



**Metro™**

Metropolitan Transportation Authority

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**CONSTRUCTION COMMITTEE  
NOVEMBER 17, 2005**

**PROJECT: PROGRAM WIDE**  
**CONTRACT: EN074, ENVIRONMENTAL HAZARDOUS MATERIALS  
HANDLING AND CONSTRUCTION SERVICES**  
**ACTION: AWARD PROFESSIONAL SERVICES CONTRACT**

**RECOMMENDATION**

- A. Authorize the Chief Executive Officer to:
  - 1) Negotiate and execute a five-year Indefinite quantity/Indefinite delivery contract, Contract No. EN074, to MACTEC Engineering and Consulting Services, Inc., for Environmental Hazardous Materials Handling and Construction Services on Contract Work Orders (CWO) in an amount not-to-exceed \$5.9 million for fiscal years 2006 and 2007;
  - 2) Negotiate and execute Contract Work Orders and changes within the Board approved contract value; and
- B. Should staff be unable to conclude negotiations with MACTEC, staff requests authority to negotiate, and execute a contract with the next qualified proposer.

Within Construction Committee authority:      Yes       No       N/A

**RATIONALE**

Nearly every capital project and all transit projects undertaken by Metro, require evaluation of hazardous substances, contamination, or a need for regulatory compliance under federal, state and local law. Metro must comply with all environmental laws to avoid fines, and civil or criminal liability. The Environmental Hazardous Materials Handling and Construction Services contract assists with Emergency Response for evaluation, transport and disposal of encountered hazardous and non-hazardous classified soil, and liquid wastes which also includes asbestos and lead-based paint. The contract will also include: fuel storage tank system upgrades, repairs, removals, replacements in order to remain in regulatory

compliance with local, state and federal regulatory requirements. Additional contract requirements include: permit assistance, remediation system installation, maintenance and operation.

Attachment B summarizes the FY'06 approved budget for the period December 30, 2005, through June 30, 2006, and a forecast of proposed expenditures for the period July 1, 2006, through June 30, 2007. Since this is a multi-year contract, budgeting for future year expenditures that reflect an increase to the award value, will be brought back to the Board for approval.

As the need for specific environmental waste handling and construction services arises, staff will issue Contract Work Orders and changes from their associated project budgets, considering the information available, and applicable time constraints on performance of the work. Most of the work will be negotiated, and paid on a fixed price basis. Staff will closely monitor the Contractor's budget and schedule using existing project management controls. No funds are committed until a Contract Work Order is awarded against a valid project.

#### IMPACTS TO OTHER CONTRACTS

Contract No. EN074 will replace the existing Environmental Hazardous Materials Handling and Construction Services contract, Contract No. EN069, that expires December 29, 2005.

The EN074 contract will take over the support for the Metro Gold Line Eastside Light Rail Transit Project, Bus and Rail Division Expansion Projects and Environmental Capital Projects such as upgrading underground storage tank systems to current code requirements and bus, rail and facility modifications. The EN074 contract can also provide support if requested by the EXPO Construction Authority.

#### FINANCIAL IMPACT

Funding for this contract is included in the approved FY06 budget and the projected FY07 budget in a variety of projects throughout the Agency. As specific environmental waste handling and construction services needs arise, Contract Work Orders will be issued and funded from their associated project budgets, upon approval by the responsible Project Manager. The funds are budgeted in Construction Contracts (8510), Rail Facilities (3341), and Bus Facilities (3920) Cost Centers in the Professional Services Account No. 50316, under various project numbers (i.e., 202025, 202030, 800088). Specific examples of work requirements include removal of excess diesel fuel storage tanks and upgrade existing underground storage tank systems to current code requirements at all bus and rail divisions/facilities; emergency/non-emergency waste handling transport and disposal services required for the Metro Gold Line Eastside Extension Project; and, site remediation/waste handling on various capital bus division expansions.

## ALTERNATIVES CONSIDERED

If Contract EN074 is not awarded, then the Metro could be exposed to Contractor claims for delay to schedule completion milestones or risk fines due to violation of order by a regulatory agency. The Metro Board may reject the recommended action and direct staff to do all environmental engineering support work in-house. Metro would have to hire additional staff with expertise in many different subjects, such as waste profiling, trucking and construction crews and laboratory science as well as purchase specialized equipment such as, loaders, excavators and drill rigs which is not practical or cost effective. Metro would incur more cost to do the work internally than by employing consultants.

## ATTACHMENTS

- A Procurement Summary
- A-1 Procurement History
- B. Forecast Expenditures

Prepared by: Tom Kefalas, Environmental Specialist II  
Henry Fuks, Deputy Executive Officer, Project Management  
Robert Sechler, Sr. Contract Administrator



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Richard D. Thorpe  
Chief Capital Management Officer



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Roger Snoble  
Chief Executive Officer

**ATTACHMENT A  
PROCUREMENT SUMMARY  
AWARD CONTRACT AND PROVIDE INITIAL FUNDING IN  
THE AMOUNT OF \$5,900,000**

1.	Contract Number: EN074		
2.	Recommended Vendor: MACTEC Engineering and Consulting Services		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: N/A	Recommended Price: \$5,900,000 (Fiscal Years 2006 and 2007)	
	B. Details of Significant Variances are in Attachment: N/A		
4.	Contract Type: CWO Indefinite Quantity/Indefinite Delivery		
	Procurement Dates:		
	A. Issued: June 24, 2005		
	B. Advertised: June 25, 2005		
	C. Pre-proposal Conference: July 7, 2005		
	D. Proposals Due: August 1, 2005		
	E. Pre-Qualification Completed: October 1, 2005		
	F. Conflict of Interest Form Submitted to Ethics: November 7, 2005		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: 30 percent	Date Small Business Evaluation Completed: TBD	
	B. Small Business Commitment: TBD		
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent: 12	RFP's/IFB's Picked up: 5	Bids/Proposals Received: 2
8.	Evaluation Information:		
	A. Bidders/Proposers Names: MACTEC Engineering and Consulting Services. Inc. CH2M Hill Constructors, Inc.	Bid/Proposal Amount:  N/A	Best and Final Offer Amount: N/A
	B. Evaluation Methodology: Qualifications-Based		
9.	Protest Information:		
	A. Protest Period End Date: N/A		
	B. Protest Receipt Date: N/A		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: Robert P. Sechler	Telephone Number: (213) 922-7334	
11.	Project Manager: Tom Kefalas	Telephone Number: (213) 922-4887	

## ATTACHMENT A-1 PROCUREMENT HISTORY

AWARD CONTRACT AND PROVIDE INITIAL FUNDING IN THE AMOUNT OF \$5,900,000

### A. Background on Contractor

MACTEC Engineering and Consulting Inc.(MACTEC), is based in Los Angeles, with offices throughout the United States. The firm has been in business since 1946, and currently employs nearly 3000 people in 100 offices throughout the United States. It has extensive experience in environmental contracts, including Contract No. EN068 for Environmental Engineering Services with Metro from 1999 through 2004.

### B. Procurement Background

Contract No. EN074 is a qualification-based procurement, in accordance with Metro Procurement Policies and Procedures, Government Code § 4525 *et seq.*, and Public Contracts Code § 6106. In this type of procurement, contract negotiations are held with the most highly ranked proposer, based upon an evaluation of qualifications. If agreement on price and contract terms is not reached, negotiations are held with other qualified proposers in order of ranking.

Request for Proposals (RFP) No. EN074 for Environmental Hazardous Materials and Construction Services was advertised on June 24, 2005. A total of five ( 5) firms acquired copies of the RFP. On August 1, 2005, proposals were received from CH2M Hill Constructors, Inc., the incumbent contractor under Contract No. EN069, and MACTEC Engineering and Consulting Services, Inc.

A Proposal Evaluation Team (PET) reviewed written proposals and held oral presentations from both proposers between August 2 and September 8, 2005. Both proposers were determined to be qualified to perform the required services. Based upon the PET's assessment of the respective strengths and weaknesses of the proposers, and the implications of those strengths and weaknesses for Metro in its ongoing program of environmental remediation and environmental impact mitigation, MACTEC Engineering and Consulting Services, Inc. was determined to be the most qualified proposer.

Following notification of both proposers of intent to award the Contract to MACTEC, MACTEC's price proposal was opened and evaluated by comparison with pricing in other proposals and contracts for environmental services. In addition to price analysis, requested variances in contract terms and Disadvantaged Business Enterprise (DBE) compliance were evaluated, respectively, by County Counsel and Metro's Diversity and Economic Opportunity Department (DEOD). Based upon findings, a Metro Contract Negotiation Team scheduled negotiations with MACTEC between October 24 and November 1, 2005.

**ATTACHMENT B**  
**EN074 ENVIRONMENTAL HAZARDOUS MATERIALS HANDLING AND CONSTRUCTION SERVICES**  
**PROJECTED PROJECT EXPENDITURES**  
(Based On FY 06 Approved Budget and FY 07 Environmental Forecasted Budget)

EN074 FORECAST	APPROVED FY '06	PROJECTED FY '07	TOTAL	NOTES
<b>TANK UPGRADES/REMOVALS</b>	\$1,500,000	\$1,500,000	\$3,000,000	Remain in compliance with State Water Board and AQMD and begin process of removing un-needed diesel tanks.
<b>SITE REMEDIATION</b>	\$175,000	\$175,000	\$350,000	Waste profiling and disposal @various divisions
<b>CANOGA PARK (800117)</b>	\$200,000	\$20,000	\$220,00	Canoga Park Station and Busway Extension hazardous waste transport and disposal
<b>MGLEE (800088)</b>	\$200,000	\$200,000	\$400,000	Emergency response capability for encountered hazardous waste
<b>BUS FACILITIES (various projects)</b>				
Division 10 Expansion	\$0	\$200,000	\$200,000	hazardous waste transport and disposal
Temple/Beaudry Facility	\$250,000	\$75,000	\$325,000	hazardous waste transport and disposal
Division 9 Expansion	\$200,000	\$200,000	\$400,000	hazardous waste transport and disposal
Hoist Replacement	\$50,000	\$100,000	\$150,000	hazardous waste transport and disposal
Division 12-Phase II	\$80,000	\$500,000	\$580,000	Phase II Environmental Assessment/possible cleanup (FY07)
Division 6 –Abandonment/new facility	\$0	\$100,000	\$100,000	Preparation of excavation plan/hazardous waste transport and disposal
<b>RAIL FACILITIES(various projects)</b>				
Div 20 Warehouse Construction	\$15,000	0	\$15,000	hazardous waste testing, transport and disposal
Vermont/Santa Monica Station	\$15,000	\$15,000	\$30,000	hazardous waste testing, transport and disposal
Div. 21 Warehouse and improvements	\$15,000	\$35,000	\$50,000	hazardous waste testing, transport and disposal
Div. 22 Improvements	0	\$30,000	\$30,000	hazardous waste testing, transport and disposal
Div 11 Expansion	\$50,000	0	\$50,000	hazardous waste testing, transport and disposal
<b>EN074 TOTAL</b>	<b>\$2,750,000</b>	<b>\$3,150,000</b>	<b>\$5,900,000</b>	