



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JANUARY 7, 2020

FROM: FIRE DEPARTMENT WARD: ALL

SUBJECT: PROFESSIONAL SERVICES CONTRACT WITH THE CALIFORNIA ASSOCIATION OF ENVIRONMENTAL HEALTH ADMINISTRATORS FOR THE PROVISION OF CERTIFIED UNIFIED PROGRAM AGENCY INSPECTIONS THROUGH NOVEMBER 5, 2020 FOR AN INITIAL AMOUNT OF \$100,000, WITH AN OPTION TO INCREASE BY AN ADDITIONAL \$100,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$200,000, IN ACCORDANCE WITH PURCHASING RESOLUTION NO. 23256 SECTION 702(C)

ISSUES:

Approve the Professional Services Contract with the California Association of Environmental Health Administrators for the provision of the Certified Unified Program Agency inspections through November 5, 2020 for an initial amount of \$100,000 in accordance with Section 702(c) of Purchasing Resolution No. 23256 with an option to increase the amount by an additional \$100,000, for a total contract amount not to exceed \$200,000.

RECOMMENDATIONS:

That the City Council:

1. Approve the Professional Services Contract with the California Association of Environmental Health Administrators for the provision of the Certified Unified Program Agency inspections through November 5, 2020 for an initial amount of \$100,000 with an option to increase by an additional \$100,000, for a total contract amount not to exceed \$200,000 in accordance with Section 702(c) of Purchasing Resolution No. 23256; and
2. Authorize the City Manager, or designee, to execute the Contract with the California Association of Environmental Health Administrators, including making minor and non-substantive changes and to execute amendments to increase the contract compensation up to an additional \$100,000 if needed and subject to the availability of program funds.

BACKGROUND:

Due to an increase in Hazardous Materials incidents over the past several years, regulatory programs and legislature have been implemented that impacted the business communities. In an effort to streamline this process, hazmat regulations were consolidated under one program called the Certified Unified Program Agencies (CUPA). The program consolidates the administration,

permit, inspection, and enforcement activities of the following environmental and emergency management programs: Aboveground Petroleum Storage Act (APSA) Program; Area Plans for Hazardous Materials Emergencies, California Accidental Release Prevention (CalARP) Program, Hazardous Materials Release Response Plans and Inventories (Business Plans), Hazardous Material Management Plan (HMMP) and Hazardous Material Inventory Statements (HMIS) (California Fire Code), Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs and Underground Storage Tank Programs. The Riverside County Department of Environmental Health (RCDEH) Hazardous Materials Branch is responsible for overseeing the six (6) hazardous materials programs in the County of Riverside.

CUPA initially gave local jurisdictions an option to become either an Administering Agency or a Participating Agency. The City of Riverside Fire Department (RFD) has been a participating agency since 1998. As a participating agency, the RFD Fire Prevention Bureau is required to develop and implement a program for administering, permitting, inspecting and enforcement of the storage of hazardous materials. Aspects of the program include:

1. Required inspections on a tri-annual basis which is once every three years; and
2. A reconciliation of costs to administer the program.

As a result, the County of Riverside Department of Public Health implements a single fee billing system which incorporates fees and surcharges necessary to cover the costs incurred by the City to implement the program outlined in the attached Certified Unified Program Agreement.

DISCUSSION:

One of the elements of the Agreement ascertains that RCDEH has the authority to conduct evaluations of the partner agencies to ensure compliance. In August 2017, RCDEH conducted an audit on RFD which found that the tri-annual storage of hazardous materials inspections were backlogged. The backlog of inspections was primarily due to vacancies within the department, including the Deputy Fire Marshal vacancy and Fire Inspector vacancies. While the positions were filled during the FY 2018/2019 budget cycle, RCDEH provided a deadline of February 5, 2019 for all storage of hazardous materials inspections to be completed.

The inspections were completed in accordance with the deadline, however, there is still a need to complete additional inspections. Considering the amount and complexity of the inspections that are required to be completed, the Fire Prevention Bureau has identified that the workload exceeds the capacity of current fire inspectors and is requesting the onboarding of the contract experts to complete the inspections.

Due to the impending deadline, the RFD Fire Prevention Bureau is recommending a contract with the California Association of Environmental Health Administrators (CAEHA) be approved pursuant to Purchasing Resolution 23256, Section 702(c) which states that competitive procurement through the formal or informal procurement process shall not be required "When the Procurement can only be obtained from a sole source or timely from a single source and the Purchasing Manager is satisfied that the best price, terms and conditions for the Procurement thereof have been negotiated." Contracting these services will allow RFD to dedicate resources to conduct the inspections and maintain compliance. Additionally, the nature of the work requires subject matter expertise to complete the inspections, which only CAEHA can provide.

The Purchasing Manager concurs with the recommendation and that this procurement is in compliance of Purchasing Resolution No. 23256, Section 702(c).

FISCAL IMPACT:

The total fiscal impact of the inspection services is a not to exceed amount of \$200,000. Sufficient funding is available in the restricted CUPA fund account 3525001 in Fund 215 – Grants and Restricted Programs.

Prepared by: Michael Moore, Fire Chief
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
Approved by: Lea Deesing, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachment: Professional Services Contract between the City of Riverside and California Association of Environmental Health Administrators for the Provision of Certified Unified Program Agencies (CUPA) Inspections