



Los Angeles County  
Metropolitan  
Transportation  
Authority

One Gateway Plaza  
Los Angeles, CA  
90012

213.922.6000

Mailing Address:  
P.O. Box 194  
Los Angeles, CA 90053

**PROJECT:** PROGRAMWIDE  
**CONTRACT:** EN070, ENVIRONMENTAL COMPLIANCE SERVICES  
**ACTION:** AWARD CONTRACT WITH A NOT-TO-EXCEED AMOUNT OF \$1,400,000

### RECOMMENDATION

- A. Award five-year Task Order, Time and Material (T&M) Contract No. EN070 to Ultrasystems Environmental Incorporated to provide the MTA with environmental compliance services; in an amount not-to-exceed \$1,400,000, inclusive of three one-year options; and
- B. Authorize the Chief Executive Officer to issue Task Orders under this Contract for environmental compliance services.

Within Construction Committee authority:  Yes  No  N/A

### RATIONALE

The Scope of Work is to assist the MTA in meeting the requirements of the California Environmental Quality Act, the National Environmental Policy Act, and of other laws and regulations governing preservation of historic properties and parklands.

The types of work tasks required may include the environmental analysis and clearance of projects under the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Section 4(f) of the Department of Transportation Act (DOTA), of 1966, and other appropriate laws and regulations. In addition, the work may require simple internal "reports" describing the process of determining an exemption or describing why previous environmental work is still adequate, and/or Initial Studies/Environmental Assessments, and or voluminous Supplemental or Subsequent Environmental Impact Statements/Reports. These efforts will be available to support any department, with environmental analysis of all aspects of projects at whatever stage of development, planning, construction or operation.

### FINANCIAL IMPACT

Funding is available for FY01 from project funds. As each specific requirement for Environmental Compliance Services arise, the MTA will issue a Task Order using the funds from the budget of the associated projects. For smaller projects, funds will be pooled under Engineering Support, Project Number 800275, with pre-assigned task numbers to differentiate them from other projects. Since this is a multi-year contract, the cost center managers and the Executive Officers will be accountable for budgeting the cost in future years.

## **ALTERNATIVES CONSIDERED**

Alternatives to this procurement for the required environmental compliance services were considered:

- 1) The current existing contract for environmental compliance services could be extended. This alternative is not practical for the existing federally funded contract since it is already five years old and expires on March 31, 2001. The FTA limits a contract performance period to five years unless a waiver is requested and granted. The FTA has declined to grant a waiver for this contract.
- 2) A separate contract could be bid and awarded for each environmental task as it occurs. This alternative of preparing individual contracts for each project would be costly, extremely time consuming, and would delay construction in some cases. Failure to procure a new contract will have a major impact on Construction and Operations projects by not having the expertise available to address environmental compliance issues, which may cause violations of federal and state environmental laws or the terms of the FTA grants.
- 3) The MTA could perform the environmental compliance services with its own staff. However, presently the MTA does not have the staff required to perform these services. The time required to hire permanent staff and the additional learning curve time to train new staff would not provide cost savings or effectiveness in performing all environmental compliance work in-house. Staff would have to be hired in many different environmental disciplines and in sufficient numbers to meet peak workloads. In addition, requiring staff to perform analyses and manage task for which they are not experts may open the agency to litigation for violations of CEQA, NEPA, NHPA and the Department of Transportation Act (DOTA) requirements.

## **BACKGROUND**

The Environmental Compliance Service Consultant will be responsible to provide and successfully manage various types and kinds of environmental work involved in complying with CEQA, NEPA, Section 106 of ACHP, Section 4(f) of the DOT Act and other local, state and federal laws, regulations, and guidelines related to the impact that MTA projects may have on the environment. This work is to include preparation of analysis, study, survey, model, prediction, or report related to the categories of impact normally found in the CEQA guidelines or extraordinarily required by conditions that develop as projects are planned for, developed, designed, cleared, constructed, operated or closed out. In accomplishing the assigned tasks, the Consultant will provide necessary staff, sub-consultants, equipment, software, supplies, and services including design, installation, operation, maintenance, and repair of facilities and equipment. The Consultant shall receive, operate, maintain, and repair equipment or materials supplied by MTA that have been used on previous jobs. They shall employ or subcontract as necessary with a Project Botanist, Project Arborist, Project Archaeologist, Project Paleontologist, and such other professional practitioners as may be needed to support the required environmental analyses. Some of these subcontractors may be directed by name through consent decrees or court orders.

Based upon technical analysis of historical information, staff estimates that \$1,400,000 is needed over the next five years to provide environmental compliance services and support Construction.

Staff will return to the Board for an authorized increase in the amount not-to-exceed if extensive unanticipated environmental impacts or cultural resource impacts are encountered.

This Contract will fund and award discrete scopes of environmental compliance work by issuing Task Orders to the contractor. Staff will prepare these scopes of work as specifically as possible considering the information available. This work will be performed and paid for on a time and material basis. The Consultant's proposed hourly labor rates were audited and negotiated. The agreed to rates will be fixed in contract and MTA staff will monitor the contractor's daily performance on each Task Order.

In cases where the possible danger of loss or damage to historic properties including archaeological and/or paleontological resources, procurement will initiate a Task Order in compliance with paragraph 611 of MTA Procurement Policies and Procedures under "Emergency Conditions." (See Attachment C)

### **PROCUREMENT SUMMARY**

The MTA's Environmental Compliance and Services Department determined that a need to have a contractor perform Environmental Compliance Services in support of various MTA projects was of paramount importance.

This procurement was processed under the Brooks Act which requires primary consideration for contract award to be based on "demonstrated competence and professional qualifications necessary for satisfactory performance" and secondly to "negotiate a fair and reasonable price/cost".

A Request for Proposal (RFP) for Environmental Compliance Services was issued on September 25, 2000 and a pre-proposal conference was held on October 16, 2000. Procurement staff sent out fifty-four (54) RFPs and received two responses from the solicitations.

On November 17, 2000 the Source Selection Committee determined that the highest ranked responsive proposer was Parsons Environmental Sciences followed by Ultrasystems Environmental which was ranked second. Parsons Environmental Sciences did not pass MTA's pre-qualification requirements. Therefore, in accordance with the provisions of California Government Code §4525, Procurement negotiated with the second highest ranked proposer, Ultrasystems Environmental, and arrived at fair and reasonable rates and prices. Procurement staff recommends Ultrasystems Environmental Incorporated for award of Contract EN070.

### **COST/PRICE ANALYSIS**

The time and material rates are determined to be fair and reasonable based upon pre-award audit performed by the Management Audit Services Department (MASD). MASD took no exceptions to the contractor's proposed rates. All other audit exceptions were addressed and resolved during negotiations. Under this time and material contract, the agreed upon rates will be fixed in the contract.

Task Orders under Contract No. EN070 will be issued on an as-needed basis depending upon the direction of project management. Price analysis will be performed on all Task Order cost proposals.

**SMALL BUSINESS PARTICIPATION**

The MTA has established a DBE goal of 20% for this Task Order Contract. The recommended awardee, Ultra System Environmental, Inc. has committed to subcontract at a minimum 20% DBE participation of the Contract value. Because this is an “as-needed” Task Order Contract, the Consultant(s) designated DBE subcontractors will have expenditures specified as Task Orders are issued. As such, there are no specific dollar commitments made to any designated DBEs at the time of contract award.

**Not-to-Exceed Amount**

**\$1,400,000**

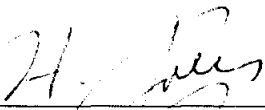
<u>Subcontractor’s Name</u>	<u>Commitment Amount</u>	<u>Current Attainment</u>	<u>Current Participation</u>	<u>Current Status</u>
Archeological Associates	Task Order	0.00%	0.00%	To be awarded
Golder and Associates	Task Order	0.00%	0.00%	To be awarded
Hernandez, Kroone & Associates.	Task Order	0.00%	0.00%	To be awarded
Lee Andrews Group	Task Order	0.00%	0.00%	To be awarded
Ninyo & Moore	Task Order	0.00%	0.00%	To be awarded
Pacific Southwest Biological Services	Task Order	0.00%	0.00%	To be awarded

1 Commitment Amount = Original Contract Value plus Contract Cost Modifications  
 2 Current Attainment = Total Actual Amount Paid-to-Date to Subs divided by Total Current Contract Amount  
 3 Current Participation equals Total Actual Amount Paid-to-Date to Subcontractors divided by Total Actual Amount Paid-to-Date to Prime Contractor

**ATTACHMENTS**

- A. Procurement Summary, including negotiated T&M rates
- B. Anticipated Distribution of Environmental Compliance Expenditures
- C. Board of Directors Resolution

Prepared by: Keith Webster, Senior Contract Administrator  
 James Sowell, Environmental Compliance and Services Manager



Henry Fuks  
 Deputy Executive Officer, Construction



Charles W. Stark  
 Executive Officer, Construction



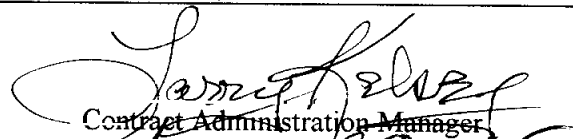
Colonus Mitchell  
 Executive Officer, Procurement

Procurent: EN070, Environmental Compliance Services  
 Board Date: Construction Committee – March 14, 2001

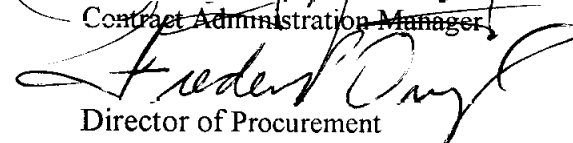
**BOARD REPORT ATTACHMENT "A"  
 PROCUREMENT SUMMARY  
 NEGOTIATED PROCUREMENT**

1.	Independent Estimate:	\$1,400,000.
2.	Recommended Vendor:	
	Name:	Ultrasystems Environmental Incorporated.
	City:	Irvine, CA
	Total Contract Value:	An Amount Not-To-Exceed \$1,400,000
3.	Description of Contract Services:	Consultant shall provide environmental compliance services for various MTA projects.
4.	Contract Type:	Time and Materials
5.	RFP Issued:	September 25, 2000
6.	Advertise Date:	RFIQ issued July 20, 2000; Advertised October 10, 2000
7.	SBE Participation Goal:	20%
	Responsive?:	Yes
8.	No. of Notifications Sent to Vendors (postcards):	1923
9.	No. of Proposals Picked up by Vendors:	50 (including internet downloads)
10.	Pre-proposal conference date:	October 16, 2000
11.	No. of proposals submitted:	2
12.	Date proposals received:	November 1, 2000
13.	Negotiation record:	Rates Negotiated March 1, 2001. Individual Task Orders will be negotiated
	Proposer names:	Parsons Engineering Science, Inc. Ultrasystems Environmental Incorporated
	Source selection committee analysis:	Contractor is technically capable of performing the work
	Proposer BAFO:	BAFO Not Necessary
	Recommendation:	Award Contract
14.	Protest Received:	None
15.	Disposition of Protest/Appeal:	N/A
16.	Pre-Qualification Completed?	Yes
17.	Conflict of Interest Certifications Submitted to Ethics?	Yes
18.	Audit Report Completed?	Yes
19.	EO Evaluation Completed?	Yes (Responsive)
20.	Contract Administrator:	Keith Webster
	Tel:	(213) 922-1009
21.	Project Manager:	James Sowell
	Tel:	(213) 922-7306

Concur:

  
 Contract Administration Manager

Concur:

  
 Director of Procurement

## ATTACHMENT B

**Anticipated Distribution  
of  
Environmental Compliance Expenditures  
over the Contract No. EN070  
FIVE YEAR PERIOD OF PERFORMANCE  
(BASED UPON HISTORICAL ANALYSIS AND ESTIMATES OF FUTURE NEEDS)**

Environmental Scope	Anticipated Expenditure
• Bus Operations Facilities	\$ 60,000
• Green Line Operations Facility	\$ 10,000
• New Cash Counting Facility	\$ 30,000
• Wilshire BRT & Mid Cities Compliance Support	\$ 135,000
• San Fernando Valley BRT Planning & Compliance Support	\$ 135,000
• Pasadena LRT	\$ 5,000
• MGL Improvements	\$ 5,000
• Seg. 2 Close Out	\$ 20,000
• Seg. 3 Compliance Support	\$ 545,000
• East L.A. Planning/Design Support	\$ 345,000
• Systemwide Compliance Support	\$ 80,000
• Engineering & CIP Support	\$ 30,000
<b><i>Anticipated Total Not-To-Exceed:....</i></b>	<b>\$1,400,000</b>

Note: This analysis was conducted for the purposes of estimating the funding requirements for environmental compliance services for the first two years of the five year period of performance. It is not meant to imply that the expenditures of any one category listed above are constrained by the “anticipated expenditure amount” for that category.



**RECAP OF ACTIONS  
LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY**

**REGULAR BOARD MEETING  
BOARD OF DIRECTORS**

MTA Headquarters  
3rd Floor - Board Room  
One Gateway Plaza  
Los Angeles

Thursday, July 31, 1997 - 9:30 a.m.

Called to order:

Directors/Alternates present:  
Richard Riordan, Chair/Hal Bernson  
Yvonne Brathwaite Burke, First Vice Chair/Michael Bohlke  
Richard Alatorre/Nate Holden  
Michael Antonovich/Nick Patsouras  
James Cragin/George Nakano  
John Fasana  
Don Knabe/Robert Arthur  
Gloria Molina/Vivien Bonzo  
Jenny Oropeza/Joyce Lawrence  
Mel Wilson  
Zev Yaroslavsky/Robert Abernethy  
Jan Heidt  
Tony V. Harris, Ex Officio

Interim Chief Executive Officer - Linda Bohlinger  
Board Secretary - Georgia Hamilton  
Inspector General - Arthur Sinai  
General Counsel - County Counsel

1. Approval of:

Consent Calendar Items 5 - 19

Minutes of Special Board Meetings held June 12, June 30, July 7,  
July 14 and Regular Board Meeting held June 25, 1997;

**[APPROVED]**

2. Chair's Remarks

3. Chief Executive Officer's Report

Upcoming events and activities

**[COMMENTED ON RECENT FATALITY]**

4. Conduct election for 2nd Vice Chair.

**[ELECTED DIRECTOR JAMES CRAGIN]**

**CONSENT CALENDAR ITEMS**

5. Consider an increase in the Authorization for Expenditure to

presented by the respective department to its oversight committee for review and ratification.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED AS AMENDED AND TO INCLUDE ALL HIRES/PROMOTIONS IN THE LAST QUARTER , WHETHER THEY WERE WITHIN POLICY, HOW THE POLICY HAS BEEN CHANGED, AND WHAT PAY FOR PERFORMANCE HAS BEEN PAID.

26. Consider:  
(EMC 4)

- A. adoption of the new **Procurement Policies and Procedures Manual** developed by Administrative Management, Inc., covering implementation of a consolidated Procurement Department as the only set of policies on procurement and contract administration; and
- B. authorizing the CEO to make changes to the manual as laws, regulations, business or economic conditions require.

**Amendment:**

- 1. Staff to continue to work closely with the Executive Officer of Procurement and the consultant in developing the Desk Manual;
- 2. The CEO shall undertake, with the assistance of the Executive Officer of Procurement and the consultant, the development of a training and testing program for all procurement-related staff throughout the agency, and to develop personnel performance evaluation standards based on the knowledge of the new procurement manuals. Additionally, an abbreviated seminar approach should be developed to further educate our own Board of Directors' staff regarding this revised compilation of procurement policies;
- 3. Return to the Executive Management Committee each month hereafter to apprise the Board on the progress being made towards completion of this enterprise; and
- 4. Establish a seven member task force comprised as follows:
  - a. one representative from the Operations, Planning & Programming, Finance and Construction Departments;
  - b. two representatives from the Procurement Department; and
  - c. Consultant
 to work together over the next six months in the preparation of the new desk manual.
- 5. Divide requisitions into smaller tasks or quantities to allow for maximum DBE participation.

COMMITTEE RECOMMENDATION: APPROVE AS AMENDED

APPROVED AS AMENDED TO INCLUDE MOTION BY DIRECTOR JOYCE LAWRENCE (ATTACHED)

27. Antonovich/Knabe/Molina - Receive report from the Sacramento lobbyists for discussion and possible action relating to SB 567.

RECEIVED REPORT

28. Oropeza - Ratify travel for Director Oropeza to Sacramento to participate in a California Transit Association, May 27-29, 1997.

APPROVED

29. Consider award of a two-year fixed-price revenue contract to



**ALSO APPROVED MOTION** by Director Joyce Lawrence:

That staff prepare for the next Board Meeting, actions and recommendations that would address the following:

1. That MTA will take cognizance of historical and archaeological data to insure that potentially sensitive areas are tested prior to any ground disturbance.
2. That MTA will provide third-party coordination to insure that ground-penetrating activities by other agencies, such as utility relocations and installations, or road improvement, are accompanied by the required cultural resource services.
3. That MTA will supervise construction contracts and contractors more closely to guarantee schedule coordination with cultural resource services.
4. That MTA will maintain a contingency fund for cultural resources adequate that new discoveries can be visited, evaluated, tested if necessary for determination of significance, and treated, if warranted, without having to wait for contract amendments and authorizations.
5. That MTA will provide adequate funds for background historical research prior to construction which will target sensitive areas to focus work scopes and budgets.
6. That MTA will make archaeological and paleontological reports available to the Board, staff and MTA Library.
7. That MTA will make provision for the permanent curation of significant artifacts a requirement of mitigation.

Directors Voting: Lawrence, Cragin, Burke, Riordan, Alatorre, Wilson, Heidt, Molina, Fasana, Yaroslavsky

27. **Antonovich/Knabe/Molina - RECEIVED REPORT** from the Sacramento lobbyists for discussion and possible action relating to **SB 567**.

Lobbyists confirmed that they had testified at all relevant hearings and suggested that Board Members contact the legislators.