



Board Report

File #: 2020-0768, File Type: Contract

Agenda Number: 35.

CONSTRUCTION COMMITTEE JUNE 17, 2021

SUBJECT: ENVIRONMENTAL ENGINEERING SERVICES

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award and execute a five (5) year contract, Contract No. EN66937, with Kleinfelder, Inc. for Environmental Engineering and Consulting services on Task Orders for a total amount not-to-exceed \$48,000,000 inclusive of three base years with an initial amount not-to-exceed \$37,000,000; with two one-year options; and
- B. AUTHORIZING Contract Modification Authority (CMA) in the amount of \$4,800,000 (10% of the not-to-exceed contract amount) and authorizing the CEO to award and execute individual task order changes and/or modifications within the CMA amount.

ISSUE

All major Capital and Capital Improvement Projects, along with many ongoing facilities maintenance and restoration activities undertaken by LA Metro requires environmental engineering and consulting services. Our agency must remain in compliance with all applicable environmental laws and regulations to avoid potential fines, and civil and criminal liability. This contract has been a critical component for technical and environmental engineering support for many 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.

Approximately \$33M of the total requested contract value is for the historical core duties performed under previous contracts that include: environmental and geotechnical assessments, Phase I/II environmental site assessments, construction and industrial stormwater monitoring, noise and vibration monitoring, air quality monitoring, soil and groundwater sampling, industrial wastewater sampling, fuel storage tank system design, permitting assistance, and other regulatory reporting requirements.

Approximately \$18M of this requested contract value is to support anticipated geotechnical investigations for the Sepulveda Transit Corridor Project.

DISCUSSION

Contract No. EN66937 scope includes environmental and geotechnical assessments, Phase I/II environmental site assessments, lead-based paint and asbestos surveys, construction and industrial 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.

Kleinfelder, Inc. is the incumbent for the contract that Contract No. EN66937 is replacing. The total contract value of the current Contract PS-8420-3274 is \$25M of which, ~\$24M has been encumbered. Under the current contract PS-8420-3274, Kleinfelder made a 15% DBE commitment. Based on payments reported, the contract is 85% complete and the current level of DBE participation is 26.69%. Kleinfelder is exceeding its DBE commitment by 11.69%.

The new contract, Contract No. EN66937, is an Indefinite Delivery/Indefinite Quantity (IDIQ) contract and the total contract price is the aggregate total of all Task Orders and changes to be issued within the Board authorized contract amount. This contract allows for staff to readily acquire the specialized technical expertise when needed, for the duration needed. 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 RFP established a 25% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goals. SBE/DVBE attainment is based on the aggregate value of all task orders issued. See Attachment C for Kleinfelder's actual commitment and the subcontractors listed.

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. It will however increase safety as sustainability related projects and programs are implemented to increase the health and safety of our staff and enhance customer experience of our system.

FINANCIAL IMPACT

Contract No. EN66937 is an IDIQ contract. All task orders are individually negotiated, and level of effort fully defined prior to obligating the funds. The task orders will be funded by appropriate project budget, authorized through the annual budget adoption. Since this is a multiyear contract, Chief Program Management Officer, Chief Sustainability Officer, and respective Project Managers are responsible for providing appropriate budgets and following task order award process protocols during the execution of each task order. Execution of work under those Task Orders within those Contract Work Order (CWO) awards can continue beyond the contract end date.

Impact to Budget

The funding source will be aligned to the project acquiring this service. Bus and rail eligible funds will be limited to the task orders pertaining to bus and rail operations.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This consultant contract supports Strategic Goal 2 by optimizing the delivery and performance of Metro's transportation system by incorporating environmental compliance through environmental services activities to reduce impacts to the environment and increase system efficiency.

ALTERNATIVES CONSIDERED

If Contract No. EN66937 is not awarded, staff's ability to provide technical and environmental engineering support for many of our capital and operating projects will be limited. As a consequence; Metro would not be able to immediately address potential and existing environmental liabilities. Furthermore, it would inhibit Metro's ability to remain in compliance with all applicable environmental laws and regulations to avoid potential fines, and civil and criminal liability.

As another alternative, Metro could perform all the environmental engineering and mitigation services in-house. However, to do so, Metro would need to hire additional staff with expertise in many different subjects, such as engineers, geologists, surveyors, asbestos/lead inspectors, laboratory scientists, UST design engineers, and purchasing environmental sampling and monitoring equipment. Staff does not recommend this alternative owing to high acquisition costs to procure personnel and equipment as well as potential for implementation and training delays.

Staff may solicit and award individual contracts for each environmental task on an as-needed basis. Staff does not recommend this alternative. Individually procuring these CWO's and Task Orders have associated inconsistencies, and likely greater cumulative administrative and execution costs, and inefficiencies. The CWOs and Task Orders would also have to be competitively procured, causing

significant delays. This scenario makes it challenging to provide timely responses to sensitive and emergency requirements from within the agency and from regulatory agencies.

NEXT STEPS

Upon Board approval, staff will execute the conformed contract and proceed with issuing Task Orders and Contract Work Orders.

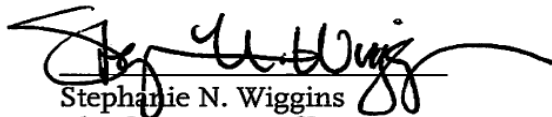
ATTACHMENTS

- A. Procurement Summary
- B. Types and Total Value Estimates of Projects - FY21 to FY25
- C. DEOD Summary

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Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

**ENVIRONMENTAL ENGINEERING SERVICES
CONTRACT NO. EN66937**

1.	Contract Number: EN66937	
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 March 9, 2020	
	B. Advertised/Publicized: March 24, 2020 (Periodicals of General Circulation)	
	C. Pre-Proposal Conference: March 27, 2020	
	D. Proposals Due: May 22, 2020	
	E. Pre-Qualification Completed: March 15, 2021	
	F. Conflict of Interest Form Submitted to Ethics: April 17, 2020	
	G. Protest Period End Date: Est. June 21, 2021	
5.	Solicitations Picked up/Downloaded: 54	Proposals Received: 5
6.	Contract Administrator: Daniel A Robb	Telephone Number: 213.922.7074
7.	Project Manager: Cris B. Liban	Telephone Number: 213.922-2471

A. Procurement Background

This Board Action is to approve the award of Contract No. EN66937, Environmental Engineering Services to Kleinfelder, Inc. (Kleinfelder) to provide environmental engineering services for a wide range of projects, in support of Metro's Environmental Compliance and Sustainability Department (ECSD). Efforts would include site assessment, remediation, engineering, and execution of engineered solutions to environmental issues identified at Metro sites. Board approval of contract awards are subject to resolution of any properly submitted protest.

The recommended consultant will furnish all of the labor, materials, and other related items required to perform the services on a Contract Work Order basis for a project, under which specific Task Orders will be issued for specific Scopes of Services and Period of Performance.

The Request for Proposals (RFP) was an Architectural and Engineering (A & E) services, qualifications-based procurement process performed in accordance with Los Angeles County Metropolitan Transportation Authority (Metro) Procurement Policies and Procedures and California Government Code § 4525 -4529.5. The contract type is a Cost Plus Fixed Fee (CPFF). The Contract is for a term of three (3) years plus 2 one-year options.

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

- Amendment No. 1, issued on May 1, 2020, amended the Letter of Invitation to extend the Proposal due date. Delete the RC_DBE Program and replace with SBE/DVBE Program
- Amendment No 2, issued on May 18, 2020, Replace Exhibit 13 Certification of Prospective Contractor, Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Five (5) proposal were received on May 22, 2020 from the following firms:

1. Atlas Technical Consultants
2. CDM Smith, Inc.
3. Kleinfelder, Inc.
4. Wood Environment & Infrastructure Solutions, Inc.
5. WSP USA, Inc.

All five (5) of the Proposals were responsive to the requirements of the RFP Documents, including Amendment No. 1 and Amendment No. 2.

B. Evaluation of Proposals

The Proposal Evaluation Team (PET) was comprised of representatives from the following departments: Environmental Compliance and Sustainability and Third Party Administration. The PET conducted a comprehensive evaluation of the proposal received.

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

Experience and Capabilities of the Firms on the Team	(20%)
Skill and Capability of Individuals on the Team.....	(20%)
Effectiveness of Management Plan.....	(25%)
Project Understanding and Approach.....	(35%)

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Professional Service procurements. Several factors were considered when developing the criteria weightings, giving the greatest importance to the Experience and Capabilities of the Firms and Key Personnel on the Consultant's Team, Effectiveness of Management Plan and Project Understanding and Approach.

This is a qualifications based procurement; therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

Qualifications Summary of Recommended Firm:

The evaluation performed by the PET determined Kleinfelder, Inc. as the qualified firm and team to provide Environmental Engineering Services, as provided in the RFP Scope of Services.

Kleinfelder, Inc. demonstrated an exceptional thorough and comprehensive understanding of the Scope of Services and Metro's needs under this contract, and demonstrated the ability to scale-up or scale-down based on Metro's needs. The proposer has the expertise to accomplish work on several concurrent task orders, which will be crucial as Metro continues to ramp-up construction efforts.

The key personnel on Kleinfelder's team exceed the requirements in the Scope of Services and possess highly applicable experience to meet Metro's needs. Kleinfelder can provide the qualified support staff and subconsultants with diverse and redundant applicable expertise in order to provide support for many concurrent task orders. Kleinfelder's team can allow them to respond to any need Metro may have under the contract.

The Proposal Evaluation Team (PET) evaluated the proposals, and assessed major strengths, weaknesses, and associated risks of the Proposer to determine the qualifications of the firm. The final scoring was based on evaluation of the written proposals received from the Proposers. The results of the scoring are shown below:

Firm	Evaluation Factor	Average Score	Factor Weight	Weighted Score	Rank
Kleinfelder, Inc	Experience and Capabilities of the Firms on the Team	93.35	20%	18.67	
	Skill and Capability of Individuals on the Team	89.30	20%	17.86	
	Effectiveness of Management Plan	93.24	25%	23.31	
	Project Understanding and approach	92.31	35%	32.31	

	TOTAL		100%	92.15	1
Wood Environmental & Infrastructure Solutions	Experience and Capabilities of the Firms on the Team	90.10	20%	18.02	
	Skill and Capability of Individuals on the Team	90.55	20%	18.11	
	Effectiveness of Management Plan	89.40	25%	22.35	
	Project Understanding and approach	89.94	35%	31.48	
	TOTAL		100.00%	89.96	2
WSP USA, Inc	Experience and Capabilities of the Firms on the Team	89.55	20%	17.91	
	Skill and Capability of Individuals on the Team	89.85	20%	17.97	
	Effectiveness of Management Plan	89.92	25%	22.48	
	Project Understanding and approach	88.54	35%	30.99	
	TOTAL		100.00%	89.35	3

CDM Smith	Experience and Capabilities of the Firms on the Team	84.85	20%	16.97	
	Skill and Capability of Individuals on the Team	86.30	20%	17.26	
	Effectiveness of Management Plan	84.48	25%	21.12	
	Project Understanding and approach	89.09	35%	31.18	
	TOTAL		100.00%	86.53	4
Atlas Technical Consultants	Experience and Capabilities of the Firms on the Team	86.50	20%	17.30	
	Skill and Capability of Individuals on the Team	86.35	20%	17.27	
	Effectiveness of Management Plan	82.32	25%	20.58	
	Project Understanding and approach	87.46	35%	30.61	
	TOTAL		100.00%	85.76	5

Note: All Scores rounded to the second decimal.

C. Cost Analysis

The recommended total estimated cost has 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. Metro negotiated and established indirect cost rates and as appropriate provisional indirect (overhead) rates, plus a fixed fee factor to establish a fixed fee amount based on the total estimated cost for task orders, during the contract term to compensate the consultant.

Audits will be requested, 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: Kleinfelder, Inc...			
Contract Duration	Proposal Amount	Metro ICE	NTE Funding Amount
Base Period – 3 Years	N/A ⁽¹⁾	\$36,600,000. ⁽²⁾	\$37,000,000. ⁽²⁾
Option Year 1	N/A ⁽¹⁾	\$5,600,000. ⁽³⁾	\$6,000,000. ⁽³⁾
Option Year 2	N/A ⁽¹⁾	\$5,000,000. ⁽⁴⁾	\$5,000,000. ⁽⁴⁾

- (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 Services. Hourly labor rates, overhead and fee were negotiated and determined to be fair and reasonable.
- (2) The amount \$36,600,000. is the Independent Cost Estimate (ICE) for 3-year base Period of the Contract.
- (3) The amount \$5,600,000. is the Independent Cost Estimate (ICE) for Option Year 1 Period of the Contract.
- (4) The amount \$5,000,000. is the Independent Cost Estimate (ICE) for Option Year 2 Period of the Contract.

The Environmental Engineering Services Independent Cost Estimate (ICE) was established based on the Scope of Services developed for the Contract. The probable costs are based on the anticipated level of effort estimated for each year that will be required to perform the Scope of Services by the Consultant and sub-consultants.

D. Background on Recommended Consultant

The recommended firm, Kleinfelder, Inc. (Kleinfelder), a California Corporation headquartered 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 2,000 employees across 74 offices across the United States, Canada, and Australia. They have been working in Los Angeles since 1984 with two Los Angeles County offices in downtown Los Angeles and in Long Beach.

Attachment B: Environmental Engineering Services Contracts

Future Projects	Year 1	Year 2	Year 3	Year 4	Year 5	Total
	Total Estimated Contract Value	Total Estimated Contract Value	Total Estimated Contract Value	Total Estimated Contract Value	Total Estimated Contract Value	Total Estimated Contract Value
Contractor Consultancy Only						
Programs						
Water Quality Compliance Services (Industrial Wastewater, Construction SWPPP, NDPEs)	\$250,000.00	\$250,000.00	\$250,000.00	\$250,000.00	\$250,000.00	\$1,250,000.00
Real Estate-Joint Development Support	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$500,000.00
Environmental Risk and Liability Tracking (GASB49)	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$125,000.00
Tank Systems Design & Operation Support	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$500,000.00
Environmental Regulatory Compliance Support	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$75,000.00
Permitting	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$75,000.00
Environmental Consulting & Emergency Response Services	\$150,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$750,000.00
Projects						\$0.00
Regional Connector	\$100,000.00	\$100,000.00	\$25,000.00	\$0.00	\$0.00	\$225,000.00
Crenshaw-LAX	\$250,000.00	\$250,000.00	\$0.00	\$0.00	\$0.00	\$500,000.00
Purple Line Extension-Section 1 / Location 64	\$1,500,000.00	\$1,500,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00	\$5,000,000.00
Purple Line Extension-Section 2	\$1,500,000.00	\$1,500,000.00	\$1,000,000.00	\$1,000,000.00	\$400,000.00	\$5,400,000.00
Purple Line Extension-Section 3	\$1,500,000.00	\$1,500,000.00	\$1,500,000.00	\$1,000,000.00	\$450,000.00	\$5,950,000.00
Active Transportation Rail to Rail Corridor	\$50,000.00	\$50,000.00	\$50,000.00	\$25,000.00	\$0.00	\$175,000.00
Division 20 - Portal Widening Turnback	\$750,000.00	\$750,000.00	\$750,000.00	\$500,000.00	\$500,000.00	\$3,250,000.00
Metro Orange Line Improvements	\$50,000.00	\$50,000.00	\$50,000.00	\$25,000.00	\$25,000.00	\$200,000.00
Airport Metro Connector	\$300,000.00	\$300,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$1,050,000.00
Metro Link Union Station	\$150,000.00	\$150,000.00	\$150,000.00	\$50,000.00	\$50,000.00	\$550,000.00
Metro Emergency Security Operations Center (ESOC)	\$150,000.00	\$150,000.00	\$150,000.00	\$100,000.00	\$100,000.00	\$650,000.00
East San Fernando Valley Transit Corridor	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$1,500,000.00
West Santa Ana Branch Transit Corridor	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$1,500,000.00
Metro Soundwall Program (Package 11)	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$125,000.00
Rosecrans / Marquardt Grade Separation	\$100,000.00	\$100,000.00	\$50,000.00	\$0.00	\$0.00	\$250,000.00
LAUS Forecourt	\$0.00	\$100,000.00	\$50,000.00	\$0.00	\$0.00	\$150,000.00
I-5 North Capacity Enhancements	\$100,000.00	\$100,000.00	\$50,000.00	\$0.00	\$0.00	\$250,000.00
Sepulveda Pass Geotechnical Investigation	\$7,000,000.00	\$5,000,000.00	\$3,000,000.00	\$1,500,000.00	\$1,500,000.00	\$18,000,000.00
Overall ROM	\$14,780,000.00	\$12,880,000.00	\$9,255,000.00	\$6,630,000.00	\$4,455,000.00	\$48,000,000.00

Notes:

Project costs assumed to include any escalation

DEOD SUMMARY

**ENVIRONMENTAL ENGINEERING SERVICES
CONTRACT NO. EN66937**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 28% Small Business Enterprise/Disabled Veterans Business Enterprise (SBE/DVBE) goal, inclusive of a 25% SBE goal and 3% DVBE goal for this Task Order Contract. Kleinfelder Inc., exceeded the goal by making a 26% SBE and a 4% DVBE commitment.

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

Small Business Goal	25% SBE 3% DVBE	Small Business Commitment	26% SBE 4% DVBE
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Prime: Kleinfelder Inc.

	Subcontractors	SBE	DVBE
1.	Advanced Technology Laboratories	X	
2.	Aero Environmental Services	X	
3.	AP Engineering & Testing, Inc.	X	
4.	Asset Laboratories	X	
5.	Aurora Industrial Hygiene, Inc.	X	X
6.	AVA Environmental Inc.	X	
7.	Bancroft Construction Services		X
8.	Calvada Surveying		X
9.	Colbert Environmental Group	X	
10.	CSDA Design Group	X	
11.	D'Leon Consulting Engineers	X	
12.	E-Nor Innovations, Inc.	X	X
13.	Entech Northwest, Inc.	X	
14.	Global ASR Consulting, Inc.	X	
15.	ICI Engineers, Inc.	X	
16.	J & H Drilling Co., Inc.	X	
17.	Martini Drilling Corporation	X	
18.	Morgner Construction Management	X	
19.	MugenKioku Corporation	X	
20.	Paleo Solutions, Inc.	X	
21.	Polytechnique Environmental, Inc.	X	

22.	Safe Probe, Inc.	X	
Prime: Kleinfelder Inc. (cont.)			
	Subcontractors	SBE	DVBE
23.	SunWest Engineering Constructors, Inc.	X	
24.	ToxRisk Consulting, LLC	X	
25.	V & A Inc.	X	
26.	Wagner Engineering & Survey, Inc.	X	
TOTAL COMMITMENT		26%	4%

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. 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).

D. Project Labor Agreement/Construction Careers Policy

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