

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

November 5, 2024

FROM

MARK WARDLAW, Director, Land Use Services Department

SUBJECT

Contracts for On-Call Building and Safety Services

RECOMMENDATION(S)

Approve agreements, including non-standard terms, for the provision of on-call Building and Safety plan review, permit inspection, emergency response, and special projects services with the following vendors, in an aggregate amount not to exceed \$7,500,000, for the period of November 5, 2024, through November 4, 2027, with two one-year options to extend the term:

1. 4LEAF, Inc., **Contract No. 24-1067**
2. BPR Consulting Group LLC, **Contract No. 24-1068**
3. Bureau Veritas North America, Inc., **Contract No. 24-1069**
4. Hayer Consultants, Inc., **Contract No. 24-1070**
5. Interwest Consulting Group, Inc., **Contract No. 24-1071**
6. Jason Addison Smith Consulting Services, Inc. DBA JAS Pacific, **Contract No. 24-1072**
7. J. Lee Engineering, Inc., **Contract No. 24-1073**
8. Shums Coda Associates, Inc., **Contract No. 24-1074**
9. The Code Group, Inc. DBA VCA Code, **Contract No. 24-1075**
10. West Coast Code Consultants, Inc., **Contract No. 24-1076**
11. Willdan Engineering, **Contract No. 24-1077**

(Presenter: Mark Wardlaw, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health, and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Expenditures with each contractor will vary depending on the type and frequency of services needed to meet plan review, inspection, emergency response, and special project requests. The annual cost is estimated to be \$2,500,000, for an aggregate total not to exceed \$7,500,000, for the period of October 8, 2024, through October 7, 2027. These costs are recovered in full through project billings and service fees approved annually by the Board of Supervisors (Board). Sufficient appropriation and revenue to fund these agreements is included in the Land Use Services Department (LUS) Building and Safety Division (BNS) 2024-25 budget and will be included in future recommended budgets.

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BACKGROUND INFORMATION

BNS is responsible for the enforcement of Building Standards adopted by the County and the State of California. Approval of this item will allow LUS to utilize on-call professional service providers to complete plan review, inspection, emergency response, and special project requests on an as-needed basis to support County staff during times of increased workload or staff turnover to ensure continued building code compliance for the protection of public health, safety, and welfare in the County's unincorporated areas. The on-call service providers will be utilized to maintain consistent and uninterrupted service levels.

The agreements with 4LEAF, Inc. and Interwest Consulting Group, Inc., contain terms that differ from the standard County Contract. The non-standard terms include the following:

1. The agreement with 4LEAF, Inc., allows the vendor to unilaterally select counsel for any claim covered by its defense obligations without the approval of the County. The agreement with Interwest Consulting Group, Inc., requires the County's approval of counsel from an insurance carrier's panel of counsel and limits indemnification obligation to the vendor's determined percentage of fault.
 - The County standard contract requires defense counsel be reasonably approved by the County and the indemnification obligations apply to the County's own active negligence.
 - Potential Impact: In the event a claim arises the County will have no control in the selection of counsel with claims arising out of the agreement with 4LEAF, Inc., and limited selection of counsel with claims arising out of the agreement with Interwest Consulting Group, Inc. In the event the County's activity negligence is determined the cause or partial cause of the claim, the County will not be entitled to indemnification for its own negligent acts.

LUS recommends the Board approval of these agreements, including the agreement with non-standard terms, in order to ensure the County maintains a sufficient number of qualified vendors to meet the needs of county residents in cases of high workload and emergency response.

PROCUREMENT

On July 2, 2024, Request for Proposal (RFP) No. LUSD24-LUS-5477 was released through the County's Electronic Procurement Network (ePro) to identify qualified vendors for on-call plan review, inspection, emergency response, and special projects services. On July 23, 2024, LUS received proposals from the following 12 vendors:

Vendor	Location
4LEAF, Inc.	San Bernardino, CA
BPR Consulting Group LLC	Riverside, CA
Bureau Veritas North America, Inc.	Pasadena, CA
Freedom Support Services, Inc.	Yucaipa, CA
Hayer Consultants, Inc.	Lakewood, CA
Interwest Consulting Group, Inc.	Ontario, CA
Jason Addison Smith Consulting Services, Inc. DBA JAS Pacific	Upland, CA
J. Lee Engineering, Inc.	Alhambra, CA
Shums Coda Associates, Inc.	Pleasanton, CA
The Code Group, Inc. DBA VCA Code	Orange, CA
West Coast Code Consultants, Inc.	Oceanside, CA
Willdan Engineering	San Bernardino, CA

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A five-member committee of subject matter experts from LUS evaluated 12 proposals for qualifications and experience, technical review, references, and costs. Based on this evaluation, LUS has determined that 11 of the 12 proposals met the RFP requirements and are most qualified to provide the needed services. On October 23, 2024, the Notice of Intent to Award letters were sent to all selected vendors. No protests were received during the 10-day appeal/protest period.

LUS recommends the Board award contracts to the following 11 most qualified and responsible bidders: 4LEAF, Inc., BPR Consulting Group LLC, Bureau Veritas North America, Inc., Hayer Consultants, Inc., Interwest Consulting Group, Inc., Jason Addison Smith Consulting Services, Inc., DBA JAS Pacific, JLee Engineering, Inc., Shums Coda Associates, Inc., The Code Group, Inc., DBA VCA Code, West Coast Code Consultants, Inc., and Willdan Engineering, Inc. LUS will assign two vendors per district, with one serving as the primary and the other as backup, rotating annually based on availability to provide requested services. This approach ensures balanced workloads and consistent service delivery across vendors.

The Purchasing Department supports this competitive procurement based on the formal solicitation described above.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Supervising Deputy County Counsel, 909-387-5455) on September 13, 2024; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on September 16, 2024; Finance (Penelope Chang, Administrative Analyst III, 387-4886) on September 16, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 23, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 5, 2024



cc: LUSD - Alvarez w/agrees
Contractor - c/o LUSD w/agree
File - w/agree
CCM 11/7/2024