



## Board Report

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### CONSTRUCTION COMMITTEE NOVEMBER 17, 2022

**SUBJECT: CEQA/NEPA AND ENVIRONMENTAL COMPLIANCE SERVICES**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD and EXECUTE Contract No. PS77530 for CEQA/NEPA and Environmental Compliance Services with ICF Jones & Stokes, Inc. for a five (5) year contract inclusive of three (3) base years with an initial amount not-to-exceed \$14,166,384.73; with two one-year options for a not-to-exceed amount of \$1,924,174.53 and \$1,760,892.27 respectively, for a total not-to-exceed amount of \$17,851,451.53; subject to the resolution of any properly submitted protest; and
- B. AWARD and EXECUTE individual Contract Work Orders and Task Orders within the total approved not-to-exceed funding limit of \$14,166,384.70.

**ISSUE**

Under federal, state, and local law and to avoid fines, civil or criminal liability, Metro is required to evaluate and comply with environmental laws, statutes and /or regulatory compliance for nearly every capital project and all projects undertaken by Metro. This contract is a critical component for planning, managing, and mitigating known and unknown environmental risks and regulatory compliance during the execution of Capital Construction and transit projects. The contract provides technical expertise and specialty licenses required to execute this type of work. Furthermore, this contract plays a critical role in keeping projects on schedule and keeping the agency compliant with regulatory requirements.

**BACKGROUND**

A critical component of executing our Capital projects and transit projects requires Metro to continually evaluate, survey, mitigate, and monitor environmental requirements. We need to simultaneously act towards regulatory compliance under federal, state, and local law. Metro must adhere to all environmental laws including the National Environmental Policy Act (NEPA) and the

California Environmental Quality Act (CEQA) to avoid fines, and civil or criminal liability.

The scope of work identified in this services contract is specifically for support of Metro's projects including operations, transit, and Capital Construction programs.

The passing of Measure M and continuation of Measure R projects in recent years has further increased the number of Capital projects developed. Metro staff does not have the internal resources to do all environmental regulatory and construction compliance support work in-house.

## **DISCUSSION**

The contract will be used to assist Metro projects with the development and review of environmental documents, technical surveys and reports, and field monitoring compliance. The contract also includes environmental compliance services for Metro owned properties and Capital projects. Additional contract requirements include permit assistance, Native American consultation, and Section 106 consultation.

The scope of services in this contract is primarily for the support for Metro's environmental compliance including numerous transit capital projects and Mega projects. This contract includes the preparation of studies, surveys, investigations, modeling, predictions, data analyses and reporting related to the categories of impact, or as required by conditions identified during the planning, development, and design stages of a project and/or during the construction, operation, or close-out phases of a project. The work also includes the engineering and design of mitigation measures necessary to comply with the above listed requirements.

The support provided by previous environmental services and construction support contracts has historically saved projects money and avoided additional months of delays due to our ability to rapidly respond to unforeseen environmental issues encountered during project planning, permitting, and construction.

To accomplish these tasks, the consultant will provide the 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, project managers, stormwater professionals (QSD/QSP), biologists, archeologists, architectural historians, and other experienced and certified staff.

## **DETERMINATION OF SAFETY IMPACT**

This Board action will not have an adverse impact on safety standards for Metro. It will increase safety as environmental compliance related projects and programs are implemented to increase the health and safety of our staff and community.

## **FINANCIAL IMPACT**

This contract is for three years with two one-year options for a total of five years as an Indefinite

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Delivery/Indefinite Quantity (IDIQ) contract. No Metro funds are obligated until a Contract Work Order (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. The Chief Program Management Officer, EO Environmental Services Division, and Project Managers are responsible for providing appropriate budgets and following the Task Order award process protocols during the execution of each Task Order. Execution of work under those Task Orders can continue beyond the contract end date as specified in the contract.

Obligations and executions made within the total Contract Amount will be against specific project budgets which were authorized as part of FY23 budget adoption. Specific funding for this contract will parallel the eligible project funding source(s). The Chiefs of the business units and Project Managers overseeing these projects will be responsible for providing appropriate budgets in the future.

The Diversity and Economic Opportunity Department (DEOD) will establish a Disadvantaged Business Enterprise (DBE), or Small Business Enterprise (SBE), and the Disabled Veteran Business Enterprise (DVBE) goal for each Task Order.

#### Impact to Budget

The source of funds for this contract is provided within the Life of Project (LOP) budget or annual appropriation of the respective Capital projects shown in Attachment C. Funding sources for these Capital projects are approved as part of the project LOP or through the annual budget adoption. No additional funds are required upon approval of this contract award. Some projects are eligible for bus and rail capital funds hence appropriate task orders will be funded accordingly.

#### EQUITY PLATFORM

Metro is scheduled to provide an estimated 42 miles of new transit systems within the County of LA limits with a significant amount located in Metro's 2022 Equity Focus Communities (EFCs) areas which will serve those most in need of public and active transit services. Environmental compliance assists the disproportionate burden disadvantaged communities may bear by analyzing and mitigating potential impacts from population and housing impacts, traffic and transportation, air quality, energy, greenhouse gas emissions, public services, parks and recreation and hazards mitigations and monitoring. This contract would allow projects to prepare to be responsive, minimizing potential negative impacts while the community can benefit from the services the greater project will provide.

To ensure maximum opportunity for participation on this contract, this solicitation was advertised through diverse periodicals, including LA Sentinel, Asian Week, Los Angeles Daily News, and La Opinión, posted on Metro's Vendor Portal, and an e-mail notice to small businesses with applicable NAICS codes. This decision prioritizes the use of small and disadvantaged businesses by bringing all 20 environmental specialties, each requiring technical expertise, under a single contract and includes

mentorship opportunities provided by the prime contractor.

## **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 the Contract is not awarded, staff's ability to provide technical and environmental compliance support for construction services for many of our Capital projects will be limited. Consequently, Metro would not be able to immediately address potential and existing environmental liabilities.

In the Capital projects supported by this contract, Metro could experience increased liability for contractor claims for the delay to schedule completion milestones or risk of fines due to violations from regulatory agencies.

As another alternative, Metro could perform all the environmental regulatory and environmental compliance-related services in-house. However, to do so, Metro would need to hire additional staff with expertise in many different subjects, such as engineers, biologists, archeologists, environmental planners, and similar staff. Metro would incur more short-term capital and long-term costs to do the work internally than employing consultants.

Alternately, 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 Task Orders have associated inconsistencies and likely greater cumulative administrative and execution costs and inefficiencies.

## **NEXT STEPS**

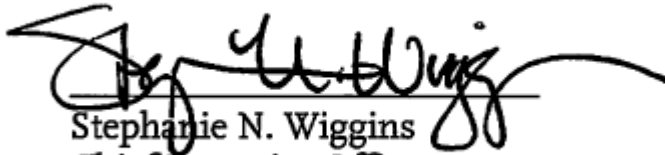
After Board approval, staff will execute the conformed contract and proceed with issuing Contract Work Orders and Task Orders.

## **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary  
Attachment C - CEQA/NEPA Compliance Contract Costs Estimates

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