



Board Report

File #: 2020-0127, File Type: Contract

Agenda Number: 28.

CONSTRUCTION COMMITTEE APRIL 16, 2020

SUBJECT: SUSTAINABILITY ENGINEERING SERVICES FOR SOLID WASTE, RECYCLING AND HAZARDOUS WASTE COMPLIANCE

ACTION: AWARD CONTRACT FOR SOLID WASTE, RECYCLING AND HAZARDOUS MATERIALS AND WASTE COMPLIANCE

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award a Cost Plus Fixed Fee Contract for a base period of performance of three (3) years, Contract No. AE61890, to Jacobs Engineering Group, Inc., for **Sustainability Engineering Services for Solid Waste, Recycling and Hazardous Materials and Waste Compliance**, for total Contract amount not-to-exceed \$11,047,603 for the 3 year baseline term and to exercise two one (1) year options, year one option not-to-exceed \$3,825,715 and year two option not-to-exceed \$3,954,885; and
- B. AUTHORIZING the Chief Executive Officer (CEO) to execute changes and modifications within the Board approved not-to-exceed contract amount.

ISSUE

Metro's sustainability program is nationally recognized as one of the leading programs in the transit industry. Sustainability principles such as climate, energy, water, resource conservation and management are integrated into Metro's transportation infrastructure and facilities activities. As a result, Metro has effectively reduced resource consumption, decreased air pollutant emissions, including greenhouse gas emissions, improved efficiency, reduced solid and liquid waste generation, and increased recycling and diversion from landfill.

To ensure the continued success of Metro's sustainability program and further achieve operational sustainability, we have solicited and recommend the award of a professional services contract for solid waste, recycling and hazardous waste compliance consulting services.

The scope of this contract is designed to reduce generated waste, increase capacity for recycling, and ensure that hazardous waste compliance is both effective and consistent with current regulations and ahead of emerging statutes and regulatory requirements.

Over the long-term, the services used through this contract will ensure the protection of human health and the environment, addresses challenge of operational sustainability, and reduces the impacts of our activities to shrinking landfill resources. This recommended contract was also solicited to increase participation of firms that work in the sustainability industry in Metro's programs, especially those which are involved in the fields of solid waste, recycling and hazardous materials and waste compliance.

DISCUSSION

As Metro's sustainability program has matured, the Environmental Compliance and Sustainability Department (ECSD) has a need for several specialty contracts to provide technical expertise and support to advance agency-wide sustainability initiatives and projects.

To advance Metro's sustainability and environmental stewardship commitment, the following four separate consultant contracts have been implemented to assist Metro with its sustainability program:

- A. Sustainability Engineering Services for Solid Waste, Recycling and Hazardous Waste Compliance (this procurement);
- B. Sustainability Engineering Services for Water Resources, Conservation and Compliance (awarded in Fall 2019);
- C. Sustainability Engineering Services for Energy, Renewable Energy, and Climate Change and Adaptation and Climate (currently being procured); and
- D. Sustainability Program Assistance Services (currently being procured).

The current Metro Sustainability Implementation Plan (MSIP, 2008) together with *GEN51: Construction and Demolition Debris Recycling and Reuse Policy* provides a framework of how our agency can reduce our impacts to the environment resulting from activities that produce waste that are destined for landfills. In the current effort to update the MSIP, staff proposes to meet specific waste metrics, including activities that will reduce or divert such wastes that currently use traditional disposal methods. This contract will assist staff in developing those alternative means to:

1. Reduce the amount of waste generated from Metro activities;
2. Increase the diversion of waste that are inevitably generated;
3. Immobilizing the impacts of hazardous materials and hazardous waste; and
4. Determine new ways to influence the practices of our vendors to reduce generated waste as they supply goods and services to Metro.

Additional strategies have been developed and continue to be developed as part of the Board approved Sustainable Acquisition Program (SAP). Through several SAP pilots, staff is developing new tactics and best practices consistent with the MSIP update efforts.

The services that will be provided by the Sustainability Engineering Services for Solid Waste, Recycling and Hazardous Materials and Waste Compliance contract include the preparation of analyses, studies, surveys, investigations, modeling, predictions, recommendations and/or reports

related to solid waste, recycling and hazardous waste and compliance related to the operation and maintenance of Metro's transportation system, facilities and support activities. The consultant is expected to support a wide range of solid waste initiatives, including, but not limited to, solid waste reduction, reuse, and recycling programs; solid waste regulatory compliance and reporting; waste management; environmental management system (EMS); and emerging sustainability-related and cleantech technologies. These services will support Metro with identifying, designing and implementing the next phase of waste disposal reduction and diversion measures, while fulfilling all compliance obligations.

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 professionals such as Professional Engineers, Sustainability Engineers, Solid Waste Specialists, and other such professional practitioners as may be needed to support the required solid waste, recycling and hazardous waste compliance projects and initiatives.

DETERMINATION OF SAFETY IMPACT

This Board action will help ensure the long-term safety and security of Metro's operations by improving the management and efficiency of our use of non-renewable resources, reducing generated waste, while advancing agency resiliency and contributing to state of good repair.

FINANCIAL IMPACT

Contract No. AE61890 will be Cost Reimbursable (i.e., Cost Plus Fixed Fee (CPFF)) 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. All Task Orders are to be individually negotiated for a not-to-exceed amount 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 capital or operations budgets, which make up the Board-approved Metro budget for any fiscal year. Specific funding for the CWO's using this contract will draw from the project funding approved by Board under separate actions. The Chief Sustainability Officer, Chief Program Manager, and Project Managers of each of the business units overseeing these projects will be responsible for providing appropriate budgets.

Impact to Budget

The initial source of funds for this contract is included in the FY20 budget under Project Number 450002, 1.01 - Sustainability Design, Cost Center 8420 Environmental Compliance and Sustainability, Account 50316 Professional and Technical Services. Future 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

This Architect Engineer Contract will provide services to support the implementation of Metro's Strategic Plan Goals, with specific alignment to Initiative 5.2 - Exercise good public policy judgement and sound fiscal stewardship; and Initiative 5.4 - Apply prudent commercial business practices to create a more effective agency.

ALTERNATIVES CONSIDERED

Contract AE61890 is designed to strategically advance Metro's existing solid waste, recycling and hazardous compliance efforts, while establishing the next generation of initiatives and best practices.

The Board may reject the recommended action and direct staff to do all solid waste, recycling and hazardous waste compliance services work in-house. To support the large volume of technical tasks associated with this program, Metro would have to hire additional staff with specific technical expertise, which staff currently do not have. These would include Professional Engineers, Sustainability Engineers, Solid Waste Specialists, and such other professional practitioners as may be needed to support the required solid waste, recycling and hazardous waste compliance programs, projects and initiatives.

While cost efficiencies may be achieved by having these credentialed and highly skilled staff hired full-time, this alternative is not recommended as it would be financially challenging to *consistently* support these specialized, highly skilled resources in-house in the foreseeable future. The tasks associated with this contract are currently projected to be needed only for short-term defined assignments. Staff will, however, need to revisit the need for augmenting in-house sustainability-related skills every three years as our portfolio of these types of programs increase, alongside the expansion of our transit system.

As another alternative, staff could also solicit and award individual contracts for each solid waste, recycling and hazardous compliance expert consulting services task, as the need arises. This alternative is not recommended. Individually procuring these CWO's and Task Orders result in inconsistencies across the program and cumulatively higher administrative and execution costs. As many of these projects overlap with one another, having multiple consultants will cause delays and administrative inefficiencies.

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 - DEOD Report

Attachment C - Anticipated Projects and Tasks


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