



Office of the City Manager

CONSENT CALENDAR
January 31, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Alene Pearson, Acting Director, Planning and Development Department
 Subject: Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Review Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc., to increase the total not-to-exceed amount by \$1,000,000 to a new total of \$2,000,000, for additional services related to the review of land use permit applications and environmental review.

FISCAL IMPACTS OF RECOMMENDATION

The additional not-to-exceed amount in the amended contract will only be exercised if a project applicant requests expedited processing of a Use Permit or other discretionary zoning application, or if an Environmental Impact Report or other technical, environmental review is required. Work will only be authorized under the contract, and funds encumbered, once an applicant provides full funding.

In the event that total revenue exceeds the budgeted amount in the fiscal year, a request for additional appropriation will be submitted as part of a subsequent amendment to the Annual Appropriations Ordinance.

Once the City receives funds from an applicant, they will be 1) deposited into the PSC Fund revenue code 621-53-584-621-0000-000-000-446140; and 2) encumbered into the contractor's Purchase Order using expenditure account code 621-53-584-622-0000-000-472-612990.

CURRENT SITUATION AND ITS EFFECTS

The City has used environmental and planning consultants since 2005 for expedited processing of land use permit applications when requested by project applicants. When consultants are used, City staff remains actively involved with the projects and coordinates closely with the consultants. Such on-call services are also used in instances when complex environmental analyses such as those required by CEQA or NEPA must be performed on a project. In all instances, the project applicant assumes responsibility for the costs of such services, passed through the City to the consultant as costs are incurred.

Rincon Consultants, Inc. (Rincon) has performed well when called upon by the City and has nearly exhausted the original \$1,000,000 not-to-exceed amount. Rincon has a strong understanding of the Berkeley Municipal Code and permit processes, closely tracks changing CEQA guidelines, has strong attention to detail, and provides well written work products. Since Rincon is actively working on several City projects, increasing its contract maximum to \$2,000,000 will allow for continuity in the project review process.

BACKGROUND

On June 25, 2019, the City Council authorized the execution of contracts with 12 firms in as-needed amounts between \$500,000 and \$1,000,000 over a three-year period ending in June 2022, including a contract with Rincon for a not-to-exceed amount of \$1,000,000. Those contracts were subsequently extended for an additional three-year period without increasing the budget caps.

The City continues to receive a high volume of development applications, including many seeking expedited review and/or specialized analysis at the project applicants' requests and expenses. Therefore, an increase in the budget cap is warranted to replenish the ability to utilize the contract for the three-year period through fiscal 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Development review services performed by on-call consultants may include assessments of a project's compliance and consistency with City goals and State requirements for energy and water efficiency, reduction of transportation impacts and fuel use, and other environmental factors.

RATIONALE FOR RECOMMENDATION

As the number of Use Permit applications has increased over the past several years, the Planning Department has improved customer service by using on-call consultants to expedite project applications and conduct environmental reviews. Increasing the not-to-exceed contract amount with Rincon, one of the City's high-performing on-call contractors, will allow for the continued timely processing of development applications while not incurring additional costs to the City.

ALTERNATIVE ACTIONS CONSIDERED

Staff could redirect work on current projects under expedited review to other firms contracted for such as-needed services, could handle such expedited review requests on a case-by-case basis, or could de-prioritize work on other current projects to do this work in-house.

CONTACT PERSON

Steven Buckley, Land Use Manager, Planning Department, 510-981-7411

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On-Call Planning and Environmental Review Services

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Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32000020 AMENDMENT: RINCON CONSULTANTS, INC. FOR
PLANNING AND ENVIRONMENTAL REVIEW SERVICES

WHEREAS, on June 25, 2019, the City authorized the execution of contracts with 12 firms in as-needed amounts between \$500,000 to \$1,000,000 over a three-year period ending in June 2022, including a contract with Rincon Consultants, Inc. for a not-to-exceed amount of \$1,000,000; and

WHEREAS, the as-needed contracts were subsequently extended for an additional three years, through June 2025, without additional funds added; and

WHEREAS, the City continues to receive a high volume of development applications, including many seeking expedited review and/or specialized analysis at the project applicants' requests and expense; and

WHEREAS, staff have found that Rincon Consultants, Inc. have performed well on its previously assigned projects, are working on a number of currently active development project reviews, and wish to utilize Rincon Consultants, Inc. further; and

WHEREAS, no work will be authorized under the contract, and no funds will be encumbered, unless an applicant provides full funding, as in the case of expedited application review requests or the need for outside consultants for required analysis, or unless the City Manager or their designee authorizes the temporary use of existing Permit Service Center Fund balance for purposes of alleviating backlogs of applications on a limited basis.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is hereby authorized to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc., to add \$1,000,000 to the not-to-exceed amount, bring the new contract total not-to-exceed amount to \$2,000,000 for as-needed Planning and Environmental Review Services. A copy of the contract and any amendments will be kept on file in the Office of the City Clerk.