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Title: RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO THE AGREEMENT WITH KTU+A AND AMENDMENT NO. 3 TO THE AGREEMENT WITH SCHMIDT DESIGN GROUP, INC. FOR AS-NEEDED LANDSCAPE ARCHITECTURAL SERVICES, INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$500,000 FROM \$800,000 TO A NEW NOT-TO-EXCEED AGGREGATE AMOUNT OF \$1,300,000 AND, FURTHER, AMENDMENT NO. 3 TO SCHMIDT DESIGN GROUP ALSO EXTENDS THAT CONTRACT THROUGH JUNE 30, 2024. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2022 BUDGET. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

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Attachments: 1. 2. 2022-0132 Attachment A, 2. 2. 2022-0132 Attachment B, 3. 2. 2022-0132 Attachment C, 4. 2. 2022-0132 Attachment D, 5. 2. 2022-0132 Attachment E, 6. 2. 2022-0132 Attachment F, 7. 2. 2022-0132 Attachment G, 8. 2. 2022-0132 Draft Resolution

Date	Ver.	Action By	Action	Result
6/14/2022	1	Board of Port Commissioners	adopted	Pass

DATE: June 14, 2022

SUBJECT:

RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO THE AGREEMENT WITH KTU+A AND AMENDMENT NO. 3 TO THE AGREEMENT WITH SCHMIDT DESIGN GROUP, INC. FOR AS-NEEDED LANDSCAPE ARCHITECTURAL SERVICES, INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$500,000 FROM \$800,000 TO A NEW NOT-TO-EXCEED AGGREGATE AMOUNT OF \$1,300,000 AND, FURTHER, AMENDMENT NO. 3 TO SCHMIDT DESIGN GROUP ALSO EXTENDS THAT CONTRACT THROUGH JUNE 30, 2024. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2022 BUDGET. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

EXECUTIVE SUMMARY:

The proposed action will increase the current aggregate amount of \$800,000 by \$500,000, resulting in a new aggregate not-to-exceed total of \$1,300,000 for the As-Needed Landscape Architecture Services with KTU+A and Schmidt Design Group, Inc. Since costs incurred under this agreement are funded under approved project budgets, there is no fiscal impact associated with the proposed action.

The agreement capacity increase will support the execution of the recent influx of stimulus projects from the Economic Recovery Program Appropriation (ERP), while continuing to support the execution of Capital Improvement Projects (CIP), Major Maintenance Projects (MM), and Equipment Outlay (EO) and Other Capital Projects (OC) throughout Tidelands. Work performed under this agreement is administered in accordance with District policies and procedures.

RECOMMENDATION:

Adopt a Resolution authorizing Amendment No. 4 to the Agreement with KTU+A and Amendment No. 3 to the Agreement with Schmidt Design Group, Inc. for As-Needed Landscape Architectural Services increasing the aggregate agreement amount by \$500,000 from \$800,000 to a new not-to-exceed aggregate amount of \$1,300,000, and, further, Amendment No. 3 to Schmidt Design Group also extends that contract through June 30, 2024.

FISCAL IMPACT:

Funds for the current fiscal year are included in the FY 2022 Economic Recovery Program Appropriation (ERP), FY 2019-2023 Capital Improvement Projects (CIP), FY 2022 Major Maintenance Projects (MM), and Other Capital Projects (OC) budgets. There will be no increase to the District's budgets as a result of this resolution. Funds required for future fiscal years will be budgeted for in the appropriate fiscal year and will be submitted for Board approval.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

On May 17, 2016, a Request for Quotation (RFQ) was issued for As-Needed Landscape Architecture Services and staff recommended authorizing agreements with the two highest-ranked firms, KTU+A and Schmidt Design Group, Inc.

On December 13, 2016, the Board authorized a two-year agreement with KTU+A and Schmidt Design Group, Inc., for as-needed Landscape Architecture Services, up to a combined base amount of \$200,000, necessary for implementation of the District's program budgets. Three (3) one-year extensions of \$100,000 each were granted resulting in an aggregate not-to-exceed total of \$500,000.

On November 6, 2018, the Board authorized an increase to the aggregate amount of the As-Needed Landscape Architecture Services agreement with KTU+A and Schmidt Design Group, Inc., increasing the aggregate total amount by \$300,000 from \$500,000 to the current aggregate not-to-exceed total of \$800,000 with no increase required under the FY 2019 budget. These amendments provided design services for an Urban Greening Grant project for Chula Vista Bayfront, Comfort Station and

Street End at Beach Avenue project, and North Harbor Drive Landscape Renovation near Spanish Landing.

Staff recommends that the Board adopt a resolution authorizing Amendment No. 4 to the Agreement with KTU+A (Attachment F) and Amendment No. 3 to the Agreement Schmidt Design Group, Inc. (Attachment G) for As-Needed Landscape Architectural Services increasing the aggregate agreement capacity by \$500,000 from \$800,000 to a new not-to-exceed aggregate amount of \$1,300,000, and, further, Amendment No. 3 to Schmidt Design Group also extends that contract through June 30, 2024.

The District is on track to expend or obligate \$300,000 over its current capacity of \$800,000 by December 31, 2022. An additional \$500,000 capacity for Landscape Architecture services is needed to support the preparation of construction documents for the National City Preliminary Design & Pepper Park Improvements project. This amendment may also provide the capacity to continue support the execution of Capital Improvement Projects (CIP), Major Maintenance Projects (MM), and Equipment Outlay (EO) and Other Capital Projects (OC) throughout Tidelands.

A new request for qualifications for as-needed landscape services is being prepared by staff for advertisement this year, but due to the aggressive project schedules within the ERP program, there is a need to keep the projects moving forward while staff pursues solicitations for the next round of as-needed agreements.

Board authorization of this agenda will increase the current aggregate amount of \$800,000 by \$500,000, resulting in a new aggregate not-to-exceed total of \$1,300,000 for the combined As-Needed Landscape Architecture Services agreement.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved this agenda, proposed amendments, and resolution, as presented, as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, to authorize amendment No. 04 to the combined agreement with KTU+A and Schmidt Design Group, Inc. for As-Needed Landscape Architectural Services, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of the proposed Board action requiring the District or the Board's discretionary approval resulting in a physical change to the environment would be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The exercise of this discretion is in no way limited by this proposed Board action. Therefore, no further CEQA review is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine.

Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for development, as defined in Section 30106 of the California Coastal Act, or new development, pursuant to Section 1.a. of the District's Coastal Development Permit (CDP) Regulations because there will not be, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District's CDP Regulations. Future development would remain subject to its own independent review pursuant to the District's certified CDP Regulations, Port Master Plan (PMP), and Chapters 3 and 8 of the Coastal Act. The exercise of the District's discretion under the District's CDP Regulations is in no way limited by the proposed Board action.

Diversity, Equity, and Inclusion Program:

Due to limited known sub opportunities, no SBE goal was established for this Agreement. Both KTU+A and Schmidt Design Group, Inc., are SBEs.

PREPARED BY:

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Attachment(s):

- Attachment A: Amendment No. 1 to KTU+A / Budget Increase
- Attachment B: Amendment No. 1 to Schmidt Design Group, Inc. / Budget Increase
- Attachment C: Amendment No. 2 to KTU+A / Term Extension
- Attachment D: Amendment No. 2 to Schmidt Design Group, Inc. / Term Extension
- Attachment E: Amendment No. 3 to KTU+A / Term Extension
- Attachment F: Proposed Amendment No. 4 to KTU+A
- Attachment G: Proposed Amendment No. 3 to Schmidt Design Group, Inc.