



APPROVAL REQUEST FOR A BEYOND 5 YEAR CONTRACT TERM

Date of Submission:	1/4/2024		
User Agency/Department(s):	Planning & Development	Budget Unit #:	260

SECTION I

REQUEST TO SOURCE A NEW CONTRACT BEYOND FIVE YEARS IN TERM

Complete this section only if sourcing a new contract that will exceed a five-year term and proceed to Section IV. If you are extending an existing contract, please continue to Section II.

Anticipated Contract Start Date:		Total Length of Term: (In months, excluding extension options)	
Anticipated Contract End Date:			
Comments:			
Budgeted Amount of Project:	\$		
Proposed Contractor Name:			
Description of Goods or Services:			

SECTION II

REQUEST TO EXTEND EXISTING CONTRACT BEYOND FIVE YEARS IN TERM

Complete Sections II and III only if extending an existing contract beyond a five-year term.

Contract/PO Number:	4300022786		
Contractor Name:	Metropolitan Planning Group		
Current Contract Start Date:	02/08/2019	Current Contract End Date:	02/08/2024
Total Current Value of Agreement:	\$ 360,445		
Description of Goods or Services:	Planning project management services		

SECTION III

PROPOSED CONTACT EXTENSION DETAILS

If extending an existing contract beyond a five-year term, please provide details on the proposed extension.

Recommended # of Months Extension:	10
Recommended End Date:	12/31/2024
Recommended Additional Contract Value:	\$ 0
Recommended Total Contract Value:	\$ 0



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SECTION IV

PREAPPROVAL HISTORY

Please attach a copy of all previously signed preapproval forms for this contract (e.g., Justification for Exception to Competitive Procurement, Request for a Beyond 5 Year Contract Term, etc.) with your submission.

What is the acquisition method used to source this contract? ICP

Has an Approval Request for a Beyond 5 Year Contract Term been approved for this contract previously?

Yes

No

If yes, how many times has this contract been previously approved for a Beyond 5 Year Contract Term? 0

SECTION V

Mark appropriate box for Contract's Signature Authority



Board of Supervisors



Delegated to Department Head or designee



Chief Procurement Officer/Director of Procurement or Designee

SECTION VI

Pursuant to Board Policy 5.4.5.4, **EXCEPTIONS** to the maximum 5-year term limit for Professional Services are listed below. Select the appropriate exception(s).

- | | |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="radio"/> | (1) When the funding source for a contract provides that the contract term must exceed five years. Such funding sources may include the State or Federal government or an outside funding source (private or foundation grant). |
| <input type="radio"/> | (2) When the County "piggybacks" on another jurisdiction's contract that is more than five years or that is subsequently extended for more than the initial five-year term. |
| <input type="radio"/> | (3) When a specific law, code or regulation requires that a particular type of contract include certain contract terms(s) that exceed 5 years. Please provide a specific citation below. |
| <input type="radio"/> | (4) Contracts for goods, which includes equipment, that have a lifespan that exceeds five years and the benefits to the County of exceeding a five-year term outweigh the benefits of creating and executing a new contract after five years |
| <input type="radio"/> | (5) Contracts for technology software or hardware that have a lifespan exceeding five years and the benefits to the County of exceeding a five-year term outweigh the benefits of creating and executing a new contract after five years |
| <input type="radio"/> | (6) Proprietary maintenance contracts. |
| <input checked="" type="radio"/> | (7) Contracts for project-specific professional services where the length of the project is expected to exceed five years. |
| <input type="radio"/> | (8) Revenue contracts. |
| <input type="radio"/> | (9) Contracts with other governmental entities. |
| <input type="radio"/> | (10) When an Agency/Department is otherwise able to justify that it is in the County's best interest to exceed the maximum 5-year term requirement. For example, an Agency/Department is able to demonstrate that the financial and/or programmatic impact on the County would be significant if the contract term does not exceed the maximum 5-year term requirement [Specific rationale must be provided in Section VIII, below]. |



APPROVAL REQUEST FOR A BEYOND 5 YEAR CONTRACT TERM

SECTION VII

Provide a narrative explanation below:

A. BACKGROUND (Describe the good or services procured)

Please see Attachment A.

B. CONTRACT HISTORY, if applicable. (How was the contract awarded? What were the events that occurred prior to the end of the contract term?)

Please see Attachment A.



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C. REASONS FOR CONTRACT TERM EXTENSION (Provide an explanation to support your selection in Section VI, including any relevant market research)

A term extension beyond February 8, 2024 is required to cover the currently anticipated timeline for bringing the Environmental Impact Report to the Planning Commission in calendar year 2024, and if needed, the Board of Supervisors. M-Group is best suited to remain as the planning management consultant through the completion of the project due to their extensive involvement and knowledge of the project, and to prevent further project delays.

D. RECOMMENDATION TO CURE ISSUE(S) (If applicable)

Not applicable.

SECTION VIII:

SOURCING PROJECT DETAILS

If your preapproval is requesting additional time to conduct a solicitation or source a successor contract, please outline your anticipated project schedule below. Include any relevant information on the sourcing project to date, such as the Master Acquisition List (MAL) ID number, draft of ICP preapproval request, or other references that may demonstrate progress on the sourcing project.

Not applicable.



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SECTION IX

Requesting Contracts Manager:	Print Name: Darienne Marcelo
	Signature: <small>DocuSigned by:</small> <i>Darienne Marcelo</i> <small>45914812D25F499...</small>
Requesting Agency/Department Director:	Print Name: Jacqueline R. Onciano
	Signature: <small>DocuSigned by:</small> <i>Jacqueline R. Onciano</i> <small>58D620AC52194DC...</small>
Centralized Procurement Division Manager: <i>(If applicable)</i>	Print Name:
	Signature:

SECTION X

DECISION AND REQUIRED STEPS FOLLOWING DECISION
(To be completed by OCCM)

<input type="radio"/>	Attach to Service Agreement Checklist/Cover Sheet	<input type="radio"/>	Attach to Legislative File
<input type="radio"/>	Attach to PO/Contract File	<input checked="" type="radio"/>	Attach to Delegation of Authority Cover Sheet
<input checked="" type="radio"/>	Approved	Comments:	
<input type="radio"/>	Approved with Conditions	Comments:	
<input type="radio"/>	Returned for Possible Reconsideration	Comments:	
<input type="radio"/>	Denied	Comments:	

SECTION XI

Office of Countywide Contracting Management Approval	Initials <small>DS</small> <i>KE</i>
------------------------------------------------------	-----------------------------------------

SECTION XII

Office of Countywide Contracting Management Signature

Signature <small>DocuSigned by:</small> <i>Leticia Gordon</i> <small>FC91A7A3FE2849D...</small>	on behalf of Ky Le, Deputy County Executive	Date 1/22/2024
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ATTACHMENT A SECTION VII

Provide a narrative explanation below:

A. BACKGROUND (Describe the good or services procured)

Zanker Road Resource Management Ltd. filed Use Permit and Architectural Site Approval applications with Santa Clara County to allow modifications to the Z-Best Composting Facility on Highway 25 in response to State law waste diversion requirements (AB939, AB1826, SB1383). The proposed modifications would increase the processing capacity of the facility through upgrades and changes to the existing municipal solid waste composting process which will involve changes to both the operation and site design. In February 2019, Metropolitan Planning Group (M-Group) was selected to assist with project management for the Z-Best Composting Facility.

Evolution of the Z-Best Composting Facility Project

In June 2018, the County contracted with an environmental consultant to prepare a Draft Environmental Impact Report (DEIR) for the Z-Best Composting Facility Project. In February 2019, M-Group became the primary consultant providing planning project management services for the project and oversight of the California Environmental Quality Act (CEQA) clearance process. The DEIR for the project was circulated for public review and comment from January 15, 2021, through March 1, 2021. At the conclusion of the public review period for the DEIR, the Department of Planning and Development (Department) determined that sections of the DEIR needed to be recirculated.

On August 19, 2021, the Department contracted with a different environmental consultant to address comments received and revise sections of the DEIR for recirculation and to prepare the FEIR. However, during the intervening period, several changes to the project were proposed by the Applicant which required additional revisions to the analysis and conclusions of the original DEIR. Due to substantial changes to the project analysis and the additional technical assessment along with coordination with State Responsible Agencies with the conclusory assessment in the DEIR, the Department determined that all chapters of the EIR needed to be updated and recirculated.

It was anticipated that the Recirculated DEIR would be completed and recirculated for public review by July 2022. However, staff from the Department and the consultant preparing the Recirculated DEIR for the project, determined that in order to provide adequate analysis of the project's environmental impacts and substantial evidence to support the conclusions in the DEIR and findings required to be made by the County, new and revised technical reports and significant additional analyses beyond what was initially anticipated, were required. As a result, the Recirculated DEIR was circulated for public comment on April 20, 2023, ending on June 5, 2023. Since the Final EIR responds to comments on the Recirculated DEIR, work on the FEIR could not begin until after the June 5, 2023 close of the Recirculated DEIR comment period.

The Department intends to bring the Z-Best Project before the Planning Commission in February 2024. Depending on the outcome of the Planning Commission and appeals process, the Department may be required to bring the project to the Board for consideration. For the reasons stated above, it is in the best interest of the County to maintain its agreement with M-Group for the duration of the project. M-Group has served and will continue to serve a critical role in managing the preparation of the EIR and the completion of the project.

B. CONTRACT HISTORY, if applicable. (How was the contract awarded? What were the events that occurred prior to the end of the contract term?)

On February 8, 2019, following an Informal Competitive Procurement (ICP) pursuant to Board Policy Section 5.6.5.1(C)(2), the Procurement Department (Procurement) approved an agreement with Metropolitan Planning Group, Inc. (M-Group) for planning project management services to process the land use entitlement applications for the Z-Best Composting Facility, Patel RV Park, and DiVittorio RV Park, in the amount of \$143,130 for the period February 8, 2019 through June 30, 2020.

On March 1, 2019, Procurement approved the First Amendment to the Agreement, increasing the maximum contract amount by \$32,400, which expanded M-Group's scope of work to include an additional land use entitlement application for the Gilroy Rodeo Project, which was completed in Fiscal Year (FY) 2020.

On June 3, 2020, Procurement approved the Second Amendment to the Agreement, extending the term for a 12-month period through June 30, 2021 due to various unanticipated project delays, with no change to the maximum contract amount.

On September 2, 2020, Procurement approved the Third Amendment to the Agreement, increasing the maximum contract amount by \$51,830 to cover additional tasks required, including the preparation of staff reports, attendance at Planning Commission hearings, additional meetings with the applicant team and County staff, and extra reviews of environmental documents.

On June 3, 2021, Procurement approved the Fourth Amendment to the Agreement, extending the term for a 16-month period through October 31, 2022, due to additional project delays, with no change to the maximum contract amount.

On March 29, 2022, Procurement approved the Fifth Amendment to the Agreement, increasing the maximum contract amount by \$99,060 and extending the contract term through April 30, 2023. On April 13, 2023, however, upon preparing the Sixth Amendment to increase the maximum contract amount by an additional \$34,025 and to extend the term through December 31, 2023, it was determined that the request to increase the project budget in the Fifth Amendment was subject to Board approval under Board Policy 5.6.5.1(C)(2) because it resulted in the contract amount exceeding \$300,000 within a five-year period. On April 27, 2023, Procurement approved the Sixth Amendment to the Agreement, extending the term for an eight-month period through December 31, 2023, with no change to the maximum contract amount.

On June 6, 2023, the Board ratified the Fifth and Sixth Amendments. The Board simultaneously approved the Seventh Amendment, which further increased the maximum contract amount by \$34,025 from \$326,420 to \$360,445.

On December 27, 2023, Procurement approved the Eighth Amendment to the Agreement, extending the term through its fifth-year maximum term of February 8, 2024 to allow the Department to continue services with M-Group in preparation of bringing the EIR to the Planning Commission in calendar year 2024 and to provide the Department time to submit a request for a Beyond Five Year contract term.

This would be the Ninth Amendment to the Agreement.

COMMENT HISTORY



Please DocuSign: Beyond 5 Year Contract Term - Darienne Marcelo

Sender: Darienne Marcelo

Envelope Id: c0bc8ef4-4f35-483f-b43c-60df4a991636

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Date Sent: 1/4/2024 | 8:39:57 AM

Date Completed: 1/22/2024 | 8:36:58 AM

All Recipients

Kelly Estes (OCCM) - 1/11/2024 | 5:13:07 PM
kelly.estes@ceo.sccgov.org

Expenditure agreement with Metropolitan Planning Group for consulting services related to planning project management. No previous B5Y has been requested. Planning is requesting a 10-month extension through 12/31/2024. Request to extend for continuity of services through completion of the project consisting of bringing the EIR to the Planning Commission in 2024. No additional funds are being requested.