



## Legislation Text

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File #: 2018-0096, Version: 1

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**DATE:** July 17, 2018

**SUBJECT:**

**RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH APEX COMPANIES, LLC FOR AS NEEDED INSPECTION AND MAINTENANCE SERVICES OF STRUCTURAL POLLUTANT CONTROL BEST MANAGEMENT PRACTICES FROM AUGUST 1, 2018, THROUGH JULY 31, 2021, FOR AN AMOUNT NOT TO EXCEED \$1,068,000. FUNDS FOR FISCAL YEAR 2019 HAVE BEEN BUDGETED. 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 District's stormwater strategy supports clean water in San Diego Bay through a number of initiatives, programs, and projects. The goal is to improve the quality of stormwater runoff flowing from District Tidelands in a planned, proactive, and resource efficient way and in a manner that aligns with the varied uses of Tidelands. The District has installed structural pollutant control devices around Tidelands as part of Major Maintenance and Capital Improvement projects in accordance with the requirements of the Municipal Stormwater Permit<sup>1</sup>. The devices for structural Best Management Practices (BMPs) are designed to remove pollutants in stormwater runoff prior to discharging to the San Diego Bay and require maintenance to work effectively. The District will utilize a structural BMP contractor to perform routine inspection, cleaning, maintenance and report writing for structural pollutant control BMPs to comply with the Municipal Stormwater Permit.

Pursuant to BPC Policy No. 110, District staff issued Request for Proposal (RFP) No. 18-06MA on March 14, 2018, seeking qualified firms to provide as-needed inspection and maintenance services of structural pollutant control best management practices. Three firms submitted proposals; all three were selected as finalists and interviewed by staff. Based on the interviews, the written proposals, and a decision analysis process, using the criteria stated in the RFP, staff is recommending the Board select and authorize agreements with Apex Companies, LLC for as-needed inspection and maintenance services of structural pollutant control best management practices at various District facilities from August 1, 2018, through July 31, 2021, for an amount not to exceed \$1,068,000.

### **RECOMMENDATION:**

Adopt a Resolution selecting and authorizing a service agreement with APEX Companies, LLC for inspection and maintenance services of structural pollutant control best management practices at various District facility sites from August 1, 2018, through July 31, 2021, for an amount not to exceed \$1,068, 000.

## **FISCAL IMPACT:**

Costs associated with stormwater and water quality related projects were presented to the Board during the May 8, 2018 preliminary Board Budget meeting (Attachment B). Operation and Maintenance of District structural BMPs is part of the “Base Expenses” included the aggregated budgeted capital and non-personnel costs for fiscal year 2019. Funds for the first year in the amount of \$356,000 are included in the approved FY2019 budget within General Services Department Facilities Maintenance-Outside Services Account No. 650110. Funds required for future fiscal years will be budgeted for in the appropriate year subject to Board approval upon adoption of each fiscal year’s budget.

## **COMPASS STRATEGIC GOALS:**

The proposed agreement will ensure that the structural BMPs maintain their optimal pollutant removal performance capabilities which further the District’s long term goal of supporting a healthy and sustainable Bay. This agenda item supports the following Strategic Goal(s).

- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

## **DISCUSSION:**

The District’s 21st century organizational vision is an innovative, global seaport supporting commerce, community, and the environment. Accordingly, the District’s strategic approach to stormwater management is a comprehensive and proactive program that will help the District address increasing stormwater regulations in a manner that supports the varied uses of District Tidelands. The approach is to implement programs and projects that effectively treat stormwater runoff prior to discharge. Included in the list of programs are routine inspection and maintenance of the structural pollutant control BMPs installed in the District’s stormwater drainage system constructed as part of Major Maintenance and Capital Improvement Projects. Routine maintenance of the District’s structural BMPs is an integral part of the District’s stormwater strategy as it ensures that the structures operate at optimal levels which promotes a clean bay, minimizes environmental liability and helps prevent area flooding during rain events.

In addition, the District is committed to protecting water quality in accordance with state and local stormwater requirements, including the requirements of the Municipal Stormwater Permit which regulates discharges of urban runoff from the municipal storm drain system. The District seeks to implement programs, projects, and routine maintenance actions that align San Diego Bay water quality protection with the varied uses of District Tidelands. Structural pollutant control BMPs have been installed throughout the Tidelands in the District’s stormwater drainage system constructed as part of Major Maintenance and Capital Improvement Projects. These devices are designed to remove pollutants in stormwater runoff prior to discharging to the San Diego Bay and require maintenance to work effectively. The Municipal Stormwater Permit requires among other items, the proper operation and maintenance of structural BMPs verified through a report.

The District’s structural BMPs include storm drain inlet filters from various manufacturers, pervious

pavements, proprietary devices such as continuous deflection systems (CDS) units or modular wetland systems, bio-retention facilities, and media filters. The cleaning frequency of these structures can vary annually and by location depending largely upon weather, adjacent events, activities, and overall landside use patterns; cleaning is based on visual inspection. This type of maintenance requires appropriate equipment and resources that are provided by outside contractors that specialize in providing those types of services.

## **RFP Process and Interviews**

Pursuant to BPC Policy 110, RFP No 18-06MA was issued seeking assistance with routine inspection and maintenance services for structural BMPs owned by the District. The services includes full compensation for all labor, inspection, supervision, materials, equipment, tools, clean-up and incidentals required to perform BMP inspection and maintenance services. RFP No. 18-06MA was solicited through Planet Bids on March 14, 2018, and closed on April 18, 2018. Electronic solicitation notification was sent to eight hundred ninety five (895) service providers, thirty-seven (37) signed up as potential service providers, and three (3) downloaded and submitted proposal packages.

On April 18, 2018, the District received three proposals that were all deemed responsive. Staff convened an interview selection panel on May 22, 2018, and evaluated the three proposals based on standards criteria listed in the RFP. The interview selection panel found that Apex Companies, LLC was the highest qualified service provider based upon the experience of their proposed staff, firm's relevant experience, their approach to the project, capability to perform, and their fair and reasonable cost.

The firms are described below, in order in which they were ranked:

### **Apex Companies, LLC**

Founded in 1988, Apex headquarters is located at Rockville, MD, a local office at Sorrento Valley California, employs over 700 professionals including geologists, hydrogeologists, engineers, air quality specialists, environmental scientists, information management experts, industrial hygienists, and field technicians over 60 offices nationwide.

According to the proposal, Apex has experience performing inspection and maintenance of thousands of structural BMPs at various facilities in California and across the nation. The company currently has contracts with the Port of Los Angeles, states and agencies and has exclusive contract with over 500 Wal-Mart facilities for BMP maintenance, inspection, services and regulatory compliance.

The proposed project manager, Wes Udwin, has received several certifications in stormwater management issued by the State Water Resources Control Board. Mr. Udwin has managed the installation and maintenance of temporary and permanent BMPs that are similar to the structural controls installed and managed by the District. Mr. Udwin has also provided cost estimating, oversight and training for the installation of structural BMPs.

The Apex proposal was well written, their presentation provided detailed information on their proposed staff, approach to the project and capability to perform, fair and reasonable rates, and cost. The company provided detailed information on all aspects of the proposed scope of work including the use of a database for field inspection and tracking of all BMP inspection maintenance services.

The proposed database format also enables the company to gather other useful data that the District may use to understand maintenance trends, cleaning hot spots, and other metrics useful to improve workflow efficiencies. The company also provides 24 hours, 7 days a week emergency environmental response service.

#### DownStream Services, Inc.

DownStream Services, Inc. was founded in 1998, its headquarters is located at Escondido, California, and employs over seventy (70) employees. The company offers environmental services including pipeline, manhole & sewer system inspections, CCTV inspection and pipe assessment, Long Range CCTV & Sonar profiling, manhole inspections and digital documentation. It provides services to San Diego County, Los Angeles County, County of Orange, Imperial County, and Inland Empire & Riverside County, including a current on call services agreement with the District.

DownStream's proposed project manager, Jake Jacobson, has over 20 years experience with storm drain cleaning and structural BMP maintenance. Mr. Jacobson demonstrated his understanding of proper BMP maintenance techniques.

The company also has performed well for the District through the existing as-needed storm drain cleaning contract. DownStream also owns the appropriate equipment to carry-out the as needed maintenance services. However, in the proposal and the presentation, the company did not provide information on their approach in completing all the items in the proposed contract scope of work. The company was vague on their proposed inspection process, schedule, and proposed communication with the District.

#### Innerline Engineering

Innerline Engineering was formed in 1997 and incorporated in 2000 and has a local office located at Corona, California. The company has over 15 years of experience in storm drain, stormwater services, CCTV inspection, high pressure jetting, large pipeline cleaning, and hydro excavation. Innerline has held contracts to provide similar services to the proposed scope of work with the City of San Diego, City of Vista, and City of Los Angeles, Orange County Sanitation District, City of Fullerton and City of Hawthorne.

Innerline's proposed project manager, Mr. Sean Trammell has at least 16 years experience in pipeline inspection and cleaning. According to the Innerline proposal, most of Mr. Trammell's experience is in CCTV related work.

In both the presentation and the proposal, Innerline did not provide detailed information on their company's approach to the project, staff experience, capability to perform and who on their proposed staff will be performing the work if the company is awarded the agreement. Further, the company has limited experience working with inspection and maintenance of pervious pavements which is a structural BMP to be inspected and maintained as part of the proposed scope of services in this contract.

#### Recommendation

Based on the proposal and presentation, Apex appears to be the most responsive and capable to perform the contract scope of work. Staff recommends the Board select and authorize an agreement with Apex Companies, Inc. to provide routine inspection, cleaning, maintenance and

report writing for the District's structural stormwater pollution control BMPs for at varies District sites from August 1, 2018 through July 31, 2021, for an amount not to exceed \$1,068,000.

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

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

### **Environmental Review:**

The proposed Board direction or action, including without limitation, a resolution selecting and authorizing an agreement for as-needed inspection and maintenance services if structural pollutant control best management practices is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 3.a. (7) of the District's Guidelines for Compliance with CEQA because the project in question would involve no expansion of use beyond that previously existing. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

The proposed Board direction or action complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in Section 87. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board direction or action is consistent with the Public Trust Doctrine.

Finally, the proposed Board direction or action is considered "excluded development" pursuant to Section 8.a. (Existing Facilities) of the District's Coastal Development Permit Regulations because the project in question would involve no expansion of use beyond that previously existing. Issuance of a Coastal Development Permit is not required for the proposed Board direction or action.

### **Equal Opportunity Program:**

Due to limited know sub opportunities, no Small Business Enterprise (SBE) goal was established for this agreement. Apex did identify SBEs as part of their team.

### **PREPARED BY:**

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

Attachment A: Agreement between SDUPD and Apex Companies, LLC for Structural Pollutant Control BMP Inspection and Maintenance-Agreement No. 137-2018MA  
Attachment B: Stormwater and Water Quality Aggregated Cost Table

<sup>1</sup> NPDES No. R9-2013-0001 As Amended by Order No. R9-2015-0001 and Order No. R9-2015-0100  
(Municipal Stormwater Permit)