



## Legislation Details (With Text)

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**Title:** RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH BUREAU VERITAS NORTH AMERICA, INC.; DUDEK; AND MOORE IACOFANO GOLTSMAN, INC. DBA MIG FOR AS-NEEDED DEVELOPMENT SERVICES CONSULTING FOR A TOTAL AGGREGATE AMOUNT PAYABLE UNDER THE AGREEMENTS NOT TO EXCEED \$500,000 FOR A PERIOD OF THREE YEARS BEGINNING ON JUNE 1, 2018 AND ENDING JUNE 30, 2021; FY 2018 EXPENDITURES, IF NEEDED, ARE BUDGETED, AND ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

### Sponsors:

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**Attachments:** 1. 7. 2018-0104 Attachment A, 2. 7. 2018-0104 Attachment B, 3. 7. 2018-0104 Attachment C, 4. 7. 2018-0104 Draft Resolution

Date	Ver.	Action By	Action	Result
5/8/2018	1	Board of Port Commissioners	adopted	

**DATE:** May 8, 2018

### SUBJECT:

**RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH BUREAU VERITAS NORTH AMERICA, INC.; DUDEK; AND MOORE IACOFANO GOLTSMAN, INC. DBA MIG FOR AS-NEEDED DEVELOPMENT SERVICES CONSULTING FOR A TOTAL AGGREGATE AMOUNT PAYABLE UNDER THE AGREEMENTS NOT TO EXCEED \$500,000 FOR A PERIOD OF THREE YEARS BEGINNING ON JUNE 1, 2018 AND ENDING JUNE 30, 2021; FY 2018 EXPENDITURES, IF NEEDED, ARE BUDGETED, AND ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET**

### EXECUTIVE SUMMARY:

The San Diego Unified Port District's (District) Development Services Department (DSD) reviews proposed plans for projects on tidelands for compliance with applicable District regulations, Board of Port Commissioners (BPC) policies, administrative procedures, California Environmental Quality Act (CEQA) and California Coastal Act requirements, design guidelines, and for overall proposal completeness. DSD utilizes as-needed consultants to assist staff with proposed tenant plan reviews during peak project demand periods and to perform architectural design reviews. The current as-needed agreement commenced on August 12, 2015, and expires June 30, 2018; therefore, staff is recommending the Board's authorization of a new set of as-needed consultant agreements to service future tenant project reviews, perform architectural design reviews, and perform periodic jobsite visits

to check for compliance with District-approved project plans.

Pursuant to BPC Policy No.110, District staff issued a Request for Qualifications (RFQ) 17-74SN for As-Needed Development Services Consulting on December 12, 2017. The District received five responsive proposals. Three of the firms were selected for interviews. Based on the written proposals, interviews, and a decision analysis process using the criteria stated in the RFQ, staff recommends that the Board select and authorize the attached agreements with the three highest ranking firms: Bureau Veritas North America, Inc. (Bureau Veritas); Dudek; and Moore Iacofano Goltsman Inc. dba MIG (MIG) to provide as-needed Development Services consulting for a total aggregate amount payable under the agreements not to exceed \$500,000 for a period of three years (Attachments A, B, and C).

### **RECOMMENDATION:**

Adopt a resolution selecting and authorizing agreements with Bureau Veritas North America, Inc.; Dudek; and Moore Iacofano Goltsman Inc. dba MIG for as-needed Development Services consulting for a total aggregate amount payable under the agreements not to exceed \$500,000 for a period of three years beginning June 1, 2018, and ending on June 30, 2021; FY 2018 expenditures, if needed, are budgeted and funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to Board approval upon adoption of each fiscal year's budget.

### **FISCAL IMPACT:**

Funds for the current year of expenditure, if needed, are budgeted for in the FY 2018 Development Services' Professional Services expense account. Funds required for future fiscal years will be budgeted for in the appropriate fiscal years and cost account, subject to Board approval upon adoption of each fiscal year's budget.

### **COMPASS STRATEGIC GOALS:**

The Board's authorization for the As-Needed Development Services Consulting agreements will streamline the solicitation process for retaining consultants to assist the District with reviewing project proposals on tidelands. This agenda item supports the following Strategic Goals.

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- 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.

### **DISCUSSION:**

DSD utilizes as-needed consultants to assist staff with proposed tenant plan reviews during peak project demand periods and to perform architectural design reviews. District staff and as-needed consultants work together to ensure tenant project compliance with applicable District regulations and guidelines, BPC policies, CEQA/Coastal Act requirements, and other governing regulations such as from the Army Corps of Engineers and Regional Water Quality Control Board, among others. The use of as-needed consultants has enabled DSD staff to streamline the District's tenant project review

process and ensure that the District can provide tenant project reviews at the highest levels, with best management practices and meeting industry service goals. District staff is ultimately responsible to oversee all aspects of the tenant project review process. The use of as-needed consulting services has enabled the District to be more responsive to tenant project applications. Having access to a pool of qualified and trained as-needed consultants also enables the District to dedicate project review resources, immediately, without initiating a separate RFQ or agreement process for each consultant on a case by case basis.

The current as-needed agreement commenced on August 12, 2015 and expires June 30, 2018; therefore, staff is recommending the Board's consideration and approval of a new set of as-needed consultants to service future tenant project reviews. Accordingly, pursuant to BPC Policy No. 110, the District completed an RFQ process and selected three firms to recommend to the Board for as-needed agreements, as further described below.

The Board's approval of the recommended agreements would allow DSD to continue to provide prompt and efficient project review service to District tenants for the next three years, as funds allow. Thereafter, barring any conflicts of interest, as a project application is submitted to DSD, staff may select an as-needed consultant to conduct the project review process. The consultant will work with various District departments, tenants and contractors to manage all aspects of the required tenant project review from scheduling the Pre-Submittal meeting to documenting the Close-Out processes, all under staff supervision and per individual task authorizations. In addition, the as-needed consultants may perform architectural design review on tenant projects and perform periodic jobsite visits to check for compliance with District-approved project plans.

For the tasks noted above, staff proposes that the District enter into three separate as-needed consultant agreements (with Bureau Veritas, Dudek, and MIG) for a total aggregate amount payable under the agreements not to exceed \$500,000 for a period of three years.

#### Request for Qualifications and Consultant Selection

Pursuant to BPC Policy No. 110, on December 12, 2017, District staff issued RFQ 17-74SN seeking As-Needed Development Services Consulting to provide project review assistance for proposed projects on tidelands. The RFQ described the consulting services required by the District, the agreement terms and conditions and the competitive process by which the District procures consulting services. The RFQ was electronically mailed to 1,754 firms known to offer the necessary services and that have expressed interest in working on projects on District tidelands.

An Information Exchange Meeting was held December 19, 2017. In total, five responsive proposals to the RFQ were received by the deadline of January 23, 2018, from the following firms: Bureau Veritas, Dudek, Jeff Katz Architecture, Michael Baker International, and MIG. The five responsive proposals were evaluated by a panel of District staff. Based on the initial review of the written proposals, the following top three firms were selected for interviews: Bureau Veritas, Dudek, and MIG.

Interviews were conducted on February 27, 2018. A decision analysis was completed based on the information gathered through the interviews, written proposals, and using the criteria stated in the RFQ. The selection panel evaluated and ranked each firm's experience of proposed staff, approach to the project, capability to perform, as well as fair and reasonable cost. Based on the evaluation process, the panel identified the following three highest-ranked firms (Bureau Veritas, Dudek, and MIG) as further discussed below.

**Bureau Veritas** - Bureau Veritas, founded in 1828 and employing approximately 71,000 employees, is the largest consulting firm in the world and as such has the ability to bring global best management practices to the District's project review process. Bureau Veritas provides planning review, CEQA review, building plan check, permitting and inspections, as-needed building officials and full building operations consulting services. The proposed team is comprised of former Chief Building Officials from the cities of San Diego and National City and former City of San Diego staff with over 30 years of well-rounded experience in the development services industry. The firm and proposed team have significant experience on projects with local public agencies and are knowledgeable of local processes. Bureau Veritas demonstrated the most relevant firm experience, as the firm has been in the business of providing the requested services for almost 200 years and in addition is currently consulting for the District on the Building Permitting Study. Bureau Veritas also demonstrated a very clear approach, in both their submittal and interview, emphasizing the importance of communication for successful permit processing and their understanding of their role as facilitator with the District and tenants in making sure to identify any issues in the pre-submittal phase of a project review, and the importance of prompt communication of these issues to the tenant. Bureau Veritas also ranked highest in providing fair and reasonable costs for their services.

**Dudek** - Dudek, founded in 1980 with more than 400 employees, is a multi-disciplinary firm that provides design, planning, and architectural consulting services and has provided services to the District for the past 15 years. The proposed team comprised of a very diverse and dynamic staff with over 13 years' of experience with aligned disciplines and extensive public agency experience that includes former District employees. Dudek demonstrated the most extensive and relevant experience of the proposed staff, having provided project review services successfully for past District projects as well as the inclusion of former District employees. For over the past year and three months, Dudek staff has completed, or is in the process of completing, 30 project reviews for the District, of which 33% resulted in a Category 1 determination (project requires no District approval), 47% resulted in a Category 2 determination (project can be administratively approved by District staff), 10% resulted in a Category 3 determination (project requires Board approval), and the remaining 10% are in process. These project reviews include Category 1 projects such as: Wyndham HVAC replacement; Flagship Signage at Gate No. 2; and Manchester Grand Hyatt 33<sup>rd</sup> floor renovation; Category 2 projects such as: Bartell elevator installation; Intrepid Landing dock installation; and Driscoll Inc. Intrepid Boat Work; and Category 3 projects such as: CP Kelco/R.E. Staite Redevelopment; BAE Shipyard redevelopment; and Continental Maritime pile replacement. In addition, Dudek ranked the highest for approach to the project and capability to perform, identifying the phases of the tenant project review process and elaborating on the services that Dudek staff would provide in assisting District staff. Dudek also provided fair and reasonable costs for their services.

**MIG** - MIG, founded in 1982, is a planning and design firm that has provided consulting services to over 30 cities. MIG has proposed a team of planners and architects with significant experience in planning, permitting process, urban design, universal site design, engineering, landscaping, and architecture with public agencies as both as-needed consultant and as employees. The Project Manager of the proposed team has over 40 years of experience, and the point of contact has a strong architectural background as well as peripheral District experience via working on the Cabrillo Isle Marina and Kettenburg Marina. The proposed team also included experienced LEED accredited registered architects. MIG demonstrated very relevant experience providing as-needed planning services for other public agencies such as, City of Mission Viejo to assist in the processing of development applications and City of Costa Mesa's Town Center project which included expansion of

the Orange County Performing Arts Center and new office buildings. MIG provided a clear approach to providing development services consulting and project review methodology, identifying each phase of the process. MIG demonstrated a strong ability to provide the as-needed architectural design review services and urban design services needed by DSD at a fair and reasonable cost.

#### Firms Not Recommended

The two remaining responsive firms, Jeff Katz Architecture and Michael Baker International, were not selected by the panel because they did not demonstrate that their proposed staff has substantial relevant or similar experience providing development services consulting, such as proposed tenant plan reviews and architectural design reviews to other ports or similar agencies. More specifically, the proposed teams identified by these firms did not demonstrate a comprehensive understanding of the District's project review and design review process. Furthermore, the proposed teams did not demonstrate a clear understanding of the services requested by the District and lacked an organized, clear, and concise approach to providing such services. In addition, these firms were not recommended by the selection panel for one or more of the following reasons: the proposed staff did not demonstrate that the Project Manager and/or project team have relevant or similar experience managing District or other port or similar agency projects; the firms did not demonstrate an understanding of the District's issues and needs as identified in the RFQ; they did not identify a clear quality control process; and/or they did not propose a fair and reasonable cost.

#### Conclusion

The recommended firms (Bureau Veritas, Dudek, and MIG) ranked in the top three due to the firms' demonstration of the most relevant staff experience, thorough and well thought-out approach, understanding of the District's development services and project review process as well as fair and reasonable cost. District staff recommends that the Board select and authorize as-needed agreements with Bureau Veritas, Dudek, and MIG to provide development services consulting for a total aggregate amount payable under the agreements not to exceed \$500,000 for a period of three years (Attachments A, B, and C).

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

The Office of the General Counsel reviewed this agenda and approved the proposed agreements as to form and legality.

#### **Environmental Review:**

The Board action, including without limitation, authorization of as-needed development services consulting services agreements does not constitute an "approval" or a "project" under the definitions set forth in CEQA Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's action or direction that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The current Board action in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

In addition, the proposed Board action allows for the District to implement its obligations under Sections 81 of the Port Act, which supports the use of funds for expenses of conducting the District. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a CDP or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The Board’s action in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

### **Equal Opportunity Program:**

Due to limited known sub opportunities, no SBE goal was established for this agreement.

### **PREPARED BY:**

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### **Attachment(s):**

Attachment A:	Agreement with Bureau Veritas North America Inc.
Attachment B:	Agreement with Dudek
Attachment C:	Agreement with Moore Iacofano Goltsman Inc. dba MIG