



## Legislation Details (With Text)

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**Title:** REGIONAL HARBOR MONITORING PROGRAM

RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH AMEC FOSTER WHEELER ENVIRONMENT AND INFRASTRUCTURE, INC. FOR AN AMOUNT NOT TO EXCEED \$1,525,000 FOR A PERIOD OF FIVE YEARS, FROM JULY 1, 2017 THROUGH JUNE 30, 2022, TO IMPLEMENT THE REGIONAL HARBOR MONITORING PROGRAM AND EVALUATE THE STATUS AND TRENDS OF WATER, SEDIMENTS, AND AQUATIC LIFE IN THE REGION'S HARBORS PURSUANT TO § 13225 OF THE CALIFORNIA WATER CODE

**Sponsors:** Jason Giffen

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**Attachments:** 1. 8. 2017-0171 Attachment A, 2. 8. 2017-0171 Attachment B, 3. 8. 2017-0171 Attachment C, 4. 8. 2017-0171 Attachment D, 5. 8. 2017-0171 Draft Resolution

Date	Ver.	Action By	Action	Result
6/20/2017	1	Board of Port Commissioners	adopted	

**DATE:** June 20, 2017

**SUBJECT:**

### REGIONAL HARBOR MONITORING PROGRAM

**RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH AMEC FOSTER WHEELER ENVIRONMENT AND INFRASTRUCTURE, INC. FOR AN AMOUNT NOT TO EXCEED \$1,525,000 FOR A PERIOD OF FIVE YEARS, FROM JULY 1, 2017 THROUGH JUNE 30, 2022, TO IMPLEMENT THE REGIONAL HARBOR MONITORING PROGRAM AND EVALUATE THE STATUS AND TRENDS OF WATER, SEDIMENTS, AND AQUATIC LIFE IN THE REGION'S HARBORS PURSUANT TO § 13225 OF THE CALIFORNIA WATER CODE**

### EXECUTIVE SUMMARY:

In 2003, under § 13225 of the California Water Code, the San Diego Regional Water Quality Control Board issued a requirement to the District, Cities of San Diego and Oceanside (Cities), and the County of Orange (County) to coordinate and develop a Regional Harbor Monitoring Program (RHMP) to assess conditions and trends in the quality of water, sediments, and aquatic life in San Diego Bay, Mission Bay, Oceanside Harbor, and Dana Point Harbor. Upon the Board of Port Commissioner's approval, the District entered into a Memorandum of Understanding (MOU) with the Cities and County in 2005 to perform a pilot project, and again in both 2008 and 2013 to create and continue a cost effective and consistent monitoring program with the District acting as the lead agency. The current MOU is valid through June 30, 2018.

Technical services are needed to effectively plan and implement the RHMP moving forward. To date, the RHMP has provided valuable data to evaluate the status and trends in water and sediments in each harbor via measurements in chemistry, toxicity, benthic community analyses, and biodiversity. The District, Cities, and County are seeking a consultant to conduct monitoring, analyses, reporting, and provide scientific counsel. Year 1 of the consultant agreement will be focused on planning the study design. The following years will include implementation, reporting, and additional special studies.

Pursuant to BPC Policy No. 110, in March 2017, District staff issued a Request for Proposals (RFP) seeking qualified firms to provide RHMP services. Two firms submitted proposals, of which both proposals were reviewed and both teams were interviewed by staff. Based on interviews, written proposals, and a decision analysis process using the criteria stated in the RFP, staff is recommending the Board select Amec Foster Wheeler Environment and Infrastructure, Inc. (Amec Foster Wheeler). Upon Board approval, Agreement #106-2017SN between the District and Amec Foster Wheeler would be executed for a period of five years, from July 1, 2017, through June 30, 2022, for a total amount not to exceed \$1,525,000.

### **RECOMMENDATION:**

Adopt a Resolution authorizing an agreement with Amec Foster Wheeler Environment and Infrastructure, Inc. for an amount not to exceed \$1,525,000 for a period of five years, from July 1, 2017, through June 30, 2022, to implement the Regional Harbor Monitoring Program and evaluate the status and trends of water, sediments, and aquatic life in the region's harbors pursuant to § 13225 of the California Water Code.

### **FISCAL IMPACT:**

The cost for the RHMP is anticipated to be \$1,525,000 over the five year duration of this agreement. Approximately \$125,000 of this expenditure will occur in FY 17/18 (Phase 1), which will include planning meetings, developing the study design, and producing planning documents. Funds for the first year of this expenditure are budgeted for in the proposed FY 17/18 Planning and Green Port Professional Services Account (#620100). Funds required for future fiscal year(s) (Phase 2) will be budgeted for in the appropriate fiscal year and cost account subject to Board approval upon adoption of each fiscal year's budget.

The MOU represents the legal authority for all RHMP agencies to participate in cost sharing for RHMP implementation. Funding will be required for the consultant services to implement the RHMP. Based on the cost share split agreed upon in the MOU, District costs account for approximately 56-percent of the total RHMP costs (Table 1). Per provisions in the MOU, the Cities and County will reimburse the District for their share of costs. In addition, a five-percent administrative cost will be divided evenly among the Cities and County based on annual expenditures, and provided to the District for overall project management and the administration of the consultant contract (Table 2). The 2013 MOU was made effective on July 1, 2013 and is due to expire on June 30, 2018. Year 1 (Phase 1; FY 17/18) of the proposed consultant services agreement will be covered under this 2013 MOU. The future fiscal year(s) funds will be covered under a revised MOU that is currently in negotiation with the Cities and County, and will be brought before the Board prior to June 30, 2018. The District estimates that an approximate 44-percent reimbursement will be billed for and received over the next five fiscal years (FY 18-22). No work for future fiscal years will commence without an

authorized MOU in place.

**Table 1.** Projected Funding Requirements for Consultant Agreement:

<b>Funds Expenditures</b>	<b>FY 17/18</b>	<b>FY 18/19</b>	<b>FY 19/20</b>	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>Total</b>
District Portion of RHMP Cost Share	\$70,066	\$588,551	\$84,079	\$56,053	\$56,053	\$854,802
RHMP Cost Share - Other Agencies <sup>1</sup>	\$54,934	\$461,449	\$65,921	\$43,947	\$43,947	\$670,198
<b>Total Cash Flow Requirement for Consultant Agreement<sup>2</sup></b>	<b>\$125,000</b>	<b>\$1,050,000</b>	<b>\$150,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$1,525,000</b>

<sup>1</sup> Per the MOU, the District's portion of shared costs is equivalent to approximately 56% of the total RHMP costs. Other RHMP Agencies' portion is equivalent to approximately 44% of total RHMP costs.

<sup>2</sup> Per the MOU, the District is the lead for the RHMP. Consultant costs are paid in full by the District with reimbursement from the other RHMP agencies.

**Table 2.** Projected Program Reimbursement to District

<b>Funds Reimbursements</b>	<b>FY 17/18</b>	<b>FY 18/19</b>	<b>FY 19/20</b>	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>Total</b>
Cost Share Reimbursement From Other Agencies <sup>1</sup>	\$54,934	\$461,449	\$65,921	\$43,947	\$43,947	\$670,198
5% Administrative Support Reimbursement <sup>2</sup>	\$6,250	\$52,500	\$7,500	\$5,000	\$5,000	\$76,250
<b>Total Reimbursement to the District</b>	<b>\$61,184</b>	<b>\$513,949</b>	<b>\$73,421</b>	<b>\$48,947</b>	<b>\$48,947</b>	<b>\$746,448</b>

<sup>1</sup> Per the MOU, the District's portion of shared costs is equivalent to approximately 56% of the total RHMP costs. Other RHMP Agencies' portion is equivalent to approximately 44% of total RHMP costs.

<sup>2</sup> The 5% Administration Cost is in addition to the contract amount and is split evenly between the other three agencies and paid to the District.

**COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

This agenda item supports the District's mission of promoting a comprehensive vision of water uses and environmental stewardship integrated with regional plans by partnering with the Cities of San Diego and Oceanside and the County of Orange in forming and continuing an MOU to implement the RHMP. The MOU allows the District and participating agencies to assess the conditions and trends of the quality of water, sediment, and aquatic life of San Diego Bay, Mission Bay, Oceanside Harbor, and Dana Point Harbor in a coordinated and cost effective manner.

- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.

**DISCUSSION:**

**BACKGROUND**

In 2003, the San Diego Regional Water Quality Control Board (RWQCB), under §13225 of the California Water Code, issued a request for the District, Cities of San Diego and Oceanside (Cities), and the County of Orange (County) to coordinate and develop a Regional Harbor Monitoring Program (RHMP) (Attachment A). The RHMP is a comprehensive effort to determine ambient conditions and trends in the quality of water, sediments, and aquatic life in San Diego Bay, Mission

Bay, Oceanside Harbor, and Dana Point Harbor. Following receipt of the RWQCB's 2003 directive, the District, Cities, and County began the development of the RHMP framework. A technical report outlining the monitoring objectives, approach, and sample design was completed and submitted to the RWQCB in February 2004<sup>1</sup>. The monitoring program described in the technical report consists of a core monitoring program supplemented by focused studies. Monitoring questions to guide the program were included as follows:

1. What are the contributions and spatial distributions of inputs of pollutants to the harbors in the San Diego region and do these inputs vary over time?
2. Are the waters in harbors safe for body contact activities?
3. Are fish in harbors safe to eat?
4. Do the waters and sediments in the harbors sustain healthy biota?
5. What are the long-term trends in water quality for each harbor?

The RHMP provides a valuable dataset that is used to assess the status and trends in water quality, sediment quality, and biodiversity in the harbors over time. The dataset can also help inform the RHMP agencies of progress towards goals in various environmental programs being managed in the harbors. The most recent dataset was collected in 2013 (Attachment B).

To effectively implement the RHMP, the District, Cities, and County entered into an MOU in July of 2005 and again for subsequent 5-year cycles in June 2008 and June 2013 (Attachment C). The MOUs have remained consistent, and outline the responsibilities of all parties as well as provide a mechanism to share the costs between the parties. The District serves as lead agency, with responsibilities that include leading meetings, acting as a liaison with the RWQCB, and administering the consultant contract to perform RHMP-related services. According to the cost share formula, the District's share of costs amount to approximately 56-percent of the total cost, because the District represents the largest harbor area. Approximately 44-percent of costs are designated to be reimbursed annually to the District from the Cities and County. Pursuant to the MOUs, the Cities and County also are required to provide the District with a 5-percent fee based on annual total costs of the service provider contract to account for administrative responsibilities, coordination efforts, and management of the service provider agreement.

The 2013 MOU covers Phase 1 of the new 5-year RHMP effort; it went into effect on July 1, 2013, and expires on June 30, 2018. Phase 2 will operate under an MOU currently being revised to reflect cost sharing requirements for FY 18/19 through FY 22/23. Once negotiations are complete, the revised MOU will be brought to the Board for authorization prior to the start of Phase 2 (FY 18/19). No work for Phase 2 will be initiated prior to Board approval of the MOU covering cost sharing for FY 18/19 through FY 22/23.

### Consultant Services for 2017-2022

To perform the RHMP, the District, Cities, and County are seeking consultant services to attend planning meetings and prepare study design documents, perform monitoring, conduct analyses and reporting, and provide scientific counsel for the five year period from July 1, 2017 to June 30, 2022. RHMP core monitoring effort is planned to correspond with the 2018 Bight Program, a large multi-agency regional monitoring effort extending from Ventura to the California/Mexico border. The core monitoring will also provide a comparison to the historical record of the four RHMP harbors to continue an evaluation of trends. Subsequent focused studies may be conducted on an as-needed basis.

The Scope of Services for the new consultant agreement is broken into two phases: (1) planning and (2) monitoring, data analysis, and reporting. Year 1 (Phase 1) of the new consultant agreement is designated as a planning year for the future RHMP monitoring event planned for 2018. This effort is included in the final year of the current MOU. Phase 2 will include the core monitoring event (August-September 2018), special studies, additional monitoring, data analyses and reporting, as well as future program planning. The Phase 2 efforts will be initiated once the revised MOU is approved.

Pursuant to BPC Policy No. 110, in March 2017, District staff issued an RFP seeking qualified firms to perform RHMP-related services for a not-to-exceed cost of \$1,525,000 over a five-year period. An information exchange meeting was held on March 14, 2017, which five firms attended, along with one representative from the San Diego Coastkeeper organization. On April 4, 2017, the closing date of the RFP, two proposals were received. Table 3 identifies the firms that submitted proposals and their average hourly rates.

**Table 3.** Firms Submitting Proposals for RFP 17-09SN.

Firm	Local Office	Corporate Office	Project Manager Fully Burdened Rate* Per Hour
Amec Foster Wheeler Environment & Infrastructure, Inc.	9210 Sky Park Ct. Ste. 200 San Diego, CA 92123	128 Queen Victoria St. London, UK	\$152
Weston Solutions, Inc.	5817 Dryden Pl. Ste. 101 Carlsbad, CA 92008	1400 Weston Way PO Box 2653 West Chester, PA 19380	\$155

\*Based on Project Manager labor classification. Amec Foster Wheeler estimated 600-800 hours of Project Manager time and Weston Solutions, Inc. estimated 1500 hours of Project Manager's time.

A selection panel comprised of District staff and representatives from each of the RHMP Cities and County reviewed the proposals and selected both firms for interviews. Interviews were conducted on May 2, 2017 by the selection panel and the District's Procurement staff. A decision analysis was completed based on the information gathered through interviews and written proposals using the criteria stated in the RFP. Staff evaluated and ranked each firm's experience of proposed staff, approach to the project, capability to perform, cost/pricing, and firm's relevant experience, as well as their information related to the Equal Opportunity Program Requirements section of the RFP.

Additional details about the firms interviewed are provided below.

**Amec Foster Wheeler Environment and Infrastructure, Inc.**

Amec Foster Wheeler Environment and Infrastructure (Amec Foster Wheeler) has been providing local consulting expertise related to aquatic services in Southern California since the early 1980s. Amec Foster Wheeler's local office is located in San Diego, California. Amec Foster Wheeler's experience related to this scope of work includes development of regional and long-term monitoring programs, water and sediment quality monitoring, marine resources monitoring including benthic infaunal analysis, conformance with state quality assurance protocols, Bight Program development and monitoring, and liaison with regulatory agencies. Amec Foster Wheeler also has experience working with other ports, such as the Port of Long Beach and the Port of Los Angeles. Amec Foster

Wheeler has worked with the District for over 20 years and is currently under contract with the District to perform the following projects: 2013-2018 Regional Harbor Monitoring Program, As-Needed Environmental Analytical Services (Education and Outreach, Annual TMDL Monitoring at Shelter Island Yacht Basin) and Long Term Sediment Cap Monitoring for the Campbell Cap. Similar clients located in Southern California include the City of San Diego, the Ports of Los Angeles and Long Beach, the US Navy, the University of California at San Diego, and the San Diego Port Tenants Association.

Amec Foster Wheeler's proposed team is led by Barry Snyder, as Principal-in-Charge and the Program QA/QC Officer, and Chris Stransky, as Project Manager. Together, they bring 54 years of experience related to aquatic sciences and management of environmental projects for a diversity of clients. Both have experience working with the District performing water and sediment monitoring and providing scientific counsel. Both also served in the same roles for the successful completion of the 2013-2018 RHMP. Included on the core team will be John Rudolph as the Quality Assurance Officer for Sample Collection and Rolf Schottle for Chemistry QA/QC, as well as Dr. Brock Bernstein as a Third Party Reviewer and as-needed scientific counsel. Dr. Bernstein is an independent environmental scientist with a range of experience related to monitoring program design for clients such as the State Water Resources Control Board, RWQCB, the Southern California Coastal Water Research Group (SCCWRP), and the San Francisco Estuary Institute.

Amec Foster Wheeler included subconsultants to their proposal. Amec Foster Wheeler addressed that laboratories have yet to be selected due to the fact that SCCWRP has yet to select Bight-accredited laboratories (accreditations and selections are scheduled for late Summer and Fall of 2017). Once the labs have obtained Bight-accreditation they will be added to the subcontractor list. The firms and their specialty related to the proposal are described below:

- Dr. Allen Burton: Third Party Review for program design, analysis, reporting, and regulatory support
- Dr. Brock Bernstein: Third party review for sample design, and regulatory support
- Laboratory Data Consultants: Third party review of Laboratory Data
- Merkel & Associates Inc.: field support and benthic analyses
- Sea Ventures, Inc.: Vessel support and fish trawling

Overall, Amec Foster Wheeler demonstrated the best value to the District and to the other RHMP agencies. Their proposal and interview included an extremely well defined approach to the project and a well-constructed team. Amec Foster Wheeler reflected on lessons learned from the 2013 RHMP and explained how they intend to use their gained experience to successfully plan and prepare for the 2018 RHMP. This demonstrates their ability to strive for improvement to adequately meet District needs. Due to the large data sets and types of monitoring performed, Quality Assurance and Quality Control (QA/QC) are crucial to the success of this program. Amec Foster Wheeler presented a well-defined, comprehensive QA/QC program which included detailed checklists for each portion of the project, a dedicated QA/QC technician on boats for all sampling and collections, as well as documenting field sampling with pictures and entering data into a tablet in addition to hard copy field sheets. Amec Foster Wheeler discussed their database management capabilities and had one team member with a computer science background who understands the data needs of this project present for the interview and available to answer any questions. Lastly, the team has well-established relationships with regulatory agencies such as the RWQCB, which will aid in the development of the program over the next five years.

## **Weston Solutions, Inc.**

Weston has corporate headquarters based in Pennsylvania and has been providing local consulting services regarding marine science and water quality services in Southern California for 40 years. Weston's local office is located in Carlsbad, California. Weston's experience related to this scope of work includes water quality monitoring, fish surveys, sediment chemistry characterization, benthic community analysis, and monitoring program design. Weston has experiences working with other ports, such as the Ports of Long Beach and Los Angeles. Weston has worked with the District for over 15 years on a variety of projects, including the development and implementation of the RHMP for both the Pilot Project in 2005, and again for the 2008 RHMP. Similar clients located in Southern California include the City of San Diego, the County of Orange, the City of Oceanside, SCCWRP, the County of San Diego, the City of Newport Beach, the Orange County Sanitation District, and the Ports of Los Angeles and Long Beach.

The proposed team for Weston is led by Andrea Crumpacker, as the Principal-in-Charge, and Sheila Holt as the Project Manager. Together, they offer 39 years of relevant experience involving monitoring program design, regulatory interpretation, statistical analysis, and water and sediment sampling and analysis. Also included on the team is Daniel McCoy as Assistant Project Manager with 18 years of relevant experience and Sheri Dister is proposed to serve as the Quality Assurance Manager and has over 23 years of relevant experience. Dr. Geoff Compeau will serve as Technical Advisor; he has over 25 years of experience in planning, implementation and reporting on environmental analytical services.

Weston included subconsultants to their proposal. The firms and their specialty related to the proposal are described below:

- Laboratory Data Consultants, Inc.: Third party review and Quality Assurance
- MBC Applied Environmental Sciences: Field support for field sampling
- Dancing Coyote Environmental (DCE): Benthic analyses
- Six Scientific: Field Sampling support
- Sea Ventures: Vessel support
- Eurofins: Chemistry Laboratory
- EnviroMatrix: Chemistry Laboratory
- Nautilus: Toxicity Testing
- EcoAnalysts: Toxicity Testing

Weston also addressed that laboratories must receive Bight accreditation, but listed laboratories that had been vetted for previous Bight programs. Weston's interview and proposal demonstrated past experience developing and implementing the RHMP. Weston also showcased significant experience with the Bight Program and other large scale monitoring efforts. However, Weston did not demonstrate an integrated and thorough QA/QC process and did not go into much detail regarding approach to the project. The interview panel was also concerned that the role of subcontractors were not clearly defined and given a large portion of the project will potentially be subcontracted, Weston did not detail their experience with managing subcontractors.

### Recommendation

Amec Foster Wheeler demonstrated the best value to the District and other RHMP agencies for the proposed scope of services. Furthermore, Amec Foster Wheeler's proposal and interview indicated a clear understanding of the needs, challenges, and strategic goals of the District. Therefore, Staff recommends that the Board authorize an agreement with AMEC to provide Regional Harbor Monitoring Program Services for an amount not to exceed \$1,525,000 for a period of five years, from July 1, 2017, through June 30, 2022. (Attachment D).

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed the agenda sheet and attached agreement as presented to it and approves both for form and legality.

### **Environmental Review:**

The proposed Board action to select and authorize an agreement to implement the Regional Harbor Monitoring Program is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15306 (Information Collection) because the project proposes to assess conditions and trends in the quality of water, sediments, and aquatic life in San Diego Bay and would not result in a serious or major disturbance to an environmental resource. No further action under CEQA is required.

In addition, the selection and authorization of an agreement to implement the Regional Harbor Monitoring Program pursuant to § 13225 of the California Water Code allows for the District to administrate its obligations under the Port Act and/or other laws. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed presentation is consistent with the Public Trust Doctrine.

Finally, the proposed Board action is considered an "excluded development" pursuant to Section 8.f. (Information Collection) of the District's Coastal Development Permit (CDP) Regulations; therefore, issuance of a CDP is not required.

### **Equal Opportunity Program:**

A 5% Small Business Enterprise (SBE) goal was established for this agreement. Amec Foster Wheeler listed three subcontractors for a total of 9% SBE participation.

### **PREPARED BY:**

Kelly Tait  
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Planning & Green Port

Attachment(s):

Attachment A: San Diego Regional Water Quality Control Board 2003 Directive

Attachment B: May 10, 2016 Agenda Sheet presenting 2013 RHMP Results

Attachment C: 2013-2018 RHMP MOU

Attachment D: 2018 RHMP Program Agreement between the San Diego Unified Port District and Amec Foster Wheeler, Environment and Infrastructure, Inc.

<sup>1</sup>DM# 579716 Technical Report: Harbor Monitoring Program for San Diego Region-San Diego Bay, Mission Bay, Oceanside Harbor, and Dana Point Harbor. Prepared by MEC Analytical Systems, Inc. February 2004.