



Metro

Los Angeles County
Metropolitan Transportation Authority

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**CONSTRUCTION COMMITTEE
JUNE 21, 2012**

SUBJECT: ENVIRONMENTAL COMPLIANCE CONSULTANT SERVICES

ACTION: AWARD PROFESSIONAL SERVICES CONTRACT

RECOMMENDATION

- A. Authorize the Chief Executive Office to negotiate and execute a five-year labor-hour contract, Contract No. EN078, to AECOM Technical Services, Inc. for Environmental Compliance Services on Task Orders, inclusive of two one-year options with an initial amount not-to-exceed \$10,525,000;
- B. Authorize the Chief Executive Officer to execute individual Task Orders and changes within the Board approved contract amount; and
- C. Delegate to the Chief Executive Officer, should staff be unable to conclude negotiations with AECOM Technical Services, Inc., the authority to negotiate with the next most qualified proposer.

ISSUE

Environmental analysis and clearance of Metro Transportation Project is required under the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), and Section 4(f) of the Department of Transportation Act (DOTA) of 1966, and other appropriate federal, state laws and local laws, regulations, and guidelines related to the impact that Metro projects may have on the environment. These Metro projects normally include changes to rail development projects, bus service projects, and Metro facilities projects that have been planned and environmentally cleared through the use of federal Major Investment Study, Alternative Analysis/ Draft and Final Environmental Impact Statement processes or through a CEQA Draft and Final Environmental Impact Report. These projects may also have been evaluated with various supplemental or subsequent environmental documents.

DISCUSSION

The existing Environmental Compliance contract is a five year contract that is expiring June 30, 2012. The environmental compliance services that the existing contract provides are in support of the major projects and various other bus and rail capital projects and this work needs to be continued. In order to have a new environmental compliance services contract in place by June 30, 2012, a new environmental compliance services solicitation was initiated and the evaluation completed to ensure there is a smooth transition and continuation of these services. The new contract is for three years with two one-year options for a total of five years. The Procurement Summary for this contract is documented in Attachment A.

The services that this contract provides include the preparation of analyses, studies, surveys, investigations, modeling, predictions, or reports related to the categories of impact normally found in the CEQA/NEPA guidelines or as required by conditions that develop as projects are planned for, developed, designed, cleared, constructed, operated or closed out. This work also includes the engineering and design of mitigation measures necessary to comply with the above listed requirements. Additional services would include project support in the form of studies and project implementation in the sustainability-related areas of energy, environmental policy and regulations, Environmental Management System, and greenhouse gas emissions and climate change management.

To accomplish the assigned tasks, the Contractor will provide necessary staff, sub-consultants, equipment, software, supplies, and services. They shall employ or subcontract as necessary with such diverse professionals like Acoustical Engineers, Air Quality Engineers, Biologists, Botanists, Arborists, Historians, Archeologists, Paleontologists, Legal Counsel, Environmental and Sustainability Scientists and Engineers and such other professional practitioners as may be needed to support Metro's environmental compliance programs.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards for Metro's Construction projects.

FINANCIAL IMPACT

As specific environmental compliance needs arise, Task Orders will be issued and funded from their associated project budget, upon approval by the responsible Project Manager. Board approved and forecasted budgets within the FY13 to FY17 timeframe include, for example, major Bus and Rail Construction Projects, Metro Crenshaw Light Rail Project, Metro Regional Connector, and Metro Westside Extension Project, Bus Division Expansion Projects, Energy Conservation and Management (450001), Policy

Development and Implementation (450002), Environmental Management System Implementation (450003), and Greenhouse Gas Emissions and Climate Change Management (450004) (Attachment B).

Since this is a multi-year project, the Executive Director, Transit Project Delivery will be responsible for budgeting in future years.

Impact to Budget

The Bus and Rail Operating and Capital Budgets are not impacted by this action.

ALTERNATIVES CONSIDERED

If Contract EN078 is not awarded then Metro could experience increased liability for Contractor claims for delay to schedule completion milestones, incur opportunity costs, or risk fines and lawsuits resulting from inaction to comply with regulatory agency, local government, or community group requirements.

The Metro Board may reject the recommended action and direct staff to do all environmental compliance services support work in house. Under such situation, Metro would have to hire additional staff with expertise in many different subjects, such as acoustical engineering, archeology, paleontology, biology, botany, traffic engineering, environmental science and engineering; as well as purchase specialized equipment such as sound monitors, traffic counters, bio-monitors, etc. and related equipment. Such an action is not practical or cost-effective. Metro would incur more cost to do the work internally compared to employing consultants.

NEXT STEPS

After the recommended Board Action is approved, staff will complete the process to award EN078.

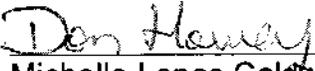
ATTACHMENT

- A. Procurement Summary, Environmental Compliance Services
- B. Forecasted Environmental Compliance Services Work: FY13-FY17

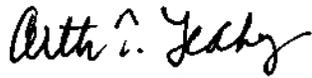
Prepared by: Cris B. Liban, Director, Environmental Compliance and Services



Krishniah N. Murthy
Executive Director, Project Transit Delivery


for Michelle Lopes Caldwell

Michelle Lopes Caldwell
Chief Administrative Services Officer



Arthur T. Leahy
Chief Executive Officer

PROCUREMENT SUMMARY

ENVIRONMENTAL COMPLIANCE SERVICES

1.	Contract Number: EN078	
2.	Recommended Vendor: AECOM Technical Services, Inc.	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: 08/29/2011	
	B. Advertised/Publicized: 08/29/2011	
	C. Pre-proposal/Pre-Bid Conference: 09/13/2011	
	D. Proposals/Bids Due: 09/30/2011	
	E. Pre-Qualification Completed: 05/07/2012	
	F. Conflict of Interest Form Submitted to Ethics: 05/18/12	
	G. Protest Period End Date: June 29, 2012	
5.	Solicitations Picked up/Downloaded: 39	Bids/Proposals Received: 6
6.	Contract Administrator: Eva Rodriguez	Telephone Number: 213-922-1034
7.	Project Manager: Emmanuel (Cris) Liban	Telephone Number: 213-922-2471

A. Procurement Background

The Request for Proposals (RFP) was an Architectural & Engineering (A&E) qualifications based procurement process in accordance with the California Government Code 4525-4529. This process required that each of the responding firm's qualification be evaluated, and the most qualified firm be selected, followed by cost and contract negotiations with the selected form to establish a fair and reasonable contract price.

The contract is an Indefinite Delivery/Indefinite Quantity type contract using Task Orders/Contract Work Orders (CWO's) for discreet scopes of work and compensating the Consultant, at fixed unit prices or lump sum prices to the maximum extent possible or as necessary on time and materials basis, for costs that are fair, reasonable, allowable and allocable in accord with Federal Acquisition Regulation (FAR) Part 31. The Contract will be for a term of three years plus two one year options.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Unit Price. No amendments were issued during the solicitation phase of this RFP. A total of 6 proposals were received on September 30th, 2011. The solicitation was a qualification-based procurement process. This method is based on each of the responding firm's qualifications being evaluated, and the most qualified firm being selected, followed by an analysis and negotiation of the cost proposal from the selected firm.

Metro held a pre-proposal conference on September 13, 2011, at One Gateway Plaza, Los Angeles, CA 90012, in the Gateway Plaza Room on the 3rd floor. There were approximately forty-eight representatives from numerous firms that signed-in at the pre-proposal conference.

The qualification proposals were received on September 30, 2011. Cost proposals were also received September 30, 2011, but remained unopened until the most qualified firm was selected.

Of the 6 proposals received, three were determined to be within the competitive range. Two firms were determined to be outside the competitive range and were not included for further consideration. One firm failed to submit the required Metro Pre-Qualification Application on time and as a result proposal is deemed non-responsive. The three firms within the competitive range are listed below in alphabetical order:

1. AECOM Technical Services, Inc.
2. TRC Solutions, Inc.
3. UltraSystems Environmental, Inc.

B. Evaluation of Proposals/Bids

A Proposal Evaluation Team consisting of staff from Metro's Countywide Planning and Environmental Compliance Services was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and weights:

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|--|------------|
| • Prime Contractor's Skills and Experience | 40 percent |
| • Personnel | 30 percent |
| • Management Plan | 30 percent |

The evaluation criteria were consistent with criteria developed for other, similar A&E procurements. Several factors were considered when developing these weights, giving the greatest importance to the Prime Contractor's Skills and Experience. Price could not be used as an evaluation factor pursuant to state and federal law for Architectural & Engineering (A&E) Procurement.

The firms' project managers, along with other key personnel for CEQA/NEPA, Sustainability, QA/QC, Public Outreach services had the opportunity to present each team's qualifications and respond to the evaluation committee's questions. In general each team's presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm's commitment to the success of the project. Also highlighted were staffing plans, work plans, and perceived project issues. Each team was asked questions relative to each firm's proposed alternatives and previous experience.

The averaged scoring for all three proposers after the oral presentations showed them to be essentially equal (i.e. the differences in the numeric scores are not significant); therefore strengths, weaknesses and risks must determine the final outcome.

Qualifications Summary of Firms within the Competitive Range:

AECOM Technical Services, Inc.

- AECOM has completed over 2,500 environmental compliance documents and is therefore well versed in the CEQA/NEPA process.
- The proposed Project Manager has over 30 years of experience in the field, which includes evaluation of major infrastructure projects for rail and highways.
- AECOM and their team members are very experienced in all required disciplines, and have experience working with transportation agencies including Metro and Caltrans. Such experience demonstrated that the team has an understanding of the work required and showcases their ability to successfully complete this project. Furthermore, a comprehensive review of the resumes submitted with the proposal revealed experience in a variety of transportation related projects in the specific areas of expertise required by the contract.
- AECOM and their sub-consultant for sustainability demonstrated a depth of knowledge of sustainability principles and applications in the industry, including the transportation sector. Both provided relevant examples of sustainability projects performed that fulfill the requirements of the Contract.
- AECOM's Sustainable Systems Integration Model (SSIM) planning tool with comprehensive core themes, such as mobility, energy, water, green building, socio-cultural, ecology and carbon foot-print, could serve as an added benefit to achieving Metro's Sustainability goals.

The PET did not identify any risks to contracting with AECOM Technical Services, Inc.

TRC Solutions, Inc.

- TRC has a working history relationship with Metro, conducting both environmental compliance and sustainability project work for a number of transportation projects.
- LSA, who will be partnering with the Prime to perform services as stated in the Scope of Work, has a strong resume that demonstrates past project work of similar scope and demands as this contract. For example, services that were completed as part of the I-710 Corridor EIR/EIS included: air quality/public health, environmental justice, community impacts, and historic property survey.
- TRC demonstrated a thorough understanding of sustainability services required and emphasized sustainability considerations on a variety of example projects and services. TRC selected Sellen Sustainability and Goss Engineering, Inc. as sub consultants that have valuable sustainability experience. Sellen Sustainability has completed a commendable assignment in regards to sustainability services for Metro on a previous project. The approach used for that project is being used as a model to achieve LEED EBOM certification for other Metro facilities.
- TRC's staff members assigned to this contract have the appropriate level of credentials and certifications to perform all environmental services listed in the statement of work. Further, some staff has also obtained additional certifications that exceed the baseline requirements to perform environmental task work.

The Proposal Evaluation Team's assessment of TRC's current contract with Metro (EN076) could result in difficulties due to shared resources and the possibility of potential organizational conflict of interest that might arise as a result of overseeing design and environmental compliance issues. The procedures and "firewalls" necessary to avoid any organizational conflict of interest would be very difficult and costly to put in place and maintain.

UltraSystems Environmental, Inc.

- The Project Manager has over 25 years experience on a wide variety of environmental analyses for transportation projects, including Eastside light rail, SFV east-west corridor.
- Key staff has the appropriate level of credentials and certifications as well as broad range of skill needed to perform a wide variety of projects that Metro may need assistance with, including environmental analysis for transportation/transit projects/facilities.
- UltraSystems has experience working for Metro projects since they previously had a contract with Metro as an environmental consultant.

The Proposal Evaluation Team's assessment of UltraSystem's lines of authority for the sub consultants' work will result in increased Metro management effort; the

availability of the proposed Project Manager (the Company's owner) will result in the management of tasks being delayed or cost to Metro to increase its management efforts.

The following table shows the Proposal Evaluation Team's scoring of the firms in the competitive range.

1	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
2	AECOM				
3	Prime Contractor's Skill and Experience	86.13	40.00%	34.45	
4	Personnel	87.87	30.00%	26.36	
5	Management Plan	84.80	30.00%	25.44	
6	Total		100.00%	86.25	1
7	TRC Solutions, Inc.				
8	Prime Contractor's Skill and Experience	85.40	40.00%	34.16	
9	Personnel	86.93	30.00%	26.08	
10	Management Plan	85.93	30.00%	25.78	
11	Total		100.00%	86.02	2
12	UltraSystems Environmental, Inc.				
13	Prime Contractor's Skill and Experience	81.47	40.00%	32.59	
14	Personnel	85.27	30.00%	25.58	
15	Management Plan	86.27	30.00%	25.88	
16	Total		100.00%	84.05	3

C. Cost/Price Analysis

The cost analysis of labor rates, overhead rates and other costs factors will be completed in accordance with Metro's Procurement Policies and Procedures to negotiate a fair and reasonable price. The analysis includes among other things, (1) a comparison with similar firms offering the same services; (2) an analysis of audited rates and factors for labor, equipment and other unit prices that will comprise the billing rates upon which the Contractor will base its invoices, and (3) compliance with both the Federal Acquisition Regulation (FAR) guidelines and Generally Accepted Accounting Principles (GAAP). Metro will negotiate fixed, fully burdened billing rates for labor and equipment, plus a factor to establish a fixed fee for each task Order.

The pricing for each Task Order will utilize the fixed rates plus the fee factor to establish a lump sum price or a Not-To-Exceed amount on a unit price or time and material basis.

In order, to prevent any unnecessary delay in contract award, provisional rates may be established subject to retroactive adjustments upon completion of any necessary audits.

D. Background on Recommended Contractor

The recommended firm, AECOM Technical Services, Inc. (AECOM) is located in Los Angeles, CA. AECOM is a global provider of professional technical and management support services to a broad range of markets, including transportation, facilities, environmental, energy, water, and government. The history of AECOM can be traced back to the early 1900s through companies that have merged together to form the present day company. AECOM was launched as an independent company on April 6, 1990.

AECOM has extensive experience working with public agency clients on an as-needed basis, including the Community Redevelopment Agency of Los Angeles, Los Angeles World Airports (LAWA), Post of Los Angeles (POLA), Los Angeles Unified School District (LAUSD) Los Angeles County Department of Public Works (LACDPW), City of Los Angeles Department of Water and Power (LADWP), Los Angeles Bureau of Sanitation (LABOS), and Los Angeles Bureau of Engineering (LABOE).

Brent Miyazaki is the proposed Project Manager for this contract. Mr. Miyazaki has over 30 years of diversified business, management, and professional experience, including successful completion of complex multidisciplinary, energy infrastructure, transportation, environmental, groundwater, and geologic projects. Mr. Miyazaki's experience includes managing large environmental programs and contracts that covered a broad range of technical services. Mr. Miyazaki has B.S. and M.S. degrees in geology and is a California Registered Professional Geologist and a California Certified Hydrogeologist.

E. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 25% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) for this solicitation. AECOM made a 25% DALP commitment. The DALP commitment is neither a condition of award, nor an issue of responsiveness.

SMALL BUSINESS GOAL	25% DALP	SMALL BUSINESS COMMITMENT	25% DALP
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	DBE/SBE Subcontractors	% Committed
1.	Entech Consulting Group	TBD
2.	Sapphos Environmental, Inc.	TBD
	Total Commitment	25%

F. All Subcontractors Included with Recommended Contractor's Proposal

	Subcontractor	Services Provided
1.	Sapphos Environmental	Environmental Consulting
2.	Environmental Compliance Solutions, Inc.	CEQA/NEPA, air quality services, green house gas and sustainability
3.	The Sohagi Law Group	Legal Review
4.	Entech Consulting Northwest Inc.	Environmental Compliance Services
5.	Wilson Geosciences	Engineering Geology, slope stability, fault services, earthquake assessments, and geophysical testing
6.	Alta Planning	Pedestrian/bicycle, multi-modal interface, station integration, environmental justice, way finding/interpretative signage

ATTACHMENT B

Forecasted Environmental Compliance Services Work: FY13-FY17	
Environmental Compliance Services for Crenshaw Light Rail Project (865512):	\$ 1,300,000
Mitigation Monitoring Activities	
Archaeological and Cultural Resources Monitoring	
Noise and Vibration Monitoring, Traffic Consultation, Environmental Addendums	
Environmental Compliance Services for Regional Connector (860228):	\$ 1,000,000
Mitigation Monitoring Activities	
Archaeological and Cultural Resources Monitoring	
Noise and Vibration Monitoring, Traffic Consultation	
Environmental Compliance Services for Westside Extension (865518):	\$ 3,200,000
Mitigation Monitoring Activities	
Archaeological, Paleontological, and Cultural Resources Monitoring	
Noise and Vibration Monitoring, Traffic Consultation	
Energy Conservation and Management (450001)	
Energy Management Studies and Plan Implementation	\$ 500,000
Policy Development and Implementation (450002)	
Policy Implementation and Monitoring, Sustainability Plan Development	\$ 800,000
Environmental Management System Implementation (450003)	
Environmental Management System Support	\$ 1,000,000
Greenhouse Gas Emissions and Climate Change Management (450004)	
Low Carbon Fuel Standard Implementation, Climate Adaptation Plan and Sustainability Report, Water Action Plan Implementation	\$ 1,300,000
Miscellaneous Capital Projects:	
Division 13 Environmental Monitoring (202001)	\$ 75,000
Patsouras Transit Plaza Environmental Monitoring (202317)	\$ 50,000
Division 2 Environmental Monitoring (202307)	\$ 300,000
North Hollywood Orange Line/Red Line (204122)	\$ 50,000
Universal Station Pedestrian Bridge Project (809082)	\$ 50,000
Other Projects (Miscellaneous Bus and Rail Projects)	\$ <u>900,000</u>
Totals:	\$10,525,000.00