



Board Report

File #: 2019-0888, **File Type:** Contract

Agenda Number:

CONSTRUCTION COMMITTEE JANUARY 16, 2020

SUBJECT: ENVIRONMENTAL ENGINEERING SERVICES

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE

- A. An increase to the total authorized funding for Contract No. PS3274 with Kleinfelder, Inc. to provide Environmental Engineering support services in the amount of \$11,926,155 increasing the Total Contract Value (CMA) from \$13,200,000 to \$25,126,155, and
- B. The Chief Executive Officer (CEO) to execute all individual Task Orders and changes within the Board approved contract funding amount.

ISSUE

Every Capital Project and 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 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.

Contract No. PS3274 scope includes 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.

The increased contract value requested will be used to continue the support for capital projects and

has such value that is consequent of the increase in contract work volume from a little over \$14B a few years ago, to \$20 in FY20. This contract has been an important asset to all the major capital projects that it has been used to support; saving time, project delays, budget and also maintaining the projects within regulatory compliance.

This contract with Kleinfelder is in its last year and a replacement is already in procurement to be awarded in Summer 2020. Staff requests the Board for an increase in current contract value by \$11,926,155 from \$13,200,000 to \$25,126,155 in order to continue with support for the major capital projects prior to the next contract, additional contract value is needed to pay for the task orders that are already encumbered, and to execute or complete current schedule and cost critical tasks and those that are already in the pipeline.

DISCUSSION

Over the past four years, the Contract No. PS3274 consultant contract has been a key contributor to support numerous large capital Projects. Some projects of note:

- Portal Widening Turnback (PWT)
- Purple Line Section 1
- Purple Line Section 2
- Purple Line Section 3
- Crenshaw LRT
- Metro Fuel Storage Tank Program
- Emergency Service Operations Center (ESOC).

This contract is an Indefinite Delivery/Indefinite Quantity (IDIQ) contract and the total contract price is the aggregate total of all Task Orders and changes issued within the Board authorized contract amount. In September of 2015 approving the award of the contract the Board authorized funding for a total not-to-exceed amount of \$12,000,000. Subsequently staff increased that not-to-exceed amount by \$1,200,000, utilizing the 10% Contract Modification Authority set forth in Procurement Policy ACQ-1 to issue Task Orders within a maximum total funding not-to-exceed amount of \$13,200,000.

In January of 2017 the Metro Board approved the Chief Executive Officer (CEO) request to execute change orders and modifications authorizing the CEO to negotiate and execute project related agreements, including contract modifications, up to the authorized Life-of-Project budget on all transit and regional rail capital projects program-wide. Staff had understood that authority flows down to support contracts, including the Environmental Engineering Support Services contract. A clarification of the policy by executive management is that the 2017 CEO authority only applies to contracts that are exclusively for one capital project and not IDIQ contracts that span over multiple projects with a not-to-exceed contract amount.

The current Total Contract Price (the aggregate total commitment of all Task Orders and changes issued to date) is \$14,826,155, which exceeds the total contract value + CMA value amount by 1,626,155. Although this contract's encumbered value is now over the contract value, none of these amounts have been

fully spent or billed.

Additional capital project support that needs to be completed prior to the award of the replacement contract are as follows:

**Anticipated Capital Project Support
Task Orders**

Project Number	Project Title	Task Order Description	Anticipated TO Amount
202213	Fuel Storage Tank Program	Various Upgrades to Existing Fueling Systems- Agency Wide and Enhanced Compliance Projects per Water Board Consent Decree Order	\$800,000
865518	PLE 1	Environmental Mitigation	\$1,400,000
865522	PLE 2	Environmental Mitigation	\$2,500,000
865523	PLE 3	Environmental Mitigation	\$1,500,000
405557	LAUS Forecourt	Environmental/Geotech	\$1,500,000
460305	Sepulveda Pass Project Development Agreement	Environmental/Geotech	\$2,600,000

Consequently, additional funding in the amount of \$11,926,155 is requested for this contract, increasing the total authorized funding amount from \$13,200,000 to \$25,126,155.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Contract No. PS3274 is an Indefinite Delivery/Indefinite Quantity (IDIQ) contract. All task orders are individually negotiated, and level of effort fully defined prior to the authorization of any project specific funds. The Chief Program Management Officer, Chief Sustainability Officer, and Project Managers are responsible for providing appropriate budgets and following task order award process protocols during the execution of each task order.

Impact to Budget

There will be no net impact to Bus and Rail Operating or Capital Budgets. The source of funds for this contract is included in the department's budget under Project Numbers 300012 Site Remediation, 202213 Fuel Storage Tanks, Cost Center 8420 Environmental Compliance and

Services, Account 50316 Professional and Technical Services. The project funds to be used to support capital project environmental services work are within the LOP of the respective capital projects.

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

The Metro Board of Directors could decide not to increase the funding for this Contract and solicit and award individual contracts for each environmental task as the need arises. Staff does not recommend this alternative owing to high costs, construction delays and, for multiple contracts and administrative inefficiencies.

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, and purchasing 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.

An environmental services replacement contract is currently in procurement.

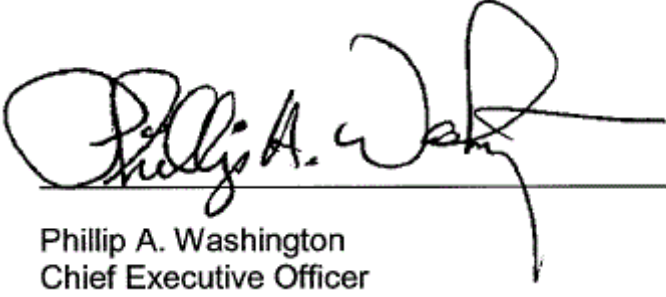
NEXT STEPS

Upon Board approval, staff will execute the Modification to Contract No. PS3274 to continue the capital project and operations support.

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