

ITEM 4.12

CITY MANAGER'S REPORT DECEMBER 11, 2023 CITY COUNCIL REGULAR MEETING

ITEM: **APPROVE TASK ORDER NO. 33 WITH 4LEAF, INC. FOR PLAN CHECK SERVICES FOR THE BUILDING DEPARTMENT**

RECOMMENDATION: **Adopt Resolution Approving Task Order No. 33 with 4LEAF, Inc., to provide Plan Check Services for the Building Department Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015 with 4LEAF, Inc**

SUMMARY:

Due to the continued increase in construction and development activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff has requested a proposal from 4LEAF, Inc. (4LEAF), to continue to provide professional services in the Building Department. A series of task orders were previously approved to provide various professional services within the Building Department, such as professional building inspection, plan checking, and permitting services.

Staff is requesting City Council approval of Task Order No. 33 with 4LEAF for continued professional consultant services to provide Plan Check Services for an amount not to exceed \$400,000, which will only be paid if revenue has been received.

Sufficient funds are allocated in the Building Department fiscal year budget 23/24, and plan check services will be fully funded by building plan check fees assessed and collected prior to permit issuance.

BACKGROUND:

The Building Department is responsible for the permitting and inspection of construction (including but not limited to; new construction, additions, alterations, repairs, and remodeling) throughout the City's building permitting jurisdiction as required by the California Building Codes. The Building Department enforces the California Building Codes and the Lathrop Municipal Code.

Due to the continued increase in construction activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff requested a proposal from 4LEAF to provide continued professional services in the Building Department.

The City recovers its costs to provide building plan check services for active construction projects by charging building plan check fees assessed and collected prior to permit issuance. These services are fully funded in the Building Department budget and offset by revenue received from building permits.

CITY MANAGER’S REPORT **PAGE 2**
DECEMBER 11, 2023 CITY COUNCIL REGULAR MEETING
APPROVAL OF TASK ORDER NO. 33 WITH 4LEAF, INC. TO PROVIDE PLAN
CHECK SERVICES FOR THE BUILDING DEPARTMENT

Table 1 below provides a summary of the previously approved task orders with 4LEAF to date.

Table 1 – Summary of Previously Approved Task Orders

Task Order No.	Approved	Building Department Work Scope Description
1,2	2015	Staff Augmentation, Plan Check Services
3-5	2016	Plan Check & Inspection Services
6,7	2017	Plan Check & Inspection Services
8-11	2018	Interim Chief Building Official (CBO), Plan Check & Inspection Services
12-16	2019	Plan Check & Inspection Services, Interim CBO, Professional Services
17-24	2020-2021	Interim CBO, Inspection Services
25-30	2022	Interim CBO, Plan Check & Inspection, Code Enforcement Services

REASON FOR RECOMMENDATION:

Continued professional services are needed for the Building Department to keep up with the continued increase in construction activity related to capital improvement, private land development, and residential, commercial and industrial projects.

FISCAL IMPACT:

The cost of Task Order No. 33 is not to exceed \$400,000 and will be paid on a percentage and/or hourly basis of 2023-2024 billing rates, and will only be paid if revenue has been received. Sufficient funds are allocated in G/L account 2015-50-30-420-01-00 for the fiscal year 23/24 adopted budget.

ATTACHMENTS:

- A. Resolution Approving Task Order No. 33 with 4LEAF, Inc., to provide Plan Check Services for the Building Department Pursuant to Master Professional Services Consulting Agreement dated September 21, 2015 with 4LEAF, Inc.
- B. Task Order No. 33 Pursuant to Master Consulting Agreement dated September 21, 2015 with 4LEAF, Inc. to provide Building Plan Check Services


CITY MANAGER'S REPORT
DECEMBER 11, 2023 CITY COUNCIL REGULAR MEETING
APPROVAL OF TASK ORDER NO. 33 WITH 4LEAF, INC. TO PROVIDE PLAN
CHECK SERVICES FOR THE BUILDING DEPARTMENT

APPROVALS:



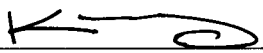
Ed Short
Chief Building Official

11-29-2023
Date




Cari James
Finance Director

11/29/2023
Date



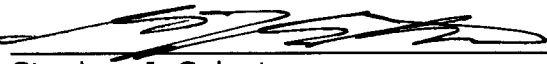
Michael King
Assistant City Manager

11.29.2023
Date



Salvador Navarrete
City Attorney

11-28-2023
Date



Stephen J. Salvatore
City Manager

12.6.23
Date

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING TASK ORDER NO. 33 WITH 4LEAF, INC., TO PROVIDE PLAN CHECK SERVICES IN THE BUILDING DEPARTMENT PURSUANT TO MASTER PROFESSIONAL SERVICES CONSULTING AGREEMENT DATED SEPTEMBER 21, 2015 WITH 4LEAF, INC.

WHEREAS, due to the continued increase in construction activity related to capital improvement, private land development, residential, commercial, and industrial projects, staff requested two proposals from 4LEAF to provide continued professional services in the Building Department; and

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

WHEREAS, the City contracts professional personnel services in the Building Department in order to keep pace with ongoing construction activity; and

WHEREAS, the cost of Task Order No. 33 for Plan Check Services is for an amount not to exceed \$400,000 and will be paid on a percentage and/or hourly basis; and

WHEREAS, sufficient funds have been included in fiscal year 2023-24 adopted budget and will be paid from funds allocated in G/L account 2015-50-30-420-01-00; and

WHEREAS, the proposed Task Order No. 33 will be fully funded by plan check fees collected from development and costs for plan check services will only be paid if the revenue has been received.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop does hereby approve Task Order No. 33 for an amount not to exceed \$400,000 with 4LEAF, Inc. to provide continued professional consultant services in the capacity of Plan Check for the Building Department.

The foregoing resolution was passed and adopted this 11th of December 2023, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

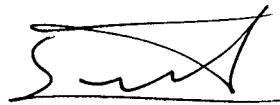
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

CITY OF LATHROP

ATTACHMENT " B "

TASK ORDER NO. 33

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

TO PROVIDE BUILDING PLAN CHECK SERVICES

THIS TASK ORDER NO. 33 dated for convenience this **11th day of December 2023** 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 Amendment No. 2, dated June 30, 2019. On March 8, 2021, City Council approved an extension of the term to June 30, 2023 pursuant to Amendment No.3. On July 14, 2023, City Council approved an extension of the term to June 30, 2024 pursuant to Amendment No.4 ("MASTER AGREEMENT"), by which the CONSULTANT has agreed to perform building professional services; and

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform Building Plan Check Services, which are required by this Task Order No. 33; and

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

WHEREAS, CONSULTANT is willing to render such Building Plan Check 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 Building Plan Check Services in accordance with the scope of work and fee proposal provided in Exhibit "A"

CITY OF LATHROP – TASK ORDER NO. 33 WITH 4LEAF INC. TO PROVIDE BUILDING PLAN CHECK SERVICES

to this Task Order.

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. 33** is **December 11, 2023**, and it shall terminate no later than **June 30, 2024**.

(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 **\$400,000** for Building Plan Check 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 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.

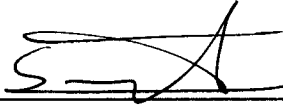
(6) **Signatures**

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. 33 WITH 4LEAF INC. TO PROVIDE BUILDING PLAN CHECK SERVICES

Approved as to Form:

City of Lathrop
City Attorney



11-28-2023

Salvador Navarrete

Date

Recommended for Approval:

City of Lathrop
Assistant City Manager

Michael King

Date

Approved by:
(Reso # _____)

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

CONSULTANT:

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

Signature

Date

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



FEE SCHEDULE

FY2023-2024 FEE SCHEDULE & BASIS OF CHARGES

FOR THE CITY OF LATHROP

All Rates are Subject to Basis of Charges

PLAN REVIEW COST STRUCTURE	NOTES
Plan Review Percentage: 65% of City Fee <i>(Inclusive of Life Health Safety, ADA Requirements and Title 24 Energy Requirement Plan Checks)</i> Hourly: \$108 Non-Structural Review \$137 Structural Review Plumbing/Mechanical/Electrical Only: 40% of City Fee Hourly: \$108 Non-Structural Review Structural Only Plan Checks: 40% of City Fee Hourly: \$137 Structural Review	Fee includes: <ul style="list-style-type: none"> ➤ Initial review and two (2) rechecks. Hourly charges apply after three (3) or more rechecks (with authorization from CBO). ➤ Shipping, courier, and electronic service.

Building

Chief Building Official	\$175/hour
Structural Plan Review Engineer	\$137/hour
Non-Structural Plans Examiner	\$108/hour
Certified Access Specialist (CASp) Inspector	\$175/hour
Certified Access Specialist (CASp) Plans Examiner	\$175/hour
Senior Combination Building Inspector (Building Inspector III)	\$134/hour
Commercial Building Inspector (Building Inspector II)	\$121/hour
Residential Building Inspector (Building Inspector I).....	\$109/hour
Permit Manager.....	\$85/hour
Senior Permit Technician.....	\$77/hour
Permit Technician.....	\$71/hour
Clerk/Administrator.....	\$66/hour
Civil Plan Review (Grading, Improvement Plans)	\$175/hour
Inspector of Record (Including DSA/OSHPD).....	\$163/hour
GoFormz Software.....	\$50/user monthly

Code Enforcement

Code Enforcement Director.....	\$180/hour
Code Enforcement Manager	\$155/hour
Senior Code Enforcement Officer.....	\$119/hour
Code Enforcement Officer II	\$108/hour
Code Enforcement Officer I.....	\$98/hour



Fire

Fire Protection Engineer (FPE).....	\$205/hour
Fire Prevention Officer	\$180/hour
Fire Plans Examiner	\$165/hour
Fire Inspector II.....	\$185/hour
Fire Inspector I.....	\$175/hour

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. Services billed in 4-hour increments.
- Most plan reviews will be done in 10 business days or less and 5 business days or less for re-checks. This is not inclusive of holidays or the day of the pick-up of plans.
- Expedited reviews will be billed at 1.5x the plan review fee listed in the fee schedule. Return time will be within five (5) days of receipt of the plans from the City.
- Plan review of deferred submittals & revisions will be billed at the hourly rates listed.
- All plan review services will be subject to a \$305.00 minimum fee if percentage-based fee or 2-hour minimum charge if hourly rates apply.
- Larger complex plan reviews can be negotiated to achieve the best possible pricing.
- All plan review services will be subject to 2-hour minimum fee.
- All plan review services are billed on a percentage basis and includes the initial review and 2 rechecks.
 - Plan reviews will be billed on an hourly basis only after the initial review and 2 rechecks unless otherwise agreed upon on a case-by-case basis.
 - Fire and Civil Reviews are billed on an hourly basis and are not included in our plan review percentage.
- 4LEAF assumes that these rates reflect the FY2023-2024 contract period. There will be a 3% escalation for FY2024-2025, FY2025-2026
- 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 st 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 the Director or other designated City personnel.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Mileage driven during the course of 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.



4LEAF, INC.

CONSTRUCTION MANAGEMENT • PLAN CHECK
INSPECTION • PLANNING • CODE ENFORCEMENT

- In accordance with California's Meal Break and Rest Break Law requirements, Client will be billed one (1) additional hour per day at the regular rate for each missed meal or rest break due to Client-directed tasks or requirements. Client should allow 4LEAF's non-exempt, hourly employees the opportunity to take their entitled rest and meal breaks during each work shift.

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