

56. Approve amendments to agreements with Ruggeri-Jensen-Azar and Associates and Kimley-Horn and Associates, Inc., to decrease annual compensation by \$100,000 and extend contract terms to June 30, 2025, and take related actions ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Community Development and Infrastructure

Subject: Amendment to Agreement -Traffic Engineering Design Consultant

Meeting Date: March 25, 2025

Formal Title: Approve amendments to agreements with Ruggeri-Jensen-Azar and Associates and Kimley-Horn and Associates, Inc., to decrease annual compensation by \$100,000 and extend contract terms to June 30, 2025, and take related actions

Recommended Actions

1. Approve amendment to agreement No. 19D0321 with Ruggeri-Jensen-Azar and Associates decreasing annual compensation by \$100,000 to a not to exceed amount of \$100,000 for fiscal year 2024-25 and extending the term until June 30, 2025, for traffic engineering design services;
2. Approve amendment to agreement No. 19D0322 with Kimley-Horn and Associates, Inc. decreasing annual compensation by \$100,000 to a not to exceed amount of \$100,000 for fiscal year 2024-25 and extending the term until June 30, 2025, for traffic engineering design services;
3. Approve work completed by the contractors since July 1, 2024;
4. Approve a one-time payment to Kimley-Hoen and Associates, Inc. for outstanding invoices for Fiscal Year 2023-24 in the amount of \$36,592.90; and
5. Authorize the Deputy CAO/Director of Community Development and Infrastructure to sign the agreements on behalf of the County.

Executive Summary

Board of Supervisors approval is requested to approve the amendments of the Independent Contractor Agreements (ICA) No. 19D0321 with Ruggeri-Jensen-Azar and Associates and ICA No. 19D0322 with Kimley-Horn and Associates, Inc. to extend the contract term to June 30, 2025, for traffic engineering design services with a not to exceed amount of \$100,000 for fiscal year 2024-25 for each contract. The contract extension is necessary to finish tasks that were not completed in the prior fiscal year and to provide staff augmentation. In addition, Auditor's fiscal procedures require the Board approval for payment of invoices from the previous fiscal year. The invoices are for professional engineering services.

Discussion

The contracts with Ruggeri-Jensen-Azar & Associates (RJA) and Kimley-Horn & Associates, Inc (KHA) are on-call contracts, and tasks are assigned to the consultants as needed. Public Works assigned tasks to the consultants in fiscal year (FY) 2024 such as traffic volume and speed surveys. The consultants performed work on these tasks after the contract expiration date of June 30, 2024.

Some of these tasks did not get completed in FY 2024. The traffic volume and speed surveys require normal traffic patterns that includes schools being in session. In order for the consultant to complete their outstanding tasks, they will need to work in FY 2025. Therefore, the contract extension is proposed to cover the period from July 1, 2024, to

June 30, 2025.

In addition, the consultants provide staff augmentation to the Traffic Engineering Section because of the tight labor market. Public Works has already had two unsuccessful rounds of recruitment. Public Works had made offers to two qualified candidates but was turned down on both cases. Public Works was recently successful in promoting an engineer to the Senior position to fill a vacant position. Staff augmentation was required to address the workload prior to the promotion.

Therefore, staff recommends that the Board retroactively extend the contracts with RJA and KHA to cover the period from July 1, 2024, to June 30, 2025. Public Works should have returned to the Board earlier for an amendment to the contract; however, staff was focused on the workload and delayed an amendment to the contract.

Public Works is in receipt of invoices for professional engineering services related to traffic from Kimley-Horn and Associates, Inc. from the 2023-2024 fiscal year that are unpaid. In order to ensure the contractor is fully compensated for their service, Board approval of a one-time payment to Kimley-Horn and Associates, Inc. in the amount of \$36,592.90 is required.

Financial Impact

The recommended contract amendments propose to extend the terms of the contracts from July 1, 2024, to June 30, 2025, with a total value of \$100,000 each. The contracts are on-call contracts and will be funded by County Service Area 9 (62115-62330). In addition, sufficient funding for a one-time payment to Kimley-Horn and Associates, Inc. in the amount of \$36,592.90 is available in County Service Area 9 (62115-62330).

Strategic Initiatives

Equity Framework - County Facilities & Infrastructure
Operational Plan - Reliable Transportation
Climate Action - Transportation

Submitted By:

Matt Machado

Recommended By:

Carlos J. Palacios, County Administrative Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

AMENDMENT NO. 3 TO INDEPENDENT CONTRACTOR AGREEMENT

NO. 19D0322

This Amendment No. 3 (“**Amendment**”) shall serve to modify the existing Independent Contractor Agreement No. 19D0322 (“**Agreement**”) between the County of Santa Cruz (“**County**”) and Kimley-Horn and Associates, Inc. (“**Contractor**”). County and Contractor may sometimes be referred to in this Amendment collectively as “**Parties**” or individually as “**Party**.”

I. Background.




- a. The Parties entered into the Agreement effective January 29, 2019.
- b. The Parties previously executed the following amendments to the Contract:
 1. Amendment No. 1, effective June 29, 2019.
 2. Amendment No. 2, effective June 28, 2024.
- c. The Parties agreed to several tasks that were postponed because of the irregular traffic patterns created by summer traffic. The tasks rely on normal traffic patterns that includes schools being in session; however, the Contractor will not be able to complete them until fiscal year 2025. The Contractor also provided staff augmentation until the vacant County staff position was filled in July 2024. Therefore, the Agreement needs to be extended, so the Contractor can complete their studies that rely on normal traffic patterns.

II Effective Date of Amendment.

- a. This Amendment shall be retroactively effective as of July 1, 2024, hereto (“Effective Date”).

III. Changes to Agreement.

- a. By executing this Amendment, the Parties agree that the Contract shall be changed in the following manner.
 1. Section 2 “Compensation” shall be decreased by \$100,000 to a new not-to-exceed total of \$100,000 annually.
 2. Section 3 “Term” shall be modified to extend the expiration of the agreement to June 30, 2025.
- b. All other existing provisions of the Contract not specifically addressed by this Amendment shall remain unchanged and in full force and effect. In the event of a conflict between the language of this Amendment and the Contract or any previous amendment of the Contract, the language of this Amendment shall control.

<u>KIMLEY-HORN AND ASSOCIATES, INC.</u> (“Contractor”)	COUNTY OF SANTA CRUZ (“County”)
<p>[Signature of person signing for Contractor]</p> <div data-bbox="321 489 500 579"> <p>Signed by:</p>  <p>3DA2F372152341F...</p> </div> <p style="text-align: right;">3/14/2025</p> <hr/> <p>Frederik Venter, Vice President Date</p> <p>2</p>	<p>Matt Machado</p> <p>Deputy CAO, Director of Community Development and Infrastructure</p> <hr/> <p style="text-align: right;">Date</p> <p>4</p>
<p>Address: 100 West San Fernando Street San Jose, CA 95113</p> <p>Telephone: (669) 800-4146</p> <p>Fax:</p> <p>Email: frederik.venter@kimley-horn.com</p>	<p>Approved as to Form:</p> <div data-bbox="922 709 1182 800"> <p>Signed by:</p>  <p>D52DC6AA0E74498...</p> </div> <p style="text-align: right;">3/5/2025</p> <hr/> <p>Office of County Counsel Date</p> <p>1</p>
<p>DISTRIBUTION: Community Development and Infrastructure Contractor</p>	<p>Approved as to Insurance:</p> <div data-bbox="922 926 1117 1016"> <p>Signed by:</p>  <p>E4EADC5BA53B4DB...</p> </div> <p style="text-align: right;">3/15/2025</p> <hr/> <p>Risk Management Date</p> <p>3</p>

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	Santa Cruz, CA 95060
	Rosa.Ortiz-Rocha@santacruzcountyca.gov
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Signer Events

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Signed by:



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Frederik Venter


frederik.venter@kimley-horn.com

SVP, PE # 64621

Kimley-Horn and Associates, Inc

Security Level: Email, Account Authentication (None)

Signed by:



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ID: 1e9473dc-0f02-4d3c-9012-c04f0ecfe6ca

Gina Borasi

Gina.Borasi@santacruzcountyca.gov

Risk Manager

County of Santa Cruz

Security Level: Email, Account Authentication (None)

Signed by:



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Signature Adoption: Pre-selected Style

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Rosa Ortiz-Rocha

rosa.ortiz-rocha@santacruzcountyca.gov

Executive Secretary

County of Santa Cruz

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Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Santa Cruz

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.

**AMENDMENT NO. 3 TO INDEPENDENT CONTRACTOR AGREEMENT NO.
19D0321**

This Amendment No. 2 (“**Amendment**”) shall serve to modify the existing Independent Contractor Agreement No. 19D0321 (“**Agreement**”) between the County of Santa Cruz (“**County**”) and Ruggeri-Jensen-Azar and Associates (“**Contractor**”). County and Contractor may sometimes be referred to in this Amendment collectively as “**Parties**” or individually as “**Party**.”

I. Background.

- a. The Parties entered into the Agreement effective January 29, 2019.
- b. The Parties previously executed the following amendments to the Contract:
 1. Amendment No. 1, effective June 29, 2021.
 2. Amendment No. 2, effective June 28, 2023.
- c. The Parties agreed to several tasks that were postponed because of the irregular traffic patterns created by summer traffic. The tasks rely on normal traffic patterns that includes schools being in session; however, the Contractor will not be able to complete them until fiscal year 2025. The Contractor also provided staff augmentation until the vacant County staff position was filled in July 2024. Therefore, the Agreement needs to be extended, so Contractor can complete their studies that rely on normal traffic patterns.

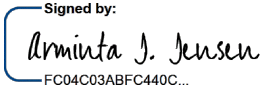
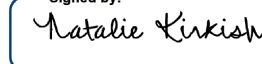

II. Effective Date of Amendment.

- a. This Amendment shall be retroactively effective as of July 1, 2024, hereto (“Effective Date”).

III. Changes to Agreement.

- a. By executing this Amendment, the Parties agree that the Contract shall be changed in the following manner.
 1. Section 2 “Compensation” shall be decreased by \$100,000 to a new not-to-exceed total of \$100,000 annually.
 2. Section 3 “Term” shall be modified to extend the expiration of the agreement to June 30, 2025.
- b. All other existing provisions of the Contract not specifically addressed by this Amendment shall remain unchanged and in full force and effect. In the event of a conflict between the language of this Amendment and the Contract or any previous amendment of the Contract, the language of this Amendment shall control.

IN WITNESS WHEREOF, the Parties have executed this Amendment by their duly authorized officers or representatives.

<u>RUGGERI-JENSEN-AZAR AND ASSOCIATES</u> ("Contractor")	COUNTY OF SANTA CRUZ ("County")
<p>[Signature of person signing for Contractor]</p> <p>Signed by:  FC04C03ABFC440C... 3/14/2025</p> <p>Armintha J. Jensen, Executive VP Date 2</p>	<p>Matt Machado</p> <p>Deputy CAO, Director of Community Development and Infrastructure</p> <p>_____</p> <p>Date</p> <p>4</p>
<p>Address: 8055 Camino Arroyo Gilroy, CA 95020</p> <p>Telephone: (408) 848-0300</p> <p>Fax: (408) 848-0302</p> <p>Email: AJensen@rja-gps.com</p>	<p>Approved as to Form:</p> <p>Signed by:  D52DC6AA0E74498... 3/10/2025</p> <p>Office of County Counsel Date 1</p>
<p>DISTRIBUTION: Community Development and Infrastructure Contractor</p>	<p>Approved as to Insurance:</p> <p>Signed by:  E4EADC5BA53B4DB... 3/15/2025</p> <p>Risk Management Date 3</p>

Certificate Of Completion

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	Santa Cruz, CA 95060
	Rosa.Ortiz-Rocha@santacruzcountyca.gov
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Record Tracking

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Signer Events

Signature	Timestamp
<p>Natalie Kirkish</p> <p>Natalie.Kirkish@santacruzcountyca.gov</p> <p>County Counsel</p> <p>Security Level: Email, Account Authentication (None)</p>	<p>Sent: 3/6/2025 2:47:40 PM</p> <p>Viewed: 3/10/2025 9:12:32 AM</p> <p>Signed: 3/10/2025 9:13:00 AM</p>

Signed by:



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Signature Adoption: Pre-selected Style

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Arminta J. Jensen

AJensen@rja-gps.com

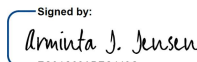
Exec. Vice Pres

Security Level: Email, Account Authentication (None)

Signature Adoption: Pre-selected Style

Using IP Address: 47.47.91.170

Signed by:



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Resent: 3/14/2025 10:52:16 AM

Viewed: 3/14/2025 11:19:21 AM

Signed: 3/14/2025 12:01:46 PM

Electronic Record and Signature Disclosure:

Accepted: 3/10/2025 9:17:43 AM

ID: 7d799bab-cec4-45ee-b0f8-e936d68ae463

Gina Borasi

Gina.Borasi@santacruzcountyca.gov

Risk Manager

County of Santa Cruz

Security Level: Email, Account Authentication (None)

Signature Adoption: Pre-selected Style

Using IP Address: 24.6.202.106

Signed by:



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Sent: 3/14/2025 12:01:47 PM

Viewed: 3/15/2025 1:35:33 PM

Signed: 3/15/2025 1:36:53 PM

Electronic Record and Signature Disclosure:

Accepted: 12/18/2023 9:38:58 AM

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Rosa Ortiz-Rocha

rosa.ortiz-rocha@santacruzcountyca.gov

Executive Secretary

County of Santa Cruz

Security Level: Email, Account Authentication (None)

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Viewed: 3/17/2025 8:52:30 AM

Electronic Record and Signature Disclosure:

Accepted: 1/29/2024 10:02:47 AM

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Payment Events	Status	Timestamps

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Santa Cruz

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.