



## Legislation Text

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**DATE:** February 11, 2020

**SUBJECT:**

**RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC., DUDEK, AND WESTON SOLUTIONS 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 \$1,500,000 FOR A PERIOD OF THREE YEARS. FY 2020 EXPENDITURES ARE BUDGETED; 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:**

In furtherance of its environmental stewardship mission, the District conducts various environmental studies in San Diego Bay and on the District-managed land surrounding the bay. These studies are an integral part in understanding the chemical and physical condition of the bay environment. The studies may also be a requirement of environmental permitting or regulatory compliance. Consultants often assist the District with this work by providing technical expertise and analysis to ensure the most current industry-accepted methods and approaches are utilized.

Pursuant to BPC Policy No. 110, District staff issued a Request for Qualifications<sup>1</sup> (RFQ) in September 2019 seeking up to three qualified firms to continue as-needed environmental analytical services. Three firms submitted proposals and were selected as finalists by staff. Based on the written proposals and a decision analysis process using the criteria stated in the RFQ, staff recommends that the Board of Port Commissioners (Board) select Wood Environment & Infrastructure Solutions, Inc. (Wood), Dudek, and Weston Solutions Inc. (Weston) for the as-needed Environmental Analytical Services agreement. All three firms are contracted through the current As-needed Environmental Analytical Services agreement and have performed well. Upon Board approval, Agreement #06-2020JR, #08-2020JR, and #07-2020JR (Attachments A, B, C, respectively) between the District and the three firms would be executed for a period of three years and for an aggregate amount not to exceed \$1,500,000.

### **RECOMMENDATION:**

Adopt a resolution selecting and authorizing agreements with Wood, Dudek, and Weston to provide as-needed environmental analytical services for an aggregate amount not to exceed \$1,500,000 for a period of three years.

### **FISCAL IMPACT:**

Funds for the first year of this expenditure are budgeted in the FY 19/20 Environmental Protection (EP) Professional Services cost account 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 to further the success of the District's environmental stewardship efforts and as a requirement of environmental permits for projects, and to maintain compliance with environmental regulations. The District retains qualified consulting firms to provide technical expertise in developing work plans, sample collection, laboratory analysis, modeling, and reporting for various in bay and landside studies. These studies benefit the District's capital improvement, major maintenance, and environmental protection programs.

The District utilizes as-needed consultant services to conduct the environmental analytical studies. The agreements are structured as time and materials contracts, with work assignments authorized via a task authorization. Prior to issuing individual task authorizations, District staff defines a scope of work and an appropriate fee is negotiated.

Currently, the District maintains as-needed agreements for environmental analytical services with three firms including Wood, Dudek, and Weston. The existing agreements will expire in July 31, 2020<sup>2</sup>. Examples of the tasks completed under the existing agreements include:

- Technical assistance with the District Jurisdictional Runoff Management Program.
- Monitoring and technical support for the Shelter Island Yacht Basin Copper Total Maximum Daily Load (TMDL) and the Shelter Island Shoreline Park Bacteria TMDL.
- Technical assistance with Investigative Orders and state-wide trash stormwater regulations issued by the Regional Water Quality Control Board (RWQCB).
- Marine Terminals Action Plan.
- Dry and wet weather stormwater sampling and analysis.
- Monitoring and technical support for Blue Economy Incubator Program and Aquaculture

projects.

The 2019 fiscal year was busy and productive, depleting the contract resources faster than originally anticipated. New agreements are necessary at this time to continue existing projects and to complete projects forecasted in the next three fiscal years.

On September 25, 2019, pursuant to BPC Policy No. 110, the District issued an RFQ via Planet Bids seeking up to three firms for as-needed environmental analytical services. Over 900 vendors received solicitation notices. An RFQ information exchange meeting was held on October 1, 2019, with twelve people in attendance. On October 30, 2019, three proposals were received. The three proposals came from the incumbents under the current as-needed environmental analytical agreement.

A committee comprised of staff from the District's Environmental Protection, Equal Opportunity, and Procurement departments reviewed the proposals of the three firms on December 9, 2019. The firms are Wood, Dudek, and Weston. Table 1 identifies the proposed firms' average hourly rate.

Table 1. Firms Submitting Proposals for RFP

<b>Firm</b>	<b>Local Office</b>	<b>Average of Fully Burdened Rate Per Hour*</b>
Wood	9120 Sky Park Court, Suite 300 San Diego, CA	\$124
Dudek	605 Third Street Encinitas, CA	\$200
Weston	5817 Dryden Place, Suite 101 Carlsbad, CA	\$135

Based on the District staff review of proposals, District staff recommends the three incumbent firms: Wood, Dudek, and Weston for the as-needed agreement. District staff have been satisfied with the performance of all three firms and each have had timely responses and submittals of project deliverables. In addition, there were minimal changes to each firm's proposed team between the current and the new as-needed agreements which will provide continuity of services. Therefore, interviews were determined to not be needed. The three firms are discussed in the sections below.

### **Wood Environment & Infrastructure Solutions, Inc.**

Wood is in San Diego and is a full service environmental and geotechnical company offering professional engineering, scientific, and regulatory services. The employees and the proposed project manager have worked with the District for over two decades and have in-depth knowledge of San Diego Bay and in-depth experience with complex sediment and water quality issues. Wood

currently assists the District on projects such as the Regional Harbor Monitoring Program (RHMP) and TMDL-related projects such as the Shelter Island Yacht Basin Copper TMDL.

Wood proposes to utilize the following subconsultants under this agreement:

- Aquatic Blue - Solana Beach, California; sediment collection and small vessel support.
- Enthalpy Analytical (formerly Nautilus Environmental) - San Diego, California; NPDES/TMDL and special studies, toxicity analysis.
- Enviromatrix - San Diego, California; bacterial and general chemistry analyses,
- MF Pandion - Oceanside, California; watershed assessment services, pollutant source tracking,
- Laboratory Data Consultants. - Carlsbad, California; analytical data review and validation, and QA report preparation,
- Merkel & Associates - San Diego, California; Caulerpa, eelgrass, EFH, habitat restoration.
- Physis Environmental Laboratories, Inc. - Anaheim, California; chemical analysis of sediment, water and tissue samples,
- Seaventures - Dana Point, California; vessel operations,
- Weck Laboratories - City of Industry, California; chemical analysis of sediment, water and tissue samples.

### **Dudek**

Dudek is a local environmental and engineering firm. The company is experienced in stormwater and water quality projects, regulatory compliance and reporting, multi-media sampling and reporting, and resource permit assistance. The Dudek team and the proposed project manager have assisted the District with various projects including the Marine Terminals Action Plan, the District's compliance plan for recent state-wide trash stormwater regulations, and the Port Master Plan Update.

Dudek proposes to utilize the following subconsultants under this agreement:

- Action Research - Oceanside, California; public opinion, education and outreach programs,
- Enthalpy Analytical (formerly Nautilus Environmental, LLC) - San Diego, California; toxicity and bioaccumulation analysis for permits and TMDLs,
- Eurofins Calscience, Inc. - Garden Grove, California; chemical analysis of water, sediment and tissue samples,
- Michael Baker International - San Diego, California; regulatory compliance support and sample collection and analysis,
- Pi Environmental - Oceanside, California; sample collection and analysis.

### **Weston Solutions, Inc.**

Weston is an environmental resource consulting firm experienced in watershed management, water and sediment quality management, environmental restoration, groundwater remediation, hazardous waste assessment, and design-build construction. In addition to providing services to the District

under the current as-needed agreement, Weston has extensive experience working with other ports in California. The San Diego staff and the proposed project manager also have experience working closely with port tenants, non-profit organizations, and regulatory agencies, such as the Los Angeles and San Diego Water Boards. Weston has experience designing and implementing extensive sampling and monitoring programs for the District, such as the District-led RHMP, the Southern California Bight (Bight) Regional Studies, and County of San Diego Watershed Monitoring Programs of which the District participates.

Weston proposes to utilize the following subconsultants under this agreement:

- D-Max Engineering, Inc. - San Diego, California; JRMPs, WQIPs, and stormwater compliance.
- EcoAnalysts, Inc. - Port Gamble, WA; laboratory analysis of water, sediment and tissue samples, toxicology services,
- Enthalpy Analytical (formerly Nautilus Environmental) - San Diego, California; bioassay analysis, toxicity analysis,
- EnviroMatrix Analytical Inc. - San Diego, California; sediment, water and tissue chemistry analysis,
- Eurofins Calscience, Inc. - Garden Grove, California; chemical analysis of water, sediment and tissue samples,
- MBC Applied Environmental Sciences (MBC) - Costa Mesa, California; surveying services.
- Moffett and Nichol - San Diego, California; NPDES/TMDL and special studies,
- SGA - Long Beach, California; public outreach and education,
- Six Scientific Service - San Marcos, California; marine and stormwater monitoring and sampling services.

## **Conclusion**

All three firms, Wood, Dudek, and Weston, demonstrated relevant and cost-effective approaches to meeting the scope of work described in the RFQ. The three firms demonstrated solid experience with the issues relevant to the District such as regulatory compliance, stormwater management, TMDLs, water and sediment quality, building and maintaining positive relations with the San Diego Water Board and other regulatory agencies, and in working with other ports in California. All three firms are locally established and can respond in a timely manner. Staff recommends adopting a resolution selecting and authorizing agreements with Wood, Dudek, and Weston to provide environmental analytical services for a total amount not to exceed \$1,500,000 for a period of three years.

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

The General Counsel's office reviewed this agenda and the proposed agreements as presented to it and approved them as to form and legality.

## **Environmental Review:**

The proposed Board action for agreements between the District and Wood Environment, Infrastructure Solutions, Inc., Dudek, and Westin Solutions for as-needed environmental analytical services is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines

Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15306 (Information Collection), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and 15308 (Actions by Regulatory Agencies for Protection of the Environment) because the agreements for environmental analytical services would involve no expansion of use beyond that previously existing, no permanent effects on the environment, provide data collection, research, resource evaluation activities, and potentially responding to requests from regulatory agencies which would not result in a serious or major disturbance to an environmental resource. Further, 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). No further action under CEQA is required.

In addition, this Board item complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. 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 is considered an “excluded development” pursuant to Sections 8.a.(2) and (3) (Existing Facilities), 8.d(4) (Minor Alterations to Land), 8.e. (Information Collection), and 8.f (Inspections) of the District’s Coastal Development Permit (CDP) Regulations as the agreements for environmental analytical services that would involve no expansion of use beyond that previously existing, data collection and research, and inspections. Therefore, issuance of a CDP is not required.

### **Equal Opportunity Program:**

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

### **PREPARED BY:**

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

Attachment A: Draft Agreement No. 06-2020JR with Wood Environment & Infrastructure Solutions, Inc. (pending Board approval)

Attachment B: Draft Agreement No. 08-2020JR with Dudek (pending Board approval)

Attachment C: Draft Agreement No. 07-2020JR with Weston Solutions, Inc. (pending Board approval)

<sup>1</sup> Request for Qualifications (RFQ) 19-31JR As-Needed Environmental Analytical Services, D2# 1603358

<sup>2</sup> Clerk#62254 (Wood agreement), Clerk#62255 (Dudek agreement), Clerk #62256 (Weston agreement)

<sup>3</sup> 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](http://www.waterboards.ca.gov/sandiego/docs/2013-0523_Order_No._R9-2013-0001_COMPLETE.pdf)

