of the community.

CDD receives many project applications throughout the year that require extensive environmental review, environmental consultation, and documentation preparation. These costs are borne by developers/applicants of the project through pass-through agreements with selected environmental consultants. The contract costs associated with environmental reviews often exceed the City Manager's signatory authority under the City's Purchasing Policy, which requires staff to seek City Council's authorization to issue an RFP each time and then select a consulting firm to undertake the environmental review for the project. The process, at minimum, takes two to three months before the environmental review can start. The pre-qualification of environmental consultants by having an established list would assist staff in completing environmental reviews and documentation in a timely and efficient manner.

On July 17, 2023, the City Council authorized staff to release a Request for Qualifications (RFQ) to establish a list of qualified environmental consultants to provide project-based professional on-call services for CEQA reviews. Subsequently, on July 18, 2023, staff released the RFQ with a due date of August 1, 2023. However, upon requests from various consulting firms to provide more time to respond and due to an error in the attachment for the draft agreement, the deadline was extended to August 15, 2023. Staff received a total of 16 responses, including proposals from Circlepoint, M-Group, JHS Consulting, CSG Consultants Inc, AECOM, EMC Planning Group, David J. Powers and Associates, Kimley-Horn, LSA, Dudek, PlaceWorks, Terraphase, First Carbon Solutions, MIG, Stantec, and Urban Planning Partners.

Firms that provided environmental consulting services have limited availabilities due to the high demand of projects in the Bay Area. Therefore, staff have selected a total of 12 out of 16 firms to be on the Master Services Agreement and select a consultant depending on their qualifications and staffing availability.

## BACKGROUND

When the Planning Division requires environmental consulting services for specific development projects, staff develops and releases a project-specific Request for Proposals (RFP) to perform the work. This process lengthens the time to procure consultant services, which negatively impacts applicants and the project review timeline. It can also be limiting in terms of responses from consultants if the scope of the project is small or if the request is released at a time when consultants are high in demand. Individual requests also require more staff time to advertise; address questions; and review proposals, many of which may only vary slightly from one another.

With an established list that has been authorized by the Council, staff will be able to select a consultant depending on their qualifications and availability. This way, the timeline will be shortened as there is no solicitation of proposals, as well as contracting, as they would have an executed agreement with the City in place.

## ANALYSIS

On July 17, 2023, staff requested authorization from the City Council to issue an RFQ to establish a list of qualified environmental consultants to provide project-based professional on-call services for CEQA reviews. Upon authorization from the City Council, City staff issued an RFP on July 18, 2023, with a due date for proposals/response by August 15, 2023.

The RFP was advertised in following ways soliciting responses:

1. Sent to consulting firms via email – July 18, 2023;
2. Posted on City's RFP webpage – July 18, 2023; and
3. Shared via LinkedIn.

Staff extended the deadline for responses to August 17, 2023, due to requests from consultants citing tight timeframe for a response. Staff then updated the online RFP and sent subsequent email notifications to all firms. Staff received a total of 16 responses to the RFP, including proposals from, Circlepoint, M-Group, JHS Consulting, CSG Consultants Inc, AECOM, EMC Planning Group, David J. Powers and Associates, Kimley-Horn, LSA, Dudek, PlaceWorks, Terraphase, First Carbon Solutions, MIG, Stantec, and Urban Planning Partners, and evaluated the proposals based on the point system as follows:

- A statement demonstrating that the Proposer understands the scope of work required (20 points).
- Billing Structure (15 points).
- Relevant Experience (25 points).
- Key Team Member Summary (20 points).
- References (15 points).
- Acknowledgement of the Memorandum of Understanding (5 points).

Upon evaluation of the responses, the following points were scored for each of the following firms:

	<b>Consultant Firm</b>	<b>Total</b>
1	Stantec	100
2	David J. Powers and Associates	100
3	AECOM	100
4	EMC Planning Group	96
5	Circlepoint	93
6	Urban Planning Partners	92
7	First Carbon	92
8	MIG	92
9	Dudek	92

10	PlaceWork	92
11	LSA	91
12	Kimley-Horn	90
13	M-Group	85
14	Terraphase	75
15	CSG Consultants Inc	72
16	JHS Consulting	60

Based on the scoring criteria, Staff selected firms that scored 90 or more points. Staff also conducted reference checks for the top 12 selected firms. All the references verified the selected firms' ability to provide professional environmental consulting services. Staff has prepared the Master Agreements attached as Attachment 1 for the 12 selected firms, with no compensation limit. Once the Master Agreement is executed, the selected on-call consultant would perform services based on separate Task Orders.

#### Scope of Work

The Consultant may be asked to provide any number of services pertaining to the City's implementation of CEQA, including but not limited to, the following:

- Conduct preliminary review of development projects for CEQA purposes.
- Prepare CEQA documents for the City's Planning Division, including, but not limited to:
  - Initial Studies with all applicable technical reports to support an adequate
  - CEQA determinations
  - Negative Declaration
  - Mitigated Negative Declaration
  - Associated Mitigation Monitoring and Reporting Plan (MMRP), if applicable
  - Environmental exemptions
  - Addendums to previously approved and certified environmental analysis
  - Environmental Impact Reports
  - All notices required per CEQA such as Notices of
  - Intent/Preparation/Determination
- Provide peer review of CEQA documents prepared by project applicants.
- Conduct and /or support CEQA review for the following potential projects:
  - Large and small-scale development applications such as zoning
  - amendments, use permits, and vesting tentative maps
  - Potential updates/amendments to the General Plan
  - Potential updates/amendments to Specific Plans
  - Potential updates to the Zoning Ordinance

The development projects are 100% cost recovery paid for by the applicant through a pass through agreement planning fee deposit account.

For these types of projects where the City has a pass-through agreement, City staff is proposing to enter into a Master Professional Services Agreement and issue a Task Order to the selected consultant based on their experience, skill and availability from the approved on-call list when a need arises. The Task Order would identify the scope of work and the maximum compensation for the environmental review associated with the scope of work. For work that is over \$50,000, the project-specific Task Order would return to City Council for approval prior to initiation of services. The consultant would be paid from funds in the applicant's deposit account, but the City would charge the standard 15% administrative fees as established in City's Master Fee Schedule for managing the work performed by the consultant identified in the Task Order.

For a City-initiated project that requires CEQA review, staff would also bring any Task Order over the amount of \$50,000 for City Council's approval before issuing the Task Order to one of the consultants from the established list. The list and agreement, as stated in Attachment 1, will be for a duration of five years. Any renewal or extension requests will be brought back to City Council for consideration.

### CEQA

The formation of the list of qualified consultants is exempt per CEQA Guideline Section 15061(b)(3), Common Sense Exemption (14 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

### FISCAL IMPACT

All costs associated with review of development projects and CEQA will be borne by the project applicant.

### CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

Smart Planning, Development, and the Local Economy

### ATTACHMENTS:

Attachment 1 – Resolution

Attachment 2 – Exhibit A: Master Services Agreements