

## ITEM 4.10

### **CITY MANAGER'S REPORT DECEMBER 14, 2020 CITY COUNCIL REGULAR MEETING**

**ITEM:** **APPROVE TASK ORDER NO. 19 WITH 4LEAF, INC., FOR PROFESSIONAL CONSULTING SERVICES IN THE BUILDING DIVISION**

**RECOMMENDATION:** **Adopt Resolution Approving Task Order No. 19 Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015, with 4Leaf, Inc., to provide Professional Consulting Services in the Building Division**

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#### **SUMMARY:**

On September 21, 2015, City Council approved a Master Professional Services Consulting Agreement for various professional services in the Building Division. On May 13, 2019, City Council approved an extension to the Master Professional Services Consulting Agreement through June 30, 2021. A series of various task orders have been previously approved to provide various professional services within the Building Division, such as professional building inspection, and plan checking.

Due to the increase in building activity, continued professional services in the Building Division are needed to process building permits, collect fees and perform in-house plan checks. These services allow the City to quickly process complex structural plan checks for major commercial, industrial and residential projects.

Tonight, staff is requesting City Council approval of Task Order No. 19 with 4Leaf, Inc., to provide continued professional consultant services for an amount not to exceed \$156,000. Sufficient funds have been included in fiscal year 2020-21 approved budget and will be paid from funds allocated in the Building Division professional services.

#### **BACKGROUND:**

The City anticipates the need for additional professional services in the Building Division for a specialized Building Inspector to handle complex jobs to keep pace with ongoing development. When building activity exceeds staff resources, we use the services of outside consultants, including 4Leaf, Inc. to provide professional building services. Due to the increased building activity, there continues to be a need for continued professional services.

The City recovers its costs to provide building services for active construction projects by charging a construction permit fee collected when building permits are issued. These services are fully funded in the Building Division budget and offset by revenue received from building permits.

**CITY MANAGER'S REPORT** **PAGE 2**  
**DECEMBER 14, CITY COUNCIL REGULAR MEETING**  
**APPROVE TASK ORDER NO. 19 WITH 4LEAF, INC., TO PROVIDE**  
**PROFESSIONAL CONSULTING SERVICES**

Below is a summary table of previously approved task orders to date:

Task Order No.	Date Approved	Work Scope Description
1	09/21/15	Staff Augmentation
2	09/21/15	Plan Check Services
3	07/18/16	Plan Check Services
4	10/17/16	Plan Check Services
5	12/05/16	Inspection Services
6	06/19/17	Plan Check Services
7	06/19/17	Inspection Services
8	01/29/18	Chief Building Official
9	06/11/18	Chief Building Official
10	06/21/18	Inspection Services
11	10/08/18	Plan Check Services
12	05/13/19	Inspection Services
13	05/13/19	Staff Augmentation Services
14	6/10/2019	Interim Chief Building Official
15	10/14/2019	Professional Services
16	12/9/2019	Staff Augmentation Services
17	10/12/2020	Interim Chief Building Official
18	11/9/2020	Inspection Services

**REASON FOR RECOMMENDATION:**

Additional professional services are needed in the Building Division to keep up with the continued increase in construction activity related to capital improvement, private land development, and residential, commercial and industrial projects. The ability to use the services of outside consultants makes it possible to continue providing timely response times to our residents, businesses and developers.

**FISCAL IMPACT:**

The cost of the task order is not to exceed \$156,000 and will be paid on a time and material basis. Sufficient funds have been included in fiscal year 2020-21 approved budget and will be paid from funds allocated in the Building Division professional services.

**ATTACHMENTS:**

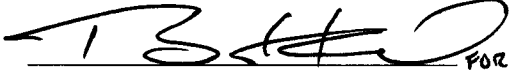
- A. Resolution Approving Task Order No. 19 Pursuant to Master Consulting Agreement dated September 21, 2015 with 4Leaf, Inc. to provide Professional Consulting Services in the Building Division
- B. Task Order No. 19 Pursuant to Master Consulting Agreement dated September 21, 2015 with 4Leaf, Inc. to provide Professional Consulting Services in the Building Division

**CITY MANAGER'S REPORT**  
**DECEMBER 14, CITY COUNCIL REGULAR MEETING**  
**APPROVE TASK ORDER NO. 19 WITH 4LEAF, INC., TO PROVIDE STAFF**  
**AUGMENTATION SERVICES IN THE BUILDING DIVISION**

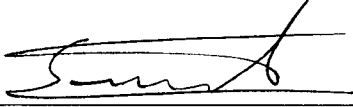
**APPROVALS:**

  
\_\_\_\_\_  
Michael King  
Public Works Director

12/3/2020  
Date

  
\_\_\_\_\_  
Cari James FOR C.J.  
Director of Finance & Administrative  
Services

12-3-20  
Date

  
\_\_\_\_\_  
Salvador Navarrete  
City Attorney

12-3-2020  
Date

  
\_\_\_\_\_  
Stephen J. Salvatore  
City Manager

12.7.2020  
Date

**RESOLUTION NO. 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING TASK ORDER NO. 19 PURSUANT TO MASTER PROFESSIONAL SERVICES CONSULTING AGREEMENT DATED SEPTEMBER 21, 2015, WITH 4LEAF, INC., TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE BUILDING DIVISION**

**WHEREAS**, due to the increased building activity, there continues to be a need for continued professional consulting services; and

**WHEREAS**, 4Leaf has the qualifications necessary to provide additional professional services in the Building Division; and

**WHEREAS**, on September 21, 2015, City Council approved a Master Professional Services Consulting Agreement for various professional services in the Building Division and on May 13, 2019, City Council approved an extension to the Master Professional Services Consulting Agreement through June 30, 2021; and

**WHEREAS**, a series of various task orders have been previously approved to provide various professional services within the Building Division, such as professional building inspection, and plan checking; and

**WHEREAS**, tonight, staff is requesting City Council approval of Task Order No. 19 with 4Leaf, Inc., to provide continued professional consulting services in the Building Division for an amount not to exceed \$156,000; and

**WHEREAS**, sufficient funds have been included in fiscal year 2020-21 approved budget and will be paid from funds allocated in the Building Division professional services.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Lathrop does hereby approve Task Order No. 19 Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015, with 4Leaf, Inc., to provide Professional Consulting Services in the Building Division.

The foregoing resolution was passed and adopted this 14<sup>th</sup> day of December 2020, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSTAIN:

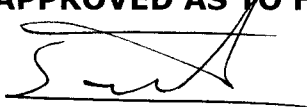
ABSENT:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Salvador Navarrete, City Attorney

**CITY OF LATHROP**

**TASK ORDER NO. 19**

**PURSUANT TO MASTER CONSULTING AGREEMENT DATED  
SEPTEMBER 21, 2015 WITH 4LEAF, INC.**

**TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE  
BUILDING DIVISION**

**THIS TASK ORDER NO. 19** dated for convenience this **14<sup>th</sup> day of December 2020** is by and made and entered into by and between **4LEAF, Inc.** (“CONSULTANT”) and the CITY OF LATHROP, a California municipal corporation (“CITY”);

**RECITALS:**

**WHEREAS**, on September 21, 2015, CONSULTANT entered into a Master Agreement with the CITY, and parties approved an extension of the term to June 30, 2021 pursuant to an Amendment No. 2 to the Master Agreement dated May 13, 2019 (“AGREEMENT”) by which the CONSULTANT has agreed to provide Interim Chief Building Official Consultant Services; and

**WHEREAS**, CONSULTANT is specially trained, experienced, and competent to Provide Professional Consulting Services, which are required by this agreement; and

**WHEREAS**, CITY selected the CONSULTANT pursuant to said qualifications; and

**WHEREAS**, CONSULTANT is willing to render such Professional Consulting Services, as hereinafter defined, on the following terms and conditions.

**NOW, THEREFORE**, CONSULTANT and the CITY agree as follows:

**AGREEMENT**

(1) **Incorporation Of Master Agreement**

This Task Order hereby incorporates by reference all terms and conditions set forth in the Master Agreement for Consulting Services for this project, unless specifically modified by this Task Order.

(2) **Scope of Service**

CONSULTANT agrees to perform Professional Consulting Services in accordance with the scope of work and fee proposal provided in Exhibit “A” to this Task Order.

**CITY OF LATHROP – TASK ORDER NO. 19 WITH 4LEAF INC., TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE BUILDING DIVISION**

CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to the CITY'S satisfaction.

(3) **Effective Date and Term**

The effective date of this **Task Order No. 19 is December 14, 2020**, and it shall terminate no later than **June 30, 2021**.

(4) **Compensation**

CITY hereby agrees to pay CONSULTANT hourly rates and other charges detailed in **Exhibit "A"** up to a total sum not to exceed **\$156,000** to provide Professional Consulting Services. CONSULTANT shall be paid any uncontested sum due and payable within thirty (30) days of receipt of billings containing all information pursuant to Paragraph 5 in the Master Consulting Agreement Dated September 21, 2015.

(5) **Notice to Proceed**

Prior to commencing work under this agreement, CONSULTANT shall receive a written "Notice to Proceed" from CITY. A Notice to Proceed shall not be issued until all necessary insurance have been received. City shall not be obligated to pay CONSULTANT for any services rendered prior to issuance of the Notice to Proceed.

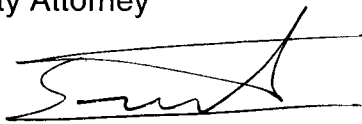
(6) **Signatures**

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

**CITY OF LATHROP – TASK ORDER NO. 19 WITH 4LEAF INC., TO PROVIDE PROFESSIONAL CONSULTING SERVICES IN THE BUILDING DIVISION**

Approved as to Form:

City of Lathrop  
City Attorney



12-3-2020

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Salvador Navarrete Date

Recommended for Approval:

City of Lathrop  
Public Works Director

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Michael King Date

Approved by:

City of Lathrop  
390 Towne Centre Drive  
Lathrop, CA 95330

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Stephen J. Salvatore Date  
City Manager

CONSULTANT:

4 Leaf Inc.  
2126 Rheem Drive, Suite A  
Pleasanton, CA 94588  
Fed ID # 94-3393574  
Bus License # 20088

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Signature Date

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Kevin J. Duggan, President  
(Print Name and title)





**2020-21 FEE SCHEDULE & BASIS OF CHARGES**

For the City of Lathrop

All Rates are Subject to Basis of Charges

Plan Check Services	Fee for 1 <sup>st</sup> review and two (2) subsequent rechecks	Hourly rate for on-site and/or greater than three (3) reviews off-site (with authorization from Director):
Life Health Safety, Structural, ADA Requirements, and Title 24 Energy Requirement Plan Checks	70% of City fee	\$129/hour structural \$105/hour non-structural
Plumbing/Mechanical/Electrical Only Plan Checks	40% of City fee	\$105/hour non-structural
Structural Only Plan Checks	40% of City fee	\$129/hour structural

**Additional Building Department Services**

Senior Combination Building Inspector .....	\$105/hour
Commercial Building Inspector .....	\$105/hour
Residential Building Inspector .....	\$95/hour
Training Building Inspector .....	\$85/hour
Code Enforcement .....	\$95/hour
Senior Permit Technician .....	\$75/hour
Permit Technician .....	\$68/hour
Administrative Support .....	\$63/hour
On-Site Plan Review Engineer .....	\$129/hour
On-Site Non-Structural Plans Examiner .....	\$105/hour
Fire Review .....	\$160/hour
Inspector of Record (including DSA or OSHPD) .....	\$135/hour
Public Works Inspector .....	\$155/hour
Interim Chief Building Official .....	\$135/hour
CASp Inspection .....	\$155/hour
Off-Site Project Manager .....	\$165/hour
Principal-in-Charge .....	\$185/hour
Hourly overtime charge per inspector .....	1.5 x hourly rate
Mileage (for inspections performed within the City) .....	IRS Rate+ 20%



## **BASIS OF CHARGES**

Rates are inclusive of “tools of the trade” such as forms, telephones, and consumables.

- All invoicing will be submitted monthly.
- Staff Augmentation work (excluding plan review) is subject to 4-hour minimum charges unless stated otherwise.
- Most fire plan reviews will be done within 10 business days and within 5 business days for re-checks. This is not inclusive of holidays or the day of the pick-up of plans.
- Expedited reviews will be billed 45% of the plan check fee collected by the City, return time will be within seven (7) days of receipt of the plans from the City.
- Plan review of deferred submittals & revisions will be billed at the hourly rates listed above.
- All plan review services will be subject to a \$250.00 minimum fee if percentage-based fee or two (2) hour minimum charge if hourly rates apply.
- 4LEAF assumes that these rates reflect the 2020-2021 contract period. 3% escalation for 2021/2022 is negotiable per market conditions. See Attachment A for reference to a 3% escalation for 2021/2022 if escalation is enacted.
- Overtime and Premium time will be charged as follows:
  - *Regular time (work begun after 5AM or before 4PM)* *1 x hourly rate*
  - *Nighttime (work begun after 4PM or before 5AM)* *1.125 x hourly rate*
  - *Overtime (over 8-hour M-F or Saturdays)* *1.5 x hourly rate*
  - *Overtime (over 8 hours Sat or 1<sup>st</sup> 8-hour Sun)* *2 x hourly rate*
  - *Overtime (over 8 hours Sun or Holidays)* *3 x hourly rate*
- Overtime will only be billed with prior authorization of designated Authority personnel.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Mileage driven during Inspections will be charged at cost plus 20%.
- Payment due on receipt. All payments over 30 days will be assessed a 1.5% interest charge.
- Client shall pay attorneys’ fees, or other costs incurred in collecting delinquent amounts.
- Client agrees that 4LEAF’s liability will be limited to the value of services provided.