



## Board Report

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### 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

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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

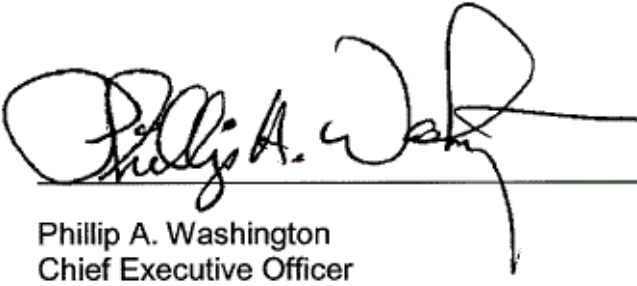
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