

# Resolution No. 2024-XXX N.C.S. of the City of Petaluma, California

## **RESOLUTION AUTHORIZING THE ADOPTION OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) LOCAL ASSISTANCE PROCEDURES MANUAL CHAPTER 10: CONSULTANT SELECTION**

**WHEREAS**, the City of Petaluma is responsible for constructing transportation projects that are state and federally funded; and

**WHEREAS**, in order to comply with the Federal regulations and due to limited staffing and expertise, certain services, including Architectural and Engineering (A&E) are contracted out to qualified firms; and

**WHEREAS**, the Federal regulations set forth standards for procuring and administering A&E contracts; and

**WHEREAS**, the provisions of the Brooks Act (40 United States Code, Section 1104) require local agencies to award federally funded engineering and design-related contracts, otherwise known as A&E contracts, on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (23 CFR 31.201-3); and

**WHEREAS**, pursuant to 23 CFR 172.5 (b), local agencies shall develop and sustain organizational capacity and provide the resources necessary for the procurement, management, and administration of engineering and design-related consultant services, reimbursed in whole or in part with Federal-Aid Highway Program funding as specified in 23 U.S.C. 106(g)(4)(A); and

**WHEREAS**, the provision 23 CFR 172.5 (b)(1) requires local agencies to adopt written policies and procedures for the procurement, management, and administration of engineering and design related consultant services in accordance with applicable Federal and State laws and regulations; and

**WHEREAS**, the State of California Department of Transportation (Caltrans) has developed the Local Assistance Procedures Manual (LAPM), Chapter 10, Consultant Selection which sets forth policies and procedures to be utilized by local agencies in the procurement and management of A&E contracts on state and federal-funded transportation projects to ensure compliance with applicable Federal and State laws and regulations and to maintain eligibility for Federal-Aid reimbursement; and

**WHEREAS**, the City of Petaluma has developed additional policies, dated August 1, 2022, to ensure the avoidance of conflict of interest in the performance of A&E services for state and federal-funded transportation projects; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Petaluma as follows:

**Section 1.** The above recitals are true and correct findings of the Petaluma City Council.

**Section 2.** The Local Assistance Procedures Manual, Chapter 10, Consultant Selection, dated January 2024, or as amended in future updates, is approved and adopted.

**Section 3.** The A&E Services Administration and Procurement Policies developed by the City of Petaluma for State and Federal Funded Projects dated November 4, 2024, are approved and adopted.

**Section 4.** Authorizes the City Manager to approve amendments to the City’s adopted A&E Services Administration and Procurement Policies in consultation with the Federal Highways Administration.

**Section 5.** Finds that this action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action to approve a resolution adopting Chapter 10 of the Local Assistance Procedures Manual is an administrative ministerial action, and there is no possibility that adopting this resolution will have a significant effect on the environment. Therefore, no further environmental analysis is required.

Under the power and authority conferred upon this Council by the Charter of said City.

<b>REFERENCE:</b>	I hereby certify the foregoing Resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Petaluma at a Regular meeting on the 4 <sup>th</sup> day of November 2024, by the following vote:	Approved as to form:
		<div>City Attorney</div>
<b>AYES:</b>		
<b>NOES:</b>		
<b>ABSENT:</b>		
<b>ABSTAIN:</b>		
<b>ATTEST:</b>	<div>City Clerk</div>	<div>Mayor</div>