



Board Report

File #: 2018-0482, File Type: Contract

Agenda Number: 31.

CONSTRUCTION COMMITTEE NOVEMBER 15, 2018

SUBJECT: ENVIRONMENTAL COMPLIANCE AND SUSTAINABILITY SUPPORT SERVICES

ACTION: AWARD PROFESSIONAL SERVICES CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to award and execute a five (5) year Contract No. AE51181EN084, with Burns & McDonnell, Engineering Company, Inc. for Environmental Compliance and Sustainability Support Services on Task Orders, inclusive of a three (3) year base term for an amount not-to-exceed \$18,000,000, plus two (2) one-year options for a not-to-exceed amount of \$21,000,000, for a total contract value of \$39,000,000.

ISSUE

Metro is in a state of rapid growth both in expanding its system and maintaining the environmental benefits associated with the implementation of environmental and sustainability strategies for those projects. To ensure the project execution and maintenance of these environmental benefits over the life of our assets, an increased need for monitoring and continued maintenance of sustainability gains and practices requires a series of short-term support services. The Environmental Compliance and Sustainability Department (ECSD) is responsible for managing the environmental compliance and sustainable practices for capital projects. In addition, our ISO 14001:2015 certified Environmental Management System provides an avenue that ensures the continuation of environmental compliance and sustainability benefits through the Operations Phase of an infrastructure. There is currently a Metro staff resources gap to support these environmental and sustainability-related tasks. This Contract is anticipated to provide the level of environmental support on all projects, but majority of which include Measure M and Measure R construction projects. These projects are expected to be in different phases of construction during the term of this Contract. This support is in addition to the continual state and local regulatory requirements to service facilities operations and maintenance environmental requirements.

BACKGROUND

Metro's vision of delivering a mobility system to enable people to travel swiftly and easily is currently

underway in preparation for the 2028 Olympics and beyond. Continual environmental compliance during the design, construction, and operations and maintenance of these projects is essential to ensure significantly less impacts in cost and schedule (during construction), and service (during operations). With increasing frequency of extreme weather events observed by staff, there is also an increasing need to monitor and measure sustainability strategies implementation and performance. Additionally, environmental and sustainability requirements are increasing per the California Green Building Code, state and local air quality, stormwater, and simultaneous needs for more robust compliance monitoring. In response to these needs, and the increasing number of projects supported by ECSD in all phases of planning, design, construction, operations and maintenance (as well as in support of sustainable elements of the procurement process) plus the influx of projects and regulations, ECSD is making a strategic action in managing project expectations and balancing staffing levels. Projected costs for projects supported by ECSD are expected to be at \$16.8 Billion in FY19 and increasing to \$20 Billion by FY21 and \$30 Billion by FY23.

DISCUSSION

This Environmental Compliance and Sustainability Support Services contract continues the effort of providing Metro Capital Programs and Operations close coordination and expertise across key roles including Project Management, Environmental Construction, Stormwater, Hazardous Waste, Air Quality, Transportation Engineering, and related and ancillary support services.

Contract No. AE51181EN084 is an indefinite delivery/indefinite quantity contract. The consultant is not guaranteed any work. When the need for environmental support services arises, only then will staff be able to issue Contract Work Orders (CWO) for each project, under which Task Orders or changes are issued. 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 the performance of the work.

All of the Task Orders will be fully negotiated based on agreed upon negotiated rates 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 issued against a valid project. Attachment B provides information on the anticipated projects that will use this Contract.

The Contract No. AE51181EN084 includes a 30% Race Conscious Disadvantaged Business Enterprise (RC DBE). RC DBE attainment is based on the aggregate value of all task orders issued. The Contract also requires a DBE Contracting Outreach and Mentoring Program (COMP) in which four DBE firms shall be mentored.

The consultant will provide necessary staff, sub-consultants, equipment, software, supplies, and services to perform the issued Task Orders. The consultant shall employ or subcontract as necessary with diverse environmental professionals such as biologists, archeologists, professional engineers; registered geologists, qualified stormwater developer/practitioners (QSD/QSP), and sustainability specialists.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Contract No. AE51181EN084 will be an Indefinite Delivery/Indefinite Quantity (IDIQ) contract. No Metro funds are obligated until a CWO is issued by a Metro authorized Contracting Officer against a valid project budget. No expenditures are authorized until a Task Order is awarded by a Metro 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 Metro budget for this particular fiscal year. Specific funding for this contract will parallel the project budgets approved by Board under separate actions. The Executive Officer, Environmental Compliance and Sustainability and Chief Program Management will be responsible for developing and tracking the overall contract value during the base years, and any succeeding execution of option years. The Project Manager of each of the supported projects will be responsible for providing appropriate budgets and tracking expenditures during the execution of the environmental support services per project.

Impact to Budget

The initial source of funds for this contract is included in the FY19 budget under Project Number 300012 - Site Remediation, Cost Center 8510, Account 50316 Professional and Technical Services. Specific funding sources will parallel the funding of capital projects charged/served and may include sales tax revenues as well as federal/state grants and local city contributions. All 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.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Contract No. AE51158EN084 will support Metro's values of Service Excellence, Innovation and Technology, and Sustainability as Metro's Strategic Plan is implemented. The Contract will permit ECSD to provide the high level of support for all projects, including Measure R and Measure M Projects, to expand the transportation system as responsibly and as quickly as possible (Goal 1.1).

Additionally, the Contract provides for the close coordination with current operations to optimize the speed reliability and performance of the existing system, and by revitalizing and upgrading Metro's transit assets (Goal 1.2).

ALTERNATIVES CONSIDERED

If Contract AE51181EN084 is not awarded, staff's ability to support and respond to current capital projects and operations would be limited. As a consequence, Metro would not be able to immediately address potential and existing environmental liabilities and it would increase the likelihood of non-

compliance resulting in potential fines, or orders to comply with regulatory agencies.

As another alternative, the Metro Board may recommend action and direct staff to do all Environmental Compliance and Sustainability services and technical support work in house. Under such a situation, Metro would have to hire a much larger staff. While ECSD may add new staff over the next five years, the level of staffing is intermittent as required in the programs associated with this contract and depends on the short-term, specific, but intensive demands of the project. Most of these demands are associated with the increasing workload leading up to and beyond 2028, the year of the Olympics.

There is an expected decline in staffing needs as projects get completed leading up to 2028, and will slowly need to be increased again as new projects for the next phase of capital programming begin to ramp up. Consequently, any steps to be taken for permanent staff that will be used to respond to short-term fluctuating need is not a financially and human resource sustainable model for ECSD's resource goals.

Staff can solicit and award individual support contracts for each environmental task as the need arises; however, staff does not recommend this alternative. Individually procuring these environmental support tasks 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

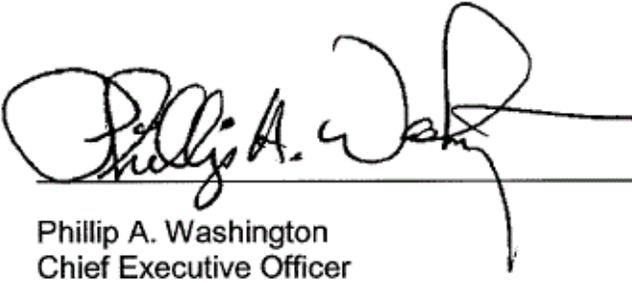
After the recommended Board Action is approved, staff will execute the conformed contract and proceed with issuing Task Orders and Contract Work Orders.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Anticipated Project List and Schedule of Use per Fiscal Year
Attachment C - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

ENVIRONMENTAL COMPLIANCE AND SUSTAINABILITY SUPPORT SERVICES
/AE51181EN084

1.	Contract Number: AE51181EN084	
2.	Recommended Vendor: Burns & McDonnell	
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: March 7, 2018	
	B. Advertised/Publicized: March 5, 2018	
	C. Pre-Proposal Conference: March 21, 2018	
	D. Proposals Due: May 10, 2018	
	E. Pre-Qualification Completed: September 10, 2018	
	F. Organizational Conflict of Interest Review Completed by Ethics: June 13, 2018	
	G. Protest Period End Date: November 16, 2018	
5.	Solicitations Picked up/Downloaded: 177	Proposals Received: 6
6.	Contract Administrator: Daniel A. Robb	Telephone Number: 213.922-7074
7.	Project Manager: Cris Liban	Telephone Number: 213.922-2471

A. Procurement Background

This Board Action is to approve Contract No. AE51181EN084 Environmental Compliance and Sustainability Support Services to support Metro's Environmental Compliance and Sustainability Department (ECSD) in providing environmental support services for projects in varying stages to include managing and supporting environmental compliance, environmental services, and project delivery of Metro's Capital Program, green procurement, and sustainable operations.

ECSD is responsible for managing the environmental compliance of large transportation capital program, sustainability, and environmental compliance associated with environmental activities within the agency associated with Metro's operations. It also provides project management support to Metro Planning and Operations projects and initiatives. The consultant will furnish all of the labor, materials, and other related items required to support performance of the environmental services on a Contract Work Order basis, under which specific Task Orders will be issued for specific Scopes of Services and Periods of Performance. Board approval of contract awards are subject to resolution of any properly submitted protest.

The Request for Proposals (RFP) was an Architectural and Engineering (A&E) qualifications based procurement process performed in accordance with Metro's Procurement Policies and Procedures, and California Government Code §4525-4529.5 for A&E services. The contract type is a Cost Plus Fixed Fee (CPFF). The Contract is for a base term of three years and two one-year options.

Three amendments were issued during the solicitation phase of the RFP:

- Amendment No. 1, issued on March 27, 2018, clarified the Submittal Requirements and Evaluation Criteria;
- Amendment No. 2, issued on April 5, 2018, added Certifications to the RFP Package;
- Amendment No. 3, issued on April 20, 2018, clarified the Compensation and Payment Section A and the Exhibit 6 Proposal Letter.

A total of six proposals were received on May 5, 2018.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro Construction Management and Metro Environmental Compliance and Sustainability Support Services was convened and conducted a comprehensive evaluation of the proposals received.

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

- Experience and Capabilities of the Firms on the Team.....(25%)
- Experience, Qualifications and Capabilities of Personnel.....(40%)
- Understanding and Approach to Service Delivery.....(31%)
- DBE Contracting Outreach and Mentor Protégé Approach.....(4%)

The evaluation criteria were appropriate and consistent with criteria developed for other, similar A&E procurements. Several factors were considered when developing the weightings, giving the greatest importance to the Experience, Qualifications and Capabilities of the Personnel on the Project Team and Understanding and Approach to Service Delivery. Since this is an A&E, qualifications based procurement, price could not and cannot be used as an evaluation factor pursuant to state and federal law.

All six proposals received were determined to be within the competitive range and are listed below in alphabetical order:

1. Arcadis-US.
2. Burns & McDonnell
3. HDR Engineering, Inc.
4. Kleinfelder, Inc.
5. Metroplus (A joint venture of Marrs, Alta Environmental and Louis Berger)
6. PSM Partners for Sustainable Metro (A Joint Venture of Anil Verma and Ecology and Environmental, Inc.)

During the month of May 2018, the PET reviewed the six written proposals. From June 11, 2018 through June 13, 2018, the PET met with all six Proposers for oral presentations. The firms were given the opportunity to present on 1) Experience Qualifications and Capabilities of Personnel, and 2) Understanding of Work and Approach to Service Delivery.

The proposing firms had the opportunity to present their proposed project managers, key personnel and some of their key members, as well as respond to the PET's questions. In general, each proposer's presentation addressed the requirements of the RFP, experience with all aspects of the required and anticipated tasks, and stressed each proposer's commitment to the success of the contract. Each proposing team was asked questions relative to each firm's previous experience performing work of a similar nature to the Scope of Services presented in the RFP. Sealed cost proposals were received at the time of oral presentations.

After the recommendation of the most qualified proposer was approved by the Executive Officer of Vendor/Contract Management (V/CM), the recommended most qualified proposer's cost proposal was opened. V/CM completed its cost analysis and engaged in negotiations with the recommended proposer.

Qualifications Summary of Recommended Firm:

The PET ranked the proposals and assessed major strengths, weaknesses and associated risks of each of the Proposers to determine the most qualified firm. The final scoring was based on evaluation of the written proposals as supported by oral presentations and clarifications received from the Proposers. The results of the final scoring are shown below:

1	Firm/Evaluation Factor	Average Score	Factor Weight	Weighted Average Score	Rank
2	Burns & McDonnell				
3	Experience, Qualifications and Capabilities of the Firms on the Team	84.60	25%	21.15	
4	Experience Qualifications and Capabilities of the Personnel	86.00	40%	34.40	
5	Understanding and approach to service delivery	85.35	31%	26.46	

6	COMP	100	4%	4.00	
7	Total		100.00%	86.01	1
8	Arcadis-US				
9	Experience, Qualifications and Capabilities of the Firms on the Team	81.68	25%	20.42	
10	Experience, Qualifications and Capabilities of the Personnel	86.00	40%	34.40	
11	Understanding and Approach to Service Delivery	82.97	31%	25.72	
12	COMP	100	4%	4.00	
13	Total		100.00%	84.54	2
14	Kleinfelder, Inc.				
15	Experience, Qualifications and Capabilities of the Firms on the Team	82.80	25%	20.70	
16	Experience, Qualifications and Capabilities of the Personnel	84.75	40%	33.90	
17	Understanding and Approach to Service Delivery	81.16	31%	25.16	
18	COMP	100	4%	4.00	
19	Total		100.00%	83.76	3
20	HDR				
21	Experience, Qualifications and Capabilities of the Firms on the Team	79.40	25%	19.85	
22	Experience, Qualifications and Capabilities of the Personnel	86.50	40%	34.60	
23	Understanding and Approach to Service Delivery	79.81	31%	24.74	
24	COMP	100	4%	4.00	
25	Total		100.00%	83.19	4
26	Metroplus JV				
27	Experience, Qualifications and Capabilities of the Firms on the Team	80.80	25%	20.20	
28	Experience, Qualifications and Capabilities of the Personnel	81.00	40%	32.40	
29	Understanding and Approach to Service Delivery	84.32	31%	26.14	
30	COMP	100	4%	4.00	
31	Total		100.00%	82.74	5
32	Partners for Sustainable Metro				

33	Experience Qualifications and Capabilities of the Firms on the Team	77.20	25%	19.30	
34	Experience, Qualifications and Capabilities of the Personnel	75.50	40%	30.20	
35	Understanding and Approach to Service Delivery	74.77	31%	23.18	
36	COMP	100	4%	4.00	
37	Total		100.00%	76.68	6

Weighted Scores are rounded up to the nearest second decimal point.

The evaluation performed by the PET determined Burns & McDonnell as the most qualified firm and team to provide Environmental Compliance and Sustainability Support Services, as provided in the RFP Scope of Services. What distinguished Burns & McDonnell was their demonstration, through their written proposal and oral presentation, of substantial experience, qualifications, and capabilities of the firms and personnel on the team. Burns & McDonnell presented a thorough understanding and approach to service delivery and a clear understanding of Metro’s needs and operations, goals, methods, and resource allocations. The firm demonstrated that their team has the capability to provide staffing for the type of task order scopes that may be issued under this Contract. The team is highly experienced in delivering similar task order based contracts with an excellent record in client satisfaction for similar projects around the U.S and on Metro projects by some of the subconsultants on their team.

C. Cost/Price Analysis

The proposed costs have been determined to be fair and reasonable based upon a cost analysis of labor rates, indirect rates and other direct costs completed in accordance with Metro’s Procurement Policies and Procedures. The analysis includes, among other things, a comparison with similar firms, an analysis of rates and factors for labor, and other direct costs upon which the consultant will base its billings. Metro negotiated and established provisional indirect (overhead) rates, plus a fixed fee factor that will establish a fixed fee based on the total estimated cost for each task order during the contract term, to compensate the consultant.

Audits will be completed, where required, for those firms without a current applicable audit of their indirect cost rates, other factors, and exclusion of unallowable costs, in accordance with Federal Acquisition Regulation (FAR) Part 31. In order to prevent any unnecessary delay in contract award, provisional overhead rates have been established subject to 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.

Proposer Name	Proposal Estimate	Metro Estimate	Recommended NTE amount
Burns McDonnell	N/A ⁽¹⁾	\$39,442,003.40 ⁽²⁾	\$18,000,000 ⁽³⁾

- (1) A proposal amount was not applicable. This is a Cost Plus Fixed Fee (CPFF) Task Order Contract with no definable level of effort for the Scope of Work. Hourly labor rates, overhead and fixed fee rate were negotiated and determined to be fair and reasonable.
- (2) An estimated cost was determined for each project using past costs for ECSD support of projects over a five year period.
- (3) The recommended not-to-exceed amount of \$18,000,000 is for the basic three year term of the contract. Future work will be funded according to an Annual Work Program. The total contract amount will be the aggregate value of all task orders negotiated with the Consultant through the term of the contract.

D. Background on Recommended Contractor

Burns & McDonnell is a \$3 billion transportation environmental and energy engineering/construction firm with a lengthy history in transportation, coupled with local presence, technical depth, and experience providing environmental compliance and sustainability support services with multiple Southern California offices that include more than 200 professionals. Much of Burns & McDonnell's work has been on long, linear, highly-visible local projects with extensive environmental and sustainability components. Burns & McDonnell has assembled a team of experts and qualified subcontractors to help support Metro's anticipated needs. The team consists of very capable, experienced companies, including eighteen DBE subcontractors that have a strong understanding of the project goals.

ATTACHMENT B
Environmental Services and Sustainability Contract Support
Anticipated Project List and Schedule of Use Per Fiscal Year

Project Name	SCHEDULE					
	FY18	FY19	FY20	FY21	FY22	FY23
Crenshaw/LAX Transit Corridor						
Regional Connector Transit Corridor						
Orange Line Grade Separations						
Westside Purple Line Extension Section 1						
Westside Purple Line Extension Section 2						
Westside Purple Line Extension Section 3						
North Hollywood to Pasadena BRT						
North San Fernando Valley BRT Improvements						
Gold Line Foothill Extension Phase 2B						
West Santa Ana Transit Corridor LRT (Phase 1&2)						
East SF Valley Transit Corridor Project						
Vermont Transit Corridor						
Green Line Extension to Crenshaw Blvd in Torrance						
Eastside Transit Corridor Phase 2 (Alignment 1)						
Sepulveda Phases 2 & 3						
Crenshaw Northern Extension						
Link Union Station						
Sepulveda Phase 1 - Express Lanes						
I-105 Express Lane from I-405 to I-605						
I-710 South Corridor Project (Phase 1)						
I-710 South Corridor Project (Phase 2) (Main Project)						
I-5 Corridor Improvements (I-605 to I-710)						
SR 60/I-605 Interchange HOV Direct Connectors						
Airport Metro Connector						
UST Fuel Storage Tanks - FY17-FY19						
UST Fuel Storage Tanks - FY20-FY22						
UST Fuel Storage Tanks - FY23-FY25						
Industrial Wastewater and Stormwater Program Management						

Environmental	D/B Construction
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DEOD SUMMARY

ENVIRONMENTAL COMPLIANCE AND SUSTAINABILITY SUPPORT SERVICES/
AE51181EN084**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 30% Disadvantaged Business Enterprise (DBE) goal for this Task Order Contract. Burns & McDonnell made a 30% DBE commitment for this Task Order Contract.

In response to a specific Task Order request with a defined scope of work, the prime contractor will be required to identify DBE subcontractor activity and actual dollar value commitments for that Task Order. Overall DBE achievement in meeting the commitment will be determined based on the cumulative DBE participation of all Task Orders awarded.

Small Business Goal	30% DBE	Small Business Commitment	30% DBE
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	DBE Subcontractors	Ethnicity	% Committed
1.	3COTECH, Inc.	Non-Minority Female	TBD
2.	Casamar Group, LLC	Hispanic American	TBD
3.	CM Solutions	Non-Minority Female	TBD
4.	CWE (DBA California Watershed Engineering, Corp.)	Subcontinent Asian American	TBD
5.	Darnell Technical Services, Inc.	African American Female	TBD
6.	Global ASR Consulting, Inc.	Asian Pacific American	TBD
7.	Grabowski Collaborative Consulting	Hispanic American	TBD
8.	Intueor Consulting, Inc.	Asian Pacific American	TBD
9.	J. C. Palomar Construction, Inc.	Hispanic American	TBD
10.	MBI Media	Non-Minority Female	TBD
11.	Pac Rim Engineering	Asian Pacific American	TBD

12.	Sapphos Environmental, Inc.	Hispanic American Female	TBD
13.	Summit Consulting & Engineering, Inc.	Hispanic American Female	TBD
14.	Tovar Geo	Hispanic American	TBD
15.	Translutions, Inc.	Subcontinent Asian American	TBD
16.	W2 Design, Inc.	Asian Pacific American	TBD
17.	Watearth, Inc.	Non-Minority Female	TBD
18.	ZelDesign	African American Female	TBD
Total DBE Commitment			30%

B. Contracting Outreach and Mentoring Plan (COMP)

To be responsive, Proposers were required to submit a DBE COMP, which included its plan to mentor a minimum of four DBE firms for protégé development. Burns & McDonnell has selected to mentor the following DBE firms: 1) Casamar Group, 2) Global ASR Consulting, 3) PacRim Engineering, and 4) Summit Consulting & Engineering.

C. Living Wage and Service Contract Worker Retention Policy Applicability

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

D. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

E. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy (PLA/CCP) is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.