

**Board Report**

File #: 2015-0542, **File Type:** Contract**Agenda Number:** 42.

**CONSTRUCTION COMMITTEE
JULY 16, 2015****SUBJECT: ENVIRONMENTAL ENGINEERING SERVICES****ACTION: AWARD AND EXECUTE PROFESSIONAL SERVICES
CONTRACT FOR ENVIRONMENTAL ENGINEERING SERVICES****RECOMMENDATION**

CONSTRUCTION COMMITTEE FORWARDED WITHOUT RECOMMENDATION authorizing the Chief Executive Officer to award and execute a five year contract, Contract No. PS84203274, with Kleinfelder, Inc. for **Environmental Engineering and Consulting services on Task Orders**, inclusive of three base years and two one-year option years with a total not-to-exceed amount of \$12,000,000.00. Base year contract value is \$7.2 million; Option year one contract value is \$2.4 million; and Option year two contract value is \$2.4 million.

ISSUE

Every Capital Project and many ongoing facilities maintenance and restoration activities undertaken by LA METRO requires environmental engineering and consulting services. METRO must remain in compliance with all applicable environmental laws and regulations to avoid potential fines, and civil and criminal liability. This contract is anticipated to be a critical component for technical and environmental engineering support for any of our capital and operating projects. This contract provides technical expert environmental assistance to ensure timely environmental compliance and execution of needed environmental design, data generation and analysis, and environmental measurement and monitoring necessary and as required by Federal and State statutes and regulations and local ordinances.

The Environmental Compliance and Sustainability (ECSD) group is in the midst of an unprecedented time to consider new responsibilities and revenue generating opportunities as a result of evolving environmental and climatic statutory and regulatory needs to ensure the protection of human health and environment; as well as to constantly address the challenge of operational sustainability while ensuring resiliency and maintaining a state of good repair. As technology in the energy, water, resource management conservation and environmental space also continues to evolve at a very fast pace, ECSD has a need for several specialty contracts to respond to these continuously challenging

agency-wide and project needs while continually balancing our short- and long-term goals of succession planning, cost-savings, employee development, economic growth, and project success. The process to procure for such specialty contracts is consistent with ECSD's Business Plan submitted and presented to our Board in January 2015 and as reviewed with OMB through the FY16 budget process.

DISCUSSION

Metro's environmental engineering and consulting contract scopes include continued effort on performing environmental and geotechnical assessments, Phase I environmental site assessments, lead based paint and asbestos surveys, stormwater monitoring, air quality monitoring, soil and groundwater sampling, industrial wastewater sampling, GASB 49 Environmental Liability Reporting, fuel storage tank system design, permitting assistance and other regulatory reporting requirements.

Contract No. PS84203274 will be an indefinite delivery/indefinite quantity contract. The consultant is not guaranteed any work. When the need for environmental engineering and consulting services arises, only then will staff be able to issue Contract Work Orders from which Task Orders or changes are drawn. These Task Orders and changes will be funded from an existing project's budget with consideration of any information available at the time of planning and applicable time constraints on performance of the work.

All of the Task Orders will be fully negotiated based on agreed upon rates that will be negotiated at the onset of the project. Staff applies strict project controls in the execution of each of these Task Orders to closely monitor the Consultant's budget and Task Order schedules. No funds are obligated until a Contract Work Order/Task Order is awarded against a valid project.

The Contract No. PS84203274 includes a 15% Disadvantaged Business Enterprise (DBE)/Small Business Enterprise (SBE) goal. DBE attainment is based on the aggregate value of all task orders issued.

To accomplish the assigned tasks, the consultant will provide necessary staff, sub-consultants, equipment, software, supplies, and services. The consultant shall employ or subcontract as necessary with diverse environmental professionals such as professional engineers; registered geologists, qualified stormwater developers (QSD), Certified Industrial Hygienists (CIH), and Certified Asbestos Consultants (CAC).

DETERMINATION OF SAFETY IMPACT

This Board action will not have an adverse impact on safety standards for Metro.

FINANCIAL IMPACT

Contract No. PS84203274 will be an Indefinite Delivery/Indefinite Quantity (IDIQ) contract. No MTA funds are obligated until a Contract Work Order (CWO) is issued by an MTA authorized Contracting Officer against a valid project budget. No expenditures are authorized until a Task Order is awarded

by an MTA authorized Contracting Officer for a specific package of work within the CWO. In other words, all task orders are to be individually negotiated and level of effort fully defined prior to the authorization of any project specific funds. Execution of work under those Task Orders within those CWO awards can continue beyond the contract end date.

Obligations and authorizations made within the total Contract Amount will be against specific project or operations budgets which make up the Board-approved MTA budget for this particular fiscal year. Specific funding for this contract will parallel the project approved by Board under separate actions. The Executive Directors and Project Managers of each of the business units and projects overseeing these projects will be responsible for providing appropriate budgets.

Impact to Budget

There will be no net impact to Bus and Rail Operating Budgets. The initial source of funds for this contract is included in the FY15 budget under Project Number 300012 - Site Remediation, Cost Center 8420 Environmental Compliance and Services, Account 50316 Professional and Technical Services. Future task orders are to be individually negotiated and level of effort fully defined prior to the authorization of any project specific funds from the projects that would use these services.

ALTERNATIVES CONSIDERED

If Contract PS84203274 is not awarded, staff's ability to support and respond to current environmental projects would be limited. As a consequence; we would not be able to immediately address the potential and existing environmental liabilities generated through our execution of construction and operating efforts. Such situation would also increase the likelihood of non-compliance resulting in potential fines, or orders to comply with regulatory requirements.

As another alternative, the Metro Board may recommended action and direct staff to do all Environmental Engineering services and technical support work in house. Under such situation, Metro would have to hire a much larger staff, and purchase of equipment that staff currently do not have. These would include the hiring of Drilling Crews and purchase of Drill Rigs field equipment and require additional storage, an in house Certified Analytical Lab, Lab Technicians, Certified Industrial Hygienists, additional qualified stormwater developers, UST design engineers, and other related disciplines. While Metro is in the process of adding new environmental staff, the number of staff needed in the short term will not be sufficient to have the ability to respond to all the large and small projects we anticipate to be supporting for the next 5 years.

Staff can solicit and award individual contracts for each environmental task as the need arises. Staff does not recommend this alternative. Individually procuring these CWO's and Task Orders have associated inconsistent and most likely cumulative higher administrative and execution costs and inefficiencies. Each of our Project Managers would also have to competitively procure for environmental services for each individual task order and would significantly delay our ability to

respond to time sensitive requirements from within the agency and from the regulatory agencies.

NEXT STEPS

After the recommended Board Action is approved, staff will execute the conformed contract and proceed with issuing Task Orders and Contract Work Orders.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - Types and Total Value Estimates of Projects FY15 to FY19

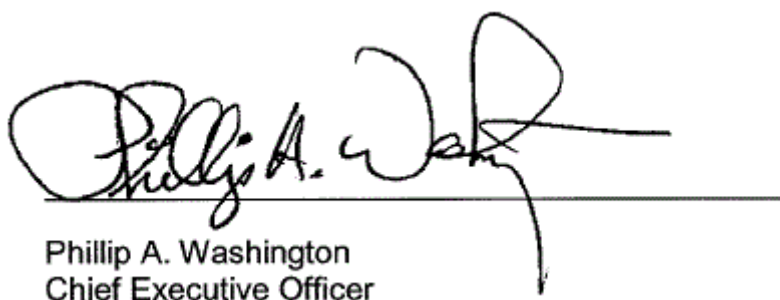
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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

ENVIRONMENTAL ENGINEERING SERVICES

1.	Contract Number: PS84203274	
2.	Recommended Vendor: Kleinfelder, Inc.	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: 07/14/2014	
	B. Advertised/Publicized: 08/08/14	
	C. Pre-proposal/Pre-Bid Conference: 07/21/14	
	D. Proposals/Bids Due: 08/13/14	
	E. Pre-Qualification Completed: Pending	
	F. Conflict of Interest Form Submitted to Ethics: 01/29/2015	
	G. Protest Period End Date: (15 Calendar Days after Notification of Intent to Award)	
5.	Solicitations Picked up/Downloaded: 164	Bids/Proposals Received: 6
6.	Contract Administrator: Alan Leung	Telephone Number: (213) 922-7574
7.	Project Manager: Emmanuel Liban	Telephone Number: (213) 922-2471

A. Procurement Background

This Board Action is to approve the execution of Contract No. PS84203274 issued in support of Environmental Engineering Services.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract will issue task orders on a Firm Fixed Price, Unit Rate, Cost-Plus-Fixed Fee, or Time and Materials basis based on the Scope of Work for each task.

Two (2) RFP amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on July 31, 2014 revised the Letter of Invitation and updated the responsible Contract Administrator;
- Amendment No. 2, issued on August 4, 2014 clarified Scope of Services and submittal requirements.

Metro held a pre-proposal conference on July 21, 2014, in the Gateway Conference Room on the 3rd floor of the Gateway Building. There were twenty-four (24) representatives from sixteen (16) firms that signed in at the pre-proposal conference. One-hundred sixty four (164) individuals from various firms picked up the RFP Package. There were two (2) amendments issued during the solicitation phase of

this RFP. The firms that picked up or downloaded the RFP asked a total of thirty-three (33) Questions.

Metro received six (6) proposals on the due date August 13, 2014.

B. Evaluation of Proposals/Bids

A Proposal Evaluation Team (PET) consisting of staff from Metro's Facilities Engineering and Environmental Compliance/Services Departments was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and weights:

- Proposer teams capabilities and experience 30 percent
- Role and relevant experiences and capability of the firms on the prime contractors team 25 percent
- Staff positions identified in the Scope of Services 25 percent
- Project management approach 20 percent

The evaluation criteria are appropriate for the services required and consistent with criteria developed for other, similar types of procurements. Several factors were considered when developing these weights, giving the greatest importance to the Proposer team's capabilities and experience.

This is an Architect and Engineers, qualifications based procurement. Price cannot be used as an evaluation factor pursuant to state and federal law.

Of the six (6) proposals received, six (6) were determined to be within the competitive range. The six (6) firms within the competitive range are listed below in alphabetical order:

1. AECOM, Inc. (AECOM)
2. Cardno, Inc. (Cardno)
3. Kleinfelder, Inc. (Kleinfelder)
4. Tetra Tech, Inc. (Tetra Tech)
5. TRC Solutions, Inc. (TRC)
6. Worley Parsons, Ltd. (Worley Parsons)

During the week of November 3, 2014, the evaluation committee met and interviewed the firms. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. In general, each team's presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm's commitment to the success of the project. Also highlighted were staffing plans, work plans, and perceived project issues. Each team was

asked questions relative to each firm’s proposed alternatives and previous experience.

Qualifications Summary of Recommended Firm:

Kleinfelder is an employee-owned engineering, consulting, and construction management firm that provides engineering services across the nation. Kleinfelder has assembled a team of experts and qualified subcontractors to help address Metro’s needs in the field of environmental engineering.

Kleinfelder’s proposal contained a relevant project list that displayed a successful working history with subcontractors, all of whom meet or exceed the requirements of the Scope of Services. The proposed staff also exhibited a high level of expertise, as evidenced by training, education, and relevant experience.

The PET ranked the proposals and assessed strengths, weaknesses and associated risks of each of the Proposers to determine the most qualified firm. The evaluation performed by the PET determined Kleinfelder as the most qualified firm to provide the services as required in the RFP.

1	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
2	Kleinfelder				
3	Proposer Teams Capabilities and experience		30.00%	28.87	
4	Role and relevant experiences and capability of the Firms on the Prime Contractors Team		25.00%	23.80	
5	Staff Positions Identified in the Scope of Services		25.00%	23.25	
6	Project Management Approach		20.00%	19.27	
7	Total		100.00%	95.19	1

8	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
9	TRC				
10	Proposer Teams Capabilities and experience		30.00%	27.30	
11	Role and relevant experiences and capability of the Firms on the Prime Contractors Team		25.00%	22.72	

1 2	Staff Positions Identified in the Scope of Services		25.00%	21.25	
1 3	Project Management Approach		20.00%	17.00	
1 4	Total		100.00%	88.27	2

1 5	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
1 6	Tetra Tech				
1 7	Proposer Teams Capabilities and experience		30.00%	27.07	
1 8	Role and relevant experiences and capability of the Firms on the Prime Contractors Team		25.00%	22.39	
1 9	Staff Positions Identified in the Scope of Services		25.00%	21.83	
2 0	Project Management Approach		20.00%	16.81	
2 1	Total		100.00%	88.10	3

2 2	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
2 3	AECOM				
2 4	Proposer Teams Capabilities and experience		30.00%	26.97	
2 5	Role and relevant experiences and capability of the Firms on the Prime Contractors Team		25.00%	21.97	
2 6	Staff Positions Identified in the Scope of Services		25.00%	21.08	
2 7	Project Management Approach		20.00%	16.21	
2 8	Total		100.00%	85.23	4

2 9	FIRM	Average Score	Factor Weight	Weighted Average	Rank
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				Score	
30	Cardno				
31	Proposer Teams Capabilities and experience		30.00%	25.83	
32	Role and relevant experiences and capability of the Firms on the Prime Contractors Team		25.00%	20.75	
33	Staff Positions Identified in the Scope of Services		25.00%	20.42	
34	Project Management Approach		20.00%	16.04	
35	Total		100.00%	83.04	5

36	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
37	Worley Parsons				
38	Proposer Teams Capabilities and experience		30.00%	25.80	
39	Role and relevant experiences and capability of the Firms on the Prime Contractors Team		25.00%	21.64	
40	Staff Positions Identified in the Scope of Services		25.00%	19.75	
41	Project Management Approach		20.00%	14.90	
42	Total		100.00%	82.09	6

C. Cost Analysis

The cost analysis included among other things, (1) a comparison with historical data of other firms offering similar services; (2) an analysis of prior audited direct and overhead rates, and factors for labor, equipment and other direct costs, and (3) compliance with both the Federal Acquisition Regulation (FAR) Part 31 guidelines and Generally Accepted Accounting Principles (GAAP). Metro has negotiated fixed billing rates for direct labor and equipment, a provisional overhead rate, and a factor to establish a fixed fee for each task order. The pricing for each task order will use the contract defined fixed rates plus the negotiated fee factor to establish a lump sum price or a not-to-exceed amount on a unit price, cost-plus-fixed fee, or time and materials basis.

An audit request has been submitted to the Metro Management Audit Services Department (MASD). In order to prevent any unnecessary delay in contract award, provisional overhead rates have been established subject to retroactive Contract adjustments. In accordance with FTA Circular 4220.1.F, if an audit has been performed by any other cognizant agency within the last twelve month period, Metro will receive and accept that audit report for the above purposes rather than perform another audit.

A fair and reasonable price for all future Task Orders and Contract Work Orders will be determined based upon a cost analysis, technical evaluation, fact finding, and negotiations, before issuing work to the Consultant.

D. Background on Recommended Contractor

The recommended firm, Kleinfelder, located in San Diego, California, has been in business since 1961, and is a leader in the fields of Engineering, Architecture, and Science Consulting. Kleinfelder has nearly 1,900 employees across 68 offices across the United States, Canada, and Australia. They have been working in Los Angeles since 1984.

Mark Peabody will lead the team as Project Director. Mr. Peabody is a Professional Engineer and has over 26 years of experience in managing large infrastructure and environmental projects for transportation agencies. He will be the main point of contact regarding new requests for services and will coordinate Cost/Schedule Proposals (CSPs).

Kathleen McDonnell will act as the Project Manager for PS84203274. Ms. McDonnell has over 30 years of experience handling projects related to environmental engineering. She is a Professional Geologist with a strong project management background in projects directly related to the Scope of Services. As Project Manager, Ms. McDonnell will be responsible for identifying key personnel positions, acting as liaison between Metro and the Kleinfelder team, and coordinating tasks and schedules.

E. Small Business Participation

The Diversity & Economic Opportunity Department (DEOD) established a 15% Race Conscious Disadvantaged Business Enterprise (RC DBE) goal for the Environmental Engineering Support Services Bench. To be responsive proposers were required to form teams that included DBE firms, without schedules or specific dollar commitments. Kleinfelder made a 15% RC DBE commitment. RC DBE commitments will be determined based on the aggregate value of all Task Orders issued.

DBE BUSINESS GOAL	15% DBE	DBE BUSINESS COMMITMENT	15% DBE
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	DBE Subcontractors	% Committed
1.	Advanced Technology Laboratories, Inc.	TBD
2.	Aurora Industrial Hygiene	TBD
3.	Martini Drilling Corporation	TBD
4.	Morgner Construction Management	TBD
5.	APPL, Inc.	TBD
6.	Asset Laboratories	TBD
7.	Casamar Group, LLC	TBD
8.	CoreProbe International	TBD
9.	E-Nor Innovations, Inc.	TBD
10.	Entech Northwest, Inc.	TBD
11.	EMS Laboratories, Inc.	TBD
12.	Industrial Hygiene Management, Inc.	TBD
13.	Innovative Construction Solutions	TBD
14.	Interphase Environmental, Inc.	TBD
15.	MARRS Services	TBD
16.	Projectline Technical Services, Inc.	TBD
17.	Safe Probe, Inc.	TBD
18.	Terry A Hayes and Associates, Inc.	TBD
19.	The Bodhi Group	TBD
20.	Wagner Engineering and Surveying, Inc.	TBD
	Total	15.0%

F. Living Wage and Service Contract Worker Retention Policy

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

G. All Subcontractors Included with Recommended Contractor’s Proposal

	Subcontractor	Services Provided
1.	Advanced Technology Laboratories, Inc.	Analytical testing
2.	Aurora Industrial Hygiene	Industrial hygiene
3.	Martini Drilling Corporation	Drilling services
4.	Morgner Construction Management	Noise, vibration, and stormwater services
5.	APPL, Inc.	Analytical testing
6.	Asset Laboratories	Analytical testing
7.	Barney’s Hole Digging Service, Inc.	Large diameter auger drilling
8.	BC2 Environmental Corporation	Drilling services
9.	Belshire Environmental Services	Waste management and UST testing
10	Casamar Group, LLC	Stormwater compliance
11	Cascade Drilling	Drilling services
12	CO’s Traffic Control	Traffic control
13	CoreProbe International	Direct push, in-situ remediation
14	Drewelow Remediation Equipment	Remediation equipment sales and rental
15	E-Nor Innovations, Inc.	Traffic control
16	Entech Northwest, Inc.	Noise and air quality services
17	EMS Laboratories, Inc.	Analytical testing (asbestos, lead, microbial)
18	Fiedler Group	UST system design services
19	Flat and Vertical, Inc.	Concrete cutting and coring
20	Forensic Analytical Laboratories	Analytical testing (asbestos, lead, microbial)
21	GeomorphIS	Geographic information system, drafting
22	Global Probe, Inc	Direct push drilling
22	Hazardous Technologies, Inc.	Waste management

3		
2 4	Industrial Hygiene Management, Inc.	Industrial hygiene
2 5	Innovative Construction Solutions	Remedial construction support
2 6	Interphase Environmental, Inc.	Direct push drilling, mobile laboratory
2 7	Jones Environmental, Inc.	Analytical testing, mobile laboratory
2 8	K-Vac Environmental Services, Inc.	Waste management
2 9	MARRS Services	Stormwater compliance
3 0	Prima Environmental, Inc.	Treatability studies
3 1	Projectline Technical Services, Inc.	Electrical design
3 2	Pure Effect, Inc.	Remediation equipment sales and rental
3 3	Safe Probe, Inc.	Utility clearance
3 4	Subsurface Surveys & Associations, Inc.	Utility clearance and geophysics
3 5	Southwest Geophysics, Inc.	Utility clearance and geophysics
3 6	Terry A Hayes and Associates, Inc.	Noise and air quality
3 7	The Bodhi Group	Technical and field support
3 8	Vironex	Direct push drilling, in-situ remediation
3 9	Wagner Engineering and Surveying, Inc.	Surveying services
4 0	Wayne Perry, Inc.	UST design and testing

Types and Total Value Estimates of Projects – FY15 to FY19

Environmental Engineering	No. of Units (yrs., projs., etc.)	Estimate Cost of Consultant Services per Unit	Total Estimate Cost for Consultant Services
a. Stormwater Compliance	5 years	\$500,000	\$2,500,000
b. UST Design Engineering/Tech Support	5 years	\$250,000	\$1,000,000
c. Industrial Waste Water Compliance	5 years	\$140,000	\$700,000
d. Geotech/Environmental Investigations	5 years	\$160,000	\$800,000
e. Lead and Asbestos Consulting/Assessments	5 years	\$250,000	\$1,000,000
f. Mitigation Monitoring Support	5 years	\$1,000,000	\$5,000,000
g. Real Estate, Joint Development and Highways	5 years	\$250,000	\$1,000,000
Total :			\$12,000,000

Types and Total Value Estimates of Projects – FY16 to FY20

Environmental Engineering	No. of Units (yrs., projs., etc.)	Estimate Cost of Consultant Services per Unit	Total Estimate Cost for Consultant Services
a. Stormwater Compliance	5 years	\$500,000	\$2,500,000
b. UST Design Engineering/Tech Support	5 years	\$250,000	\$1,000,000
c. Industrial Waste Water Compliance	5 years	\$140,000	\$700,000
d. Geotech/Environmental Investigations	5 years	\$160,000	\$800,000
e. Lead and Asbestos Consulting/Assessments	5 years	\$250,000	\$1,000,000
f. Mitigation Monitoring Support	5 years	\$1,000,000	\$5,000,000
g. Real Estate, Joint Development and Highways	5 years	\$250,000	\$1,000,000
Total :			\$12,000,000