



MEMORANDUM
PROCUREMENT SERVICES DIVISION
County of Placer

TO: Honorable Board of Supervisors **DATE:** December 14, 2021
FROM: Todd Leopold, County Executive Officer
BY: Brett Wood, Purchasing Manager
SUBJECT: Permit Technician Services for Community Development – Shums Coda

ACTION REQUESTED

1. Approve the award of a contract to Shums Coda Associates Inc. of Pleasanton, CA to provide professional services in the area of application and permit processing in the not to exceed amount of \$200,000. Funding will be provided by the Community Development Resource Agency.
2. Authorize the Purchasing Manager to sign all required documents.

BACKGROUND

The Community Development Resource Agency Front Counter Services Division offers customer service by answering customer questions and providing information (in person, over the phone, and e-mail), processing permits for Planning Division, Building Division, Engineering Division, and several divisions within the Department of Public Works. Placer County has experienced a record number of permits in all divisions, record phone call and e-mail volumes, along with working through complex steps required in processing applications through an online system. In addition to permitting processes, the Front Counter Services Division has also had to take on additional duties as a result of legislative requirements (e.g. Affordable Housing/Accessory Dwelling Units and the Placer County Conservation Plan). In order to assist with the increase of work, fluctuation of staff, and resulting impacts of COVID, the Front Counter Services Division is seeking consultant staff to process permits that are submitted online.

In consultation with the Procurement Services Division staff agreed that an exception to competition is warranted for the permit services due to the immediate need for the assistance in the Front Counter Division. The Procurement Policy provides for an exception when competitive proposals do not produce an advantage for the County. This specific situation meets that section of the Policy (Procurement Policy Section 3.5E). Should the department determine if this situation will continue beyond one-year, then a formal RFP for these services will be conducted prior to the end of this agreement.

The Procurement Services Division and CDRA recommends contracting with Shums Coda Associates Inc to provide the required permit technician services in the not to exceed amount of \$200,000.

FISCAL IMPACT

Funding is provided through the Community Development Resource Agency's FY 2021-22 Budget and will be included in subsequent Submitted Budgets for the term of applicable agreement. Funds are not encumbered until services are provided against the contract.

ATTACHMENTS

Independent Contractor Verification
Contract on file with the Clerk of the Board

Independent Contractor Verification

Fulfillment of permit technician duties is based on an as needed basis for services that are needed as a result of heavy workload and record number of permit activity.

Staff has determined that the independent contractor, Shums Coda Associates, Inc. (hereafter "Consultant"), performs services that fit within the business-to-business exception for independent contractors (Labor Code, § 2776(a)) as follows:

- 1. The business service provider (Consultant) is free from the control and direction of the contracting business entity (County) in connection with the performance of the work, both under the contract for the performance of the work and in fact.*

Front Counter Services in no way controls or directs the performance of Consultant. Work is disseminated to Consultant electronically and is completed electronically or by phone.

- 2. The business service provider is providing services directly to the contracting business rather than to customers of the contracting business.*

Consultant will process permits that are submitted online which they will have direct access and perform work for Front Counter Services.

- 3. The contract with the business service provider is in writing and specifies the payment amount, including any applicable rate of pay, for services to be performed, as well as the due date of payment for such services.*

Front Counter Services has a specific written contract with Consultant outlining payments and rates of pay for services performed.

- 4. If the work is performed in a jurisdiction that requires the business service provider to have a business license or business tax registration, the business service provider has the required business license or business tax registration.*



Consultant represents that it has the necessary business tax registration and business licenses.

- 5. The business service provider maintains a business location, which may include the business service provider's residence, that is separate from the business or work location of the contracting business.*

Consultant maintains an independent business location separate from any County or Building Service Division location. The consultant will provide their own equipment that will contain the necessary software to perform the tasks delineated in the contract.

- 6. The business service provider is customarily engaged in an independently established business of the same nature as that involved in the work performed.*

Consultant's business provides permit technician services to various cities and counties throughout the state.

- 7. The business service provider can, and does, contract with other businesses to provide the same or similar services and maintain a clientele without restrictions from the hiring entity.*

Consultant conducts business of the same nature with other cities and counties within the state.

- 8. The business service provider advertises and holds itself out to the public as available to provide the same or similar services.*

An online search for Consultant shows that it holds itself out to the public as being available to provide its services.

- 9. Consistent with the nature of the work, the business service provider provides its own tools, vehicles, and equipment to perform the services, not including any proprietary materials that may be necessary to perform the services under the contract.*

Consultant provides its own resources, equipment, materials, and manpower to complete the requested services.

10. The business service provider can negotiate its own rates.

Contract includes rates for providing the specific services.

11. Consistent with the nature of the work, the business service provider can set its own hours and location of work.

Consultant sets the hours, days, and location of the work to be performed within the County's business hours.

12. The business service provider is not performing the type of work for which a license from the Contractors' State License Board is required, pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code.

Permit technician services do not require a license from the Contractor's State License Board.

