

AMENDMENT NO. 3 TO AGREEMENT NO. C2019 222
Building Division Inspection and Plan Review Services

City Budget Code: 10040300-53210

This Amendment No. 3 ("**Amendment**") to City Agreement No. C2019 222, entitled Building Division Inspection and Plan Review Services ("**Agreement**"), by and between the City of Napa, a California charter city ("**City**"), and 4LEAF Consulting Group, Inc. ("**Consultant**"), is effective on the Effective Date identified on the signature page.

RECITALS

A. City and Consultant entered into the Agreement, effective September 5, 2019, for an amount not to exceed \$100,000, pursuant to which Consultant agreed to perform certain services described in the Agreement ("**Services**"), generally including plan check and inspection services on a temporary basis. City and Consultant previously entered into Amendment No. 1 to the Agreement, effective June 30, 2020, and Amendment No. 2 to the Agreement, effective May 24, 2022.

B. City has determined that additional Services ("**Additional Services**") are required to continue, modify, or expand the Services performed under the Agreement, as set forth in the *Scope of Additional Services and Updated Rate Schedule*, attached hereto as **Exhibit "A"** and incorporated herein by reference.

NOW, THEREFORE, the City and the Consultant, for the mutual consideration described herein, agree as follows:

1. INCORPORATION BY REFERENCE. Unless otherwise specified, all subsequent references to the Agreement are deemed to mean the original Agreement as modified by any amendments preceding this Amendment, if any. This Amendment incorporates the Agreement by reference, except and only to the extent that any terms or conditions of the Agreement are specifically modified by this Amendment. All terms and conditions in the Agreement that are not specifically modified by this Amendment remain in full force and effect.
2. SCOPE OF ADDITIONAL SERVICES. Consultant will perform the Additional Services described in Exhibit "A" in accordance with the terms and conditions of this Amendment.
3. PAYMENT. The cumulative total compensation payable to the Consultant will not exceed \$775,000 without prior written authorization from the City (based on \$100,000 for the original Agreement, \$475,000 for Amendment No. 1, and \$200,000 for Amendment No. 3).
4. TERM. The term of the Agreement is hereby extended for an additional (1) year to June 30, 2024.
5. ENTIRE AGREEMENT. The Agreement, as modified by this Amendment, constitutes the entire integrated understanding between the parties concerning the Additional Services. This Amendment supersedes all prior negotiations, agreements and understandings regarding the Additional Services, whether written or oral. The documents incorporated by reference into this Amendment are complementary; what is called for in one is binding as if called for in all, except and only to the extent otherwise specified. If any provision in an exhibit to this Amendment conflicts with or is inconsistent with a provision in the body of this Amendment, the provisions in the body of this Amendment will control over any such conflicting or inconsistent provisions.

6. SIGNATURES. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Amendment on behalf of the respective legal entities of Consultant and City. This Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective successors and authorized assigns.

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective on the Effective Date set forth below.

CITY:
CITY OF NAPA, a California charter city

By: _____
Steve Potter, City Manager

CONSULTANT:
4LEAF, Inc.

By: _____
Kevin Duggan – President & Secretary

ATTEST:

Tiffany Carranza, City Clerk

Date: _____
("Effective Date")

By: _____

COUNTERSIGNED:

Joy Riesenberg, City Auditor

APPROVED AS TO FORM:

Michael W. Barrett, City Attorney

EXHIBIT "A"

SCOPE OF ADDITIONAL SERVICES AND UPDATED RATE SCHEDULE

The Consultant will perform the Additional Services described below, within the specified times:

PLAN REVIEW SERVICES

Plan Review: 4LEAF, Inc. will perform plan reviews to check plans for compliance with the California Building Laws as generally found in Title 24 Parts 2, 2.5, 3, 4, 5, 6, 8, 11 and 12 including structural, fire/life safety, disabled access, green building, and energy conservation requirements, as amended by the City.

Comment Lists and Plans Delivery: Plan reviews result in typed lists of comments which refer to specific details and drawings, and reference applicable code sections. 4LEAF, Inc. will transport plans and comments to City in person, via email or FAX, and/or reliable overland carrier. Overnight delivery is available at no additional cost. Depending on the City's preferred process, 4LEAF, Inc. will provide plan check comments and perform rechecks directly with the (1) City, or (2) the applicant/designer, returning approved documents to the City after the plan review process is completed.

Turn-Around Schedules: Plan reviews will generally be completed/returned to City within approximately ten (10) working days of the date the plans are received by 4LEAF, Inc. Other turnaround schedules will be accommodated at request of the City. Large, unusually complex plan reviews may require up to a fifteen (15) day turn-around.

Technical Support: When mutually agreed between the City and 4LEAF, Inc. as vital to project success, 4LEAF, Inc. staff will attend pre-construction or pre-design meetings, field visits upon request, and provide support for field inspection personnel on an as-needed basis.

INSPECTION SERVICES

4LEAF, Inc. will provide building inspector(s) as requested by the City. The scope of inspection services to be provided will be defined as listed below or as defined uniquely for each project or as determined by 4LEAF, Inc and the City. Inspector(s) will report directly to the City Building Official or other person designated by the City for all project-related work.

In general, the inspection services to be provided may include, but are not limited to, field observation of all construction activity, preparation of daily reports, review of submittals and other duties as assigned.

FY2022-2023 & FY2023-2024 FEE SCHEDULE & BASIS OF CHARGES

For the City of Napa

All Rates are Subject to Basis of Charges

NATURE OF BUILDING SERVICES	COST STRUCTURE
Plan Review & CAsp Services	Plan Review Percentage Cost: 60% Plan Review Hourly Cost: \$130 Non-Structural Review \$150 Structural Review CAsp Inspection and/or Review: \$165/hour Fire Review: \$145/hour <i>*Percentages excludes Civil & Fire plan review, which is billed on an hourly basis.</i> <i>*Fee includes initial review and two (2) rechecks. Hourly charges apply after three (3) or more rechecks.</i> <i>* Fee includes shipping, courier, and electronic service.</i>

Staff Augmentation Services

Interim Chief Building Official	\$170/hour
Senior Commercial Building Inspector (Building Inspector III).....	\$130/hour
Commercial Building Inspector (Building Inspector II).....	\$119/hour
Residential Building Inspector (Building Inspector I)	\$105/hour
Code Enforcement Officer	\$110/hour
Senior Code Enforcement Officer	\$130/hour
Permit/Counter Manager.....	\$115/hour
Senior Permit Technician (Remote or Onsite).....	\$90/hour
Permit Technician (Remote or Onsite).....	\$75/hour
Administrative Support.....	\$70/hour
On-site Plan Review Engineer	\$150/hour
On-site Non-Structural Plans Examiner	\$130/hour
Civil Plan Review	\$165/hour
Fire Review.....	\$145/hour
Fire Inspector I	\$119/hour
Fire Inspector II	\$130/hour
Fire Prevention Officer.....	\$105/hour
Fire Protection Engineer	\$185/hour

Public Works Inspector (Prevailing Wage)	\$163/hour
OSHPD Inspection/Review	\$170/hour
Project Inspector/Inspector of Record	\$160/hour
CASp Inspection/Review	\$165/hour
Traffic Engineer	\$205/hour
Principal Planner	\$180/hour
Senior Planner	\$170/hour
Associate Planner	\$150/hour
Assistant Planner	\$130/hour
Planning Technician	\$100/hour
Off-Site Project Manager	\$170/hour
Principal-in-Charge	\$205/hour
Director	\$205/hour
Hourly overtime charge per inspector	1.5 x hourly rate

Larger complex plan reviews can be negotiated to achieve the best possible pricing. 4LEAF has a proven track record of working with municipalities to provide expedited reviews with special discounted pricing when applicable.

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 2x the hourly rates listed.
- 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 two (2) rechecks.
 - Plan reviews will be billed on an hourly basis only after the initial review and two (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.
- Mileage for tasks performed within the City will be charged at the IRS Rate +20%.
- 4LEAF assumes that these rates reflect the FY2022-2023 contract period. 3% escalation for FY2023-2024 and FY2024-2025 is negotiable per market conditions.
- 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 hours M-F or Saturdays)* *1.5 x hourly rate*
- *Overtime (over 8 hours Sat or 1st 8 hours 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 Chief Building Official, Public Works Director, or other responsible designated City personnel.
- All work with less than 8 hours' rest between shifts will be charged the appropriate overtime rate.
- 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 time 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.
- 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.

2023-2024 FEE SCHEDULE & BASIS OF CHARGES

For the City of Napa

All Rates are Subject to Basis of Charges

PLAN REVIEW COST STRUCTURE	NOTES
Complete Plan Review Percentage Cost: 70% <i>(Inclusive of all disciplines except Fire and Civil, which are billed on an hourly basis.)</i> Hourly Plan Review: \$135 Non-Structural Review \$155 Structural Review	Fee includes: ➤ Initial review and one (1) recheck. Hourly charges apply after two (2) or more rechecks. ➤ Shipping and courier service.

PROJECT MANAGEMENT

Principal-in-charge	\$210/hour
Project Manager	\$175/hour

BUILDING & FIRE

Interim Chief Building Official	\$175/hour
Senior Combination Building Inspector (Building Inspector III)	\$135/hour
Commercial Building Inspector (Building Inspector II)	\$124/hour
Residential Building Inspector (Building Inspector I)	\$110/hour
OSHPD Inspection/Review	\$170/hour
Administrative Support	\$73/hour
Permit Technician	\$77/hour
Senior Permit Technician	\$92/hour
On-Site Structural Plan Review Engineer	\$155/hour
On-Site Non-Structural Plans Examiner	\$135/hour
Civil Plan Review (Grading, Improvement Plans)	\$168/hour
Fire Protection Engineer (FPE)	\$190/hour
Fire Plan Examiner	\$150/hour
Fire Prevention Officer 3	\$145/hour
Fire Inspector I	\$123/hour
Fire Inspector II	\$135/hour
Public Works Inspector	\$165/hour
CASp Inspection/Review	\$175/hour
Permit/Counter Manager	\$120/hour
GoFormz Software	\$50/user monthly
Hourly overtime charge per inspector	1.5 x hourly rate
Mileage (for inspections performed within the City)	IRS Rate + 20%

CODE ENFORCEMENT

Project Manager	\$185/hour
Director of Code Enforcement	\$150/hour
Senior Code Enforcement Officer	\$135/hour
Code Enforcement Officer	\$115/hour

PLANNING

Principal-in-Charge	\$280/hour
Housing Policy Director	\$225/hour
Planning Director	\$205/hour
Principal/Planning Manager	\$180/hour
Senior Planner	\$175/hour
Associate Planner	\$155/hour
Assistant Planner	\$135/hour
Planning Technician	\$105/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 2x the plan review fee listed in the fee schedule. 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.
- 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.
- Larger complex plan reviews can be negotiated to achieve the best possible pricing.
- 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 2023-2024 contract period. 3% escalation for

2025 is negotiable per market conditions.

- Overtime and Premium time will be charged as follows:

- <i>Regular time (work begun after 5AM or before 4PM)</i>	<i>1 x hourly rate</i>
- <i>Nighttime (work begun after 4PM or before 5AM)</i>	<i>1.125 x hourly rate</i>
- <i>Overtime (over 8-hour M-F or Saturdays)</i>	<i>1.5 x hourly rate</i>
- <i>Overtime (over 8 hours Sat or 1st 8-hour Sun)</i>	<i>2 x hourly rate</i>
- <i>Overtime (over 8 hours Sun or Holidays)</i>	<i>3 x hourly rate</i>
- 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.
- 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.
- If 4LEAF is requested or otherwise required to conform to Client's alternative work week schedule ("AWW"), Client hereby agrees to compensate or reimburse 4LEAF for all overtime paid to its employees who work an AWW.
 - If 4LEAF's affected employment group approves an AWW election and the same is registered, the overtime compensation/reimbursement shall not be required.