



Legislation Text

File #: 2018-0418, **Version:** 1

DATE: October 9, 2018

SUBJECT:

RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO AGREEMENT WITH WOOD ENVIRONMENTAL & INFRASTRUCTURE SOLUTIONS, INC., AND AMENDMENT NO. 2 TO AGREEMENTS WITH DUDEK, AND WESTON SOLUTIONS, INC. FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES, INCREASING THE AGREEMENTS' AMOUNT BY \$600,000 WHICH INCREASES THE AGGREGATE TOTAL OF THE AGREEMENTS FROM \$1,170,000 TO 1,770,000 AND EXTENDING THE AGREEMENTS' EXPIRATION DATES FROM APRIL 11, 2020 TO JULY 31, 2020; FY 2019 EXPENDITURES, IF NEEDED, ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

EXECUTIVE SUMMARY:

The District conducts various environmental studies as a requirement of environmental regulatory permits for projects, to establish or maintain compliance with environmental regulations, and to further the success of the District's environmental stewardship efforts. Consultants often assist the District with these efforts by providing their technical expertise and services to ensure the most current industry-accepted methods and approaches are utilized.

On April 11, 2017, the Board adopted Resolution 2017-035 authorizing three-year as-needed agreements with Wood Environmental (Wood), Dudek, and Weston Solutions, Inc. (Weston) to provide technical assistance on a variety of tasks related to environmental studies and regulatory requirements. The as-needed environmental analytical services agreements were authorized for an aggregate amount not to exceed \$975,000. However, there has been a rise in the need for consultant assistance to complete tasks related to stormwater and other regulatory monitoring projects, required special studies, assistance with the implementation of updated jurisdictional stormwater program, and other unanticipated technical studies. The higher than anticipated demand for consultant services nearly depleted the agreements' aggregate total amount halfway through the contract term. District staff determined that an amendment was necessary to ensure projects planned within the first half of FY 18/19 could move forward and to help maintain efficiency with the current consultants. The agreements were amended on July 11, 2018 pursuant to BPC Policy No. 110's Section II.G. The July 2018 amendment increased the maximum aggregate amount by 20% of the original agreement value, or \$195,000, bringing the total aggregate amount to \$1,170,000.

The amended aggregate amount, however, will not cover costs related to a number of planned projects in FY 18/19 or in FY 19/20, as well as unanticipated projects. Since the current Agreements are mid-term and District staff has been satisfied with the performance of the consultants under the

current agreements, District staff is requesting to amend the as-needed agreements by increasing the aggregate amount by \$600,000. The total aggregate amount would then be \$1,770,000. This will ensure continuity and minimize the risk of project delays related to consultant transitions for key projects planned for the 2019 and 2020 fiscal years. The agreements' expiration dates would also be extended to July 31, 2020 to allow the completion of the agreements to coincide with the end of 2020 fiscal year.

RECOMMENDATION:

Adopt a resolution selecting and authorizing Amendment No. 3 to the agreements with Wood, and Amendment No. 2 to the agreements with Dudek, and Weston to provide as-needed environmental analytical services for a new aggregate amount not to exceed \$1,770,000 and extending the agreements' expiration dates to July 31, 2020.

FISCAL IMPACT:

Funds are budgeted in the approved FY 18/19 Planning and Green Port (PGP) budget Professional Services expense account (#620100), Environmental Fund (#660135), or otherwise included in the applicable project budgets of the District's major maintenance or capital improvement programs as approved by the Board. Funds required for future fiscal year(s) will be budgeted for in the appropriate fiscal year and cost account subject to Board approval upon adoption of each fiscal year's budget.

COMPASS STRATEGIC GOALS:

The proposed action will assist the District's efforts to meet environmental regulatory and permit requirements, support the District's capital improvement and major maintenance programs, and further the District's environmental stewardship. Therefore, this agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.
- 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.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

The District conducts various environmental studies, services, and activities as a requirement of environmental regulatory permits for projects, to establish or maintain compliance with environmental regulations, and to further the success of the District's environmental stewardship efforts. The environmental studies range from routine to highly technical analyses and can require laboratory and bioassay testing, environmental surveys, stormwater sample collection, marine sediment, soil, and water quality studies and modeling. The District employs the expertise of outside consultants to ensure that the most current industry-accepted methods and approaches are utilized. These efforts support the District's Capital Improvement, Major Maintenance, and Environmental Protection programs.

Current Consultant Services

District staff issued a Request for Qualifications¹ (RFQ) in December 2016 seeking up to three qualified firms to continue as-needed laboratory, bioassay, and survey and sample collection services. The District received four proposals and based on the written proposals, interviews, and a decision analysis, recommended Wood, Dudek, and Weston for the new agreements. On April 11, 2017, the Board adopted Resolution 2017-035² authorizing as-needed agreements with Wood, Dudek, and Weston for a total aggregate amount of \$975,000 to provide stormwater management services for a period of three years, expiring on April 11, 2020.

The current agreements are as-needed, time and materials contracts, with work assignments initiated via a task authorization. Prior to issuing individual task authorizations under these agreements District staff defines a scope of work and an appropriate fee is negotiated.

There was an unanticipated rise in the need for consultant assistance to complete tasks related to stormwater and other regulatory monitoring projects, assistance with the implementation of updated jurisdictional stormwater program, and other unanticipated technical studies. The consultants have performed well to date on assigned tasks. Therefore, District staff amended the Agreements to increase the total aggregate amount. Pursuant to BPC Policy No. 110's Section II.G, District staff amended the agreements on July 11, 2018. The amendment³ increased the maximum aggregate amount by 20% of the original agreement value, or \$195,000. The total aggregate amount was increased to \$1,170,000. Projects initiated since April 2017 through the current agreements amount to approximately \$1,030,500, or 88%, of the current total aggregate amount.

Request for Agreement Amendments

As stated above, District staff has been utilizing the current agreements to address various environmental regulatory program requirements. Staff has initiated 24 task authorizations under the current agreements. Sixteen tasks have been completed to date, including monitoring, reporting, and special studies relating to Total Maximum Daily Loads (TMDLs) and other regulatory directives; permit-required⁴ stormdrain sampling; assistance with annual stormwater inspections at commercial, industrial, and municipal facilities in FY 17/18; and a bay-wide eel grass survey.

In addition, there continues to be a need for specialized consultant assistance with respect to both planned and unanticipated projects relating to TMDLs, focused sediment and water quality studies, habitat surveys, stormwater sampling and reporting assistance related to various stormwater permits, and other technical studies. To date, the consultants have provided high quality work and performance on assigned projects and their continued assistance is needed to help the District with upcoming projects. District staff is recommending the agreements be amended to increase the total aggregate amount by \$600,000. The total aggregate amount would then be \$1,770,000.

In addition, the agreements' expiration dates would be extended to July 31, 2020, to allow the completion of the agreements to coincide with the end of 2020 fiscal year. It is anticipated the amended aggregate total will adequately cover costs for projects through July 31, 2020. Amendment will ensure continuity and minimize the risk of project delays related to consultant transitions as key projects are scheduled for completion within the 2019 and 2020 fiscal years.

General Counsel's Comments:

The Office of the General Counsel reviewed this agenda and the proposed amendments as presented to it and approved them as to form and legality.

Environmental Review:

The proposed Board action to authorize a third amendment to an existing agreement with Wood Environmental & Infrastructure Solutions, Inc., and a second amendment to the same existing agreement with Dudek, and Weston Solutions, Inc. for as-needed environmental analytical services is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15304 (Minor Alterations to Land), 15306 (Information Collection) and Sections 3.d and 3.f of the District's Guidelines for Compliance with CEQA because the project will involve no expansion of use beyond that previously existing. No further action under CEQA is required.

The proposed Board action complies with Section 87 of the Port Act, which allows for the establishment and maintenance of tidal and submerged lands for open space, ecological preservation, and habitat restoration. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the project is consistent with the Public Trust Doctrine.

In addition, the proposed Board action is considered "excluded development" pursuant to Sections 8.d (Minor Alterations to Land), 8.e (Information Collection), and 8.f (Inspections) of the District's Coastal Development Permit Regulations because it is an amendment to on-call agreements for water quality management services; therefore, issuance of a Coastal Development Permit is not required.

Equal Opportunity Program:

A 5% Small Business Enterprise (SBE) goal was established for this agreement. All of the firms interviewed identified SBEs as part of their teams in excess of the 5% goal.

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Attachment(s):

Attachment A: Draft Amendment 3 to Agreement No. 44-2017SN with Wood Environmental

Attachment B: Draft Amendment 2 to Agreement No. 45-2017SN with Dudek

Attachment C: Draft Amendment 2 to Agreement No. 46-2017SN with Weston Solutions, Inc.

¹ Request for Qualifications (RFQ) 16-48SN As-Needed Environmental Analytical Services, D2#1133691

² Resolution 2017-035: Resolutions selection and authorizing agreements with AMEC Foster Wheeler Environment and Infrastructure, INC., Dudek, and Weston Solutions, INC. for As-Needed Environmental Analytical Services such as Sediment and Water Sample Collection, Laboratory and Technical Analysis, and Technical reporting, in an Aggregate Amount Not to Exceed \$975,000 for a Period of Three Years, D2#1163102

³ July 11, 2018 Amendment: Wood, D2#1525531; Dudek, D2#1525538; Weston, D2#1525549.

⁴ California Regional Water Quality Control Board San Diego Region Order No. R9-2013-0001 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the San

Diego Region: http://www.waterboards.ca.gov/sandiego/docs/2013-0523_Order_No._R9-2013-0001_COMPLETE.pdf