



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL

FROM: KATIE KENT, COMMUNITY DEVELOPMENT DIRECTOR

RE: RESOLUTION 23-31: A RESOLUTION APPROVING AN AGREEMENT WITH SNO-ENGINEERING, INC., DBA SE GROUP FOR THE DEVELOPMENT OF A USFS PROPOSAL FOR RESOURCE MANAGEMENT AND NEPA REVIEW IN FRISCO'S BACKYARD WITHOUT A COMPETITIVE BIDDING PROCESS

DATE: SEPTEMBER 26, 2023

Summary and Background: On March 22, 2022, based on the Town's ongoing priorities for trail and recreation improvements, wildfire management, and increasing pressure on the existing trail network, Town Council adopted Resolution 22-10: A Resolution Approving an Agreement with Sno-Engineering, Inc., for the Development of a USFS Proposal for Resource Management and NEPA Review in Frisco's Backyard. Sno-Engineering, Inc., locally known as SE Group, is developing a proposal for USFS consideration of trail and resource management in the area known as Frisco's Backyard. The contracted scope of work includes the development of a proposal, on behalf of the Town, for resource management in the Backyard area. The proposal includes goals for fuel reduction and trail improvements among other resource management opportunities. Since the original contract was executed in 2022, the project design, regulatory environment, and the public involvement have been modified. As a result, a change order is requested at this time to bring out of scope and previously completed tasks into contract, meet the needs of the White River National Forest, and extend the contracted period.

Analysis: SE Group has been an integral part of the ongoing development of the work performed so far. Based on their special knowledge of the project and their fair and reasonable planning fees, staff is proposing to utilize their services for the expanded scope of work which includes:

- The fuels treatment areas initially proposed by the Town and the basis for SE Group's cost proposal were 230 acres; the acres proposed for treatment has been increased to approximately 1,200 acres following Forest Service Proposal review. The overall analysis area, including trails projects, is currently approximately 2,850 acres.
- On October 12, 2022, the Frisco Backyard area was included in the Camp Hale-Continental Divide National Monument designation. The intent for this presidential designation was not known at the time SE Group's contract of services was awarded in March 2022. Due to the project area's designation as a National Monument and the regulatory complexity associated with this designation, the National Environmental Policy Act process has been modified to include a more robust alternatives development process, more opportunities for public involvement, additions to resource analyses, and an increase in the number of prepared documents than was disclosed in SE Group's cost assumptions.

With the expanded scope of work, there is a request for additional funding in 2023 and an updated cost of funding the project in 2024.

- Initial contract costs were based on a project schedule ending by October 31, 2023. Due to the modifications to the scope of work, an additional fee is necessary to extend the project schedule through 2024.
- The modified scope of work indicates a need for an additional \$381,124 for work to be performed through 2024. This \$381,124 change order is requested to supplement the original \$240,500 contract. If approved, this would change the contract from \$240,500 to \$621,624.

Financial Impact: Sno-Engineering Inc.'s existing contract is for a cost not to exceed \$240,500, which was to be spread over the 2022 and 2023 budget years. Staff will bring forward a request to amend the 2023 budget to Town Council in February 2024. Staff will seek opportunities for grant funding and cost sharing with other entities to help fund these efforts.

Staff Recommendation:

Staff recommends a modification of the Contract for Goods and/or Services entered into March 22, 2023, a sole source contract with Sno-Engineering, Inc. DBA: SE Group for the expansion of work as stated in the attachment First Amendment to Agreement for Goods and/or Scope of Services.

Under section 9-3 of the Town Code, the Town Council is authorized to approve a contract for goods or services without a competitive bidding process when, in the opinion of the Council, the goods or services are best obtained from a single source due to specialized skills, knowledge or experience, unique and relevant experience, knowledge of the Town or exceptional qualifications or reputation in the field. Council shall by motion, resolution or ordinance describe the factors that cause it to approve such contract without a competitive bidding process.

Sno-Engineering, Inc.'s work to-date performing the planning services for the USFS proposal for resource management and NEPA review in Frisco's Backyard demonstrates specialized knowledge and experience that is unique and relevant to the Town and to future backyard plan operations. The proposed agreement is fair and reasonable in light of the market for similar services. Accordingly, the additional scope of services is best obtained from a single source without a competitive bidding process.

Alignment with Strategic Plan: Completion of hazardous fuels mitigation and improvement of the trail network in the Frisco Backyard area would support a 2023 Project Goal under Thriving Economy noting the NEPA planning process with USFS for Frisco Backyard.

Environmental Sustainability: The overarching focus of this project is to improve the ecosystem health, reduce hazardous fuels and risk of wildfire, and create more sustainable recreation opportunities in the Backyard area. Mitigation of hazardous fuels on USFS lands adjacent to the Town of Frisco will improve forest health while reducing the potential impact of wildfire. Trail system improvements in this area will be required to follow current USFS management best practices for trail construction, which will reduce erosion and sedimentation. As with any type of construction activity there will be negative environmental impacts associated with energy consumption and soil disturbance but by conducting these activities in accordance with a plan that incorporates sustainable construction practices, the overall impacts will be minimized.

Reviews and Approvals:

Leslie Edwards, Finance Director

Diane McBride, Assistant Town Manager
Tom Fisher, Town Manager

Attachments:

- Attachment 1 – Resolution 23-31
- Attachment 2 – First Amended Contract SE Group
- Attachment 3 – Contract Change Order SE Group
- Attachment 4 – Original Contract SE Group (2022)