



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.

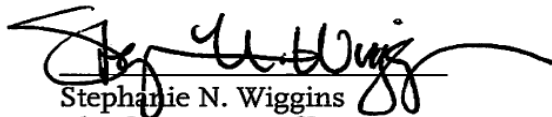
ATTACHMENTS

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

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