



SECOND REVISION
CONSTRUCTION COMMITTEE
November 18, 2004

PROJECT: PROGRAMWIDE
CONTRACT: EN073, ENVIRONMENTAL ENGINEERING CONSULTANT SERVICES
ACTION: AWARD PROFESSIONAL SERVICES CONTRACT

RECOMMENDATION

~~Authorize the Chief Executive Officer to negotiate and execute a labor-hour contract, Contract No. EN073, to TRC Solutions, Inc. for Environmental Engineering Services on Task Orders, in an initial amount not to exceed \$3.6 million, inclusive of two one-year options;~~

- A. Authorize the Chief Executive Officer to negotiate and execute a five-year labor-hour contract, Contract No. EN073, to TRC Solutions, Inc. for Environmental Engineering Services on Task Orders, inclusive of two one-year options with an initial amount not to exceed \$3.6 million for the first two years. Should staff be unable to conclude negotiations with TRC, staff requests authority to negotiate with the next most qualified Proposer; and
- B. Authorize the Chief Executive Officer, upon successful completion of ~~negotiations,~~negotiations, to execute all individual Task Orders and changes within the Board approved contract value.

Within Construction Committee authority: Yes No N/A

RATIONALE

Nearly every capital project and all transit projects undertaken by the LACMTA, requires evaluation of hazardous substances, contamination, or a need for regulatory compliance under Federal, State and local law. LACMTA must comply with all environmental laws to avoid fine, and civil or criminal liability. The Environmental Engineering contract assists with geo-technical investigation, Phase 1 and Phase 2 Site Investigation, asbestos, lead paint, construction or operations waste classification, soil and ground- water sampling, permit assistance, monitoring and reporting requirements and other regulatory coordination requirements.

As the need for specific environmental engineering services arise, staff will issue Task Orders and changes, from their associated project's budget, considering the information available and applicable time constraints on performance of the work. Most of the work will

be negotiated on a not-to-exceed basis, and will be performed and paid on a unit rate basis in order to be practically expedient. Staff will closely monitor the Contractor's budget and schedule using existing project management controls. No funds are obligated until a Task Order is awarded against a valid project. Contract No. EN073 will replace the existing Environmental Engineering contract, Contract No. EN068, that expires December 10, 2004. Attachment B summarizes the FY05 approved budget and a forecast of proposed expenditures for the period July 1, 2005, through June 30, 2006. 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.

IMPACTS TO OTHER CONTRACTS

The EN073 is a task order-driven contract that will support the Orange Line Project, The Metro Gold Line Eastside Extension LRT Project, Bus Division Expansion Projects and Environmental Capital Projects such as upgrading underground storage tanks to current code requirements and bus, rail and facility modifications. (For details see Attachment B)

For ongoing projects such as the Mid-City groundwater monitoring wells, task orders will not be issued until an assessment has been completed by staff. The assessment will determine if the wells should continue to be monitored or abandoned at each location. Based on the assessment, Contract Task Orders will be issued as discussed below under the Financial Impact section of this report.

FINANCIAL IMPACT

As specific environmental engineering consultant service needs arise, Contract Task Orders will be issued and funded from their associated project budget, upon approval by the responsible Project Manager. Board approved project budget for FY05 and forecast for FY06 include Environmental Capital Projects to upgrade Underground Storage Tanks to current code requirement at all bus and rail divisions and facility modifications for Storm water management (200025), perform site remediation (200026), services to major Rail Construction Projects, Orange Line (800112) and Metro Gold Line Eastside Extension (800088), and Bus Division Expansion projects.

ALTERNATIVES CONSIDERED

If Contract EN073 is not awarded then the LACMTA could experience increased liability for Contractor claims for delay to schedule completion milestones or risk fines due to violation of order by a regulatory agency. The LACMTA Board may reject the recommended action and direct staff to do all environmental engineering support work in house. LACMTA would have to hire additional staff with expertise in many different subjects, such as drilling, laboratory science, and risk assessment, as well as purchase specialized equipment such as drill rigs, which is not practical or cost effective. LACMTA would incur more cost to do the work internally than by employing consultants.

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ATTACHMENTS:

- A. Procurement Summary
- B. Forecast Expenditures

Prepared By: Kathleen Sweet, Principal Environmental Specialist



Richard Thorpe
Chief Capital Management Officer
Construction Project Management



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

EN073 ENVIRONMENTAL ENGINEERING

	Contract Number: EN073		
1.	Recommended Vendor: TRC		
3.	Cost Analysis Information:		
	A. Bid/Proposed Price: TBD	Recommended Price: TBD	
	B. Details of Significant Variances are in Attachment A-1.D		
4.	Contract Type: Time and Material		
5.	Procurement Dates:		
	A. Issued: 8/09/04		
	B. Advertised: 8/02/04 to 8/05/04		
	C. Pre-proposal Conference: 8/16/04		
	D. Proposals Due: 9/09/04		
	E. Pre-Qualification Completed: 10/05/04		
	F. Conflict of Interest Form Submitted to Ethics: 11/01/04		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: 20% DBE Participation Goal	Date Small Business Evaluation Completed: Upon completion of negotiations	
	Small Business Commitment: Upon completion of negotiations		
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent: 1,172	Bids/Proposals Picked up: 87	Bids/Proposals Received: 6
8.	Evaluation Information:		
	A. Bidders/Proposers Names: TRC Solutions, Inc. Mactec Engineering Earth Tech URS Shaw Environmental Brown and Caldwell	<u>Bid/Proposal Amount:</u> N/A	<u>Best and Final Offer Amount:</u> N/A
	B. Evaluation Methodology: Proposal was scored according to the Evaluation Criteria described in the RFP. Details are in Attachment A-1.C		
9.	Protest Information:		
	A. Protest Period End Date: 11/20/04		
	B. Protest Receipt Date: TBD		
	C. Disposition of Protest Date: TBD		
10.	Contract Administrator: Michael T. Holguin	Telephone Number: 922-7365	
11.	Project Manager: Henry Fuks	Telephone Number: 922-7282	

BOARD REPORT ATTACHMENT A-1
PROCUREMENT HISTORY

EN073 ENVIRONMENTAL ENGINEERING

A. Background on Contractor

TRC Solutions, Inc., including its parent TRC Companies, Inc. (collectively TRC) is a full service environmental/engineering firm and a publicly held company on the New York Stock Exchange (NYSE:TRR). Incorporated in 1969, TRC is the oldest listed environmental firm on the NYSE. Today, TRC has over 2,100 employees in over 75 offices across the United States. They have provided similar environmental program management services to their clients for years, including The Burlington Northern Santa Fe Railroad Company (BNSF), Union Pacific Railroad (UPRR, Level (3) Communications, Lockheed Martin, ExxonMobil, ConocoPhillips, Duke Energy, Sempra and Kinder Morgan Energy Partners. TRC is a well-integrated company with sophisticated infrastructure that can smoothly integrate their systems with Metro's. They have the financial strength of a well-run, publicly traded corporation with the means to support projects of all sizes.

B. Procurement Background

~~This solicitation was a competitive, qualifications-based procurement for architectural and related services. This procurement has been performed in accordance with Los Angeles County Metropolitan Transportation Authority (Metro) Procurement Policies and Procedures Chapter 9, Architectural-Engineering Services, California Government Code § 4525, et. Seq. for contracting Architect Engineering Services. In accordance with Government Code § 4525, et. seq. the Metro Board of Directors shall approve and award all contracts for Architectural and Engineering (A&E) related services and that approval shall be based upon the most qualified firm to perform the work. Following this method, competitors' qualifications were evaluated and the most qualified competitor selected, consistent with the minimum needs of LACMTA, followed by negotiations based upon the Proposer's proposed labor rates and MASD audit results to determine fairness and reasonableness. The recommended firm was selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Price was not an evaluation factor.~~

On August 2, 2004, a Request for Proposal for Contract No. EN073 was advertised. Qualification proposals and cost proposals were received on September 9, 2004. Cost proposals remain unopened until a selection has been made.

A proposal Evaluation Team comprised of Environment Department, Construction Management and County Counsel completed technical evaluations on October 15, 2004. The Proposal Evaluation Team selected TRC to be the most qualified Proposer shown.

The cost proposal shall be opened upon Board approval of this recommendation. The final negotiated amount will comply with all requirements of Procurement, including

fact-finding, clarification, cost analysis and pre-award audit before the Contract is awarded and executed. Staff has not disclosed the Estimate positions since it will jeopardize staff's ability to negotiate the best and lowest price possible. ~~Should LACMTA be unable to conclude negotiations with TRC, staff requests authority to negotiate and enter a contract with the next most qualified Proposer, Mactec.~~

C. Evaluation of Proposals

The Proposal Evaluation Team (PET) completed its evaluation of the written proposals on Friday, October 15, 2004. The PET invited the top three Proposers to make Oral Presentations on October 4, 2004 and October 15, 2004 respectively. The PET completed its evaluation of the Oral Presentations on October 21, 2004. The PET evaluated the capabilities of each firm and its proposed team of subcontractors, in accordance with the Evaluation Criteria in the RFP Documents for the following subject areas:

- Timely completion of Environmental Engineering Services
- Success with Regulatory Agencies
- Experiences in underground storage tank contamination investigations and site remediation
- Stormwater management for construction and industrial sites
- Staffing adequacy & team credentials
- Ability to implement or support Public Health & Community relations programs
- Construction management experience and construction specification development
- Interview: Team capabilities, experience, and relationship between prime and sub-contractors

D. Cost/Price Analysis Explanation of Variances

The hourly rates will be negotiated based on MASD audited results.

**BOARD REPORT ATTACHMENT A-2
LIST OF SUBCONTRACTORS**

EN073 ENVIRONMENTAL ENGINEERING

PRIME CONTRACTOR

TRC Solutions, Inc.

SMALL BUSINESS SUBCONTRACTORS

Advance Technologies Laboratories
BC2 Environmental
MBC Applied Environmental Sciences
Lee Andrews Group, Inc.

OTHER SUBCONTRACTOR

Ninyo & Moore

SMALL BUSINESS PARTICIPATION

The Disadvantaged Business Enterprise (DBE) participation established for this contract is twenty percent (20%). A review of the cost proposal by Small Business Diversity Office will be done for TRC Solutions, Inc., upon approval by the Director of Contract Administration at least two weeks before the recommendation to negotiate is made at the November Construction Committee Meeting. Until that time the cost proposal must remain sealed. All proposers identified in their technical proposals asserted that the 20% DBE goal would be achieved or exceeded. In accordance with the MTA DBE program a final review of the DBE goal for negotiated procurements will be done after completion of negotiations.

ATTACHMENT B
**EN073 ENVIRONMENTAL ENGINEERING
PROJECTED PROJECT EXPENDITURES**
(Based On FY 05 Approved Budget and FY 06 Environmental Proposed Budget)

EN073 FORECAST	FY '05	FY '06	TOTAL	NOTES
SITE REMEDIATION & TANK UPGRADES STORMWATER MANAGEMENT 200025 & 200026				
Division 1	\$70,000	\$70,000	\$140,000	Order by City of Los Angeles Fire Dept.
Division 10	\$40,000	\$85,000	\$125,000	Order by Regional Water Quality Control Board.
Division 7	\$40,000	\$85,000	\$125,000	Order by Regional Water Quality Control Board.
Division 18	\$65,000	\$150,000	\$215,000	Order by Regional Water Quality Control Board.
Division 4	\$50,000	\$50,000	\$100,000	Order by Regional Water Quality Control Board.
Division 5	\$50,000	\$50,000	\$100,000	Soil remediation following hoist project findings.
Division 6	\$0	\$50,000	\$50,000	Excavation plan preparation & excavation monitoring.
Stormwater Management (all bus and rail divs.)	\$40,000	\$125,000	\$165,000	Order by Regional Water Quality Control Board.
Tank upgrades or removals	\$60,000	\$100,000	\$160,000	Regulatory compliance.
Tank Certified Operator Regulations	\$40,000	\$80,000	\$120,000	Regulation of State Water Resources Board.
Air monitoring & soil sampling	\$30,000	\$60,000	\$90,000	On-call sampling.
SUB-TOTAL	\$485,000	\$905,000	\$1,390,000	
ORANGE LINE (800112)	\$550,000	\$200,000	\$750,000	Air-monitoring & soil testing.
MGLEE (800088)	\$75,000	\$250,000	\$325,000	Stormwater & Permit Monitoring.
EXPO LINE	\$0	\$80,000	\$80,000	Environmental investigations.
BUS FACILITIES				
Division 10 Expansion	\$200,000	\$250,000	\$450,000	Develop extent of ground contamination & required environmental clean up.
Hoist Replacement Projects	\$200,000	\$30,000	\$230,000	Develop extent of ground contamination & required environmental clean up.
Division 1 Expansion	\$50,000	\$0	\$50,000	Develop extent of ground contamination & required environmental clean up.
Division 9 Expansion	\$0	\$50,000	\$50,000	Develop extent of ground contamination & required environmental clean up.
On-call services	\$50,000	\$50,000	\$100,000	Develop extent of ground contamination & required environmental clean up.
RAIL FACILITY				
Div 11 EXP	\$50,000	\$0	\$50,000	Air monitoring, soil tests.
Div 22 EXP	\$25,000		\$25,000	Air monitoring, soil tests.
MID-CITY WELLS	\$50,000	\$50,000	\$100,000	Former route well maintenance.
EN073 TOTAL	\$1,735,000	\$1,865,000	\$3,600,000	