



**CONSTRUCTION COMMITTEE
JUNE 15, 2006**

PROJECT: PROGRAM WIDE

CONTRACT: EN075, ENVIRONMENTAL COMPLIANCE SERVICES

ACTION: AWARD PROFESSIONAL SERVICES CONTRACT

RECOMMENDATION

- A. Authorize the Chief Executive Officer to:
1. Negotiate and execute a two year Indefinite quantity/ Indefinite delivery contract with three one-year options, to Jones and Stokes Associates, for Environmental Compliance Services on Contract Work Orders (CWO), for an initial amount not-to-exceed \$2.275 million for fiscal years 2007 and 2008;
 2. Negotiate and execute Contract Work Orders and changes within the Board approved contract value; and
 3. Exercise each of the three option years no later than thirty (30) days prior to the option expiration date.
- B. Should staff be unable to conclude negotiations with Jones and Stokes Associates, staff requests authority to negotiate with the next qualified proposer.

Within Construction Committee authority: Yes No

RATIONALE

Environmental analysis and clearance of Metro Transportation Project is required under the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), and Section 4(f) of the Department of Transportation Act (DOTA), of 1966, and other appropriate federal, state laws and local laws, regulations, and guidelines related to the impact that Metro projects may have on the environment. These Metro projects normally include changes to rail development projects, bus service projects, and Metro facilities projects that have been

planned and environmentally cleared through the use of federal Major Investment Study, Alternative Analysis/ Draft and Final Environmental Impact Statement processes or through a CEQA Draft and Final Environmental Impact Report. These projects may also have been evaluated with various supplemental or subsequent environmental documents.

The existing Environmental Compliance contract is a five-year contract that is expiring June 30, 2006. The environmental compliance services that the existing contract provides are in support of the major projects and various other bus and rail capital projects and this work needs to be continued. In order to have a new environmental compliance services contract in place prior to June 30, 2006, a new environmental compliance services solicitation was initiated and the evaluation completed to ensure there is a smooth transition and continuation of these services. The new contract is for two years with three one-year options for a total of five years.

The services that this contract provides include the preparation of analyses, studies, surveys, investigations, modeling, predictions, or reports related to the categories of impact normally found in the CEQA guidelines or as required by conditions that develop as projects are planned for, developed, designed, cleared, constructed, operated or closed out. This work also includes the engineering and design of mitigation measures necessary to comply with the above listed requirements. In accomplishing the assigned tasks the Contractor will provide necessary staff, sub-consultants, equipment, software, supplies, and services. They shall employ or subcontract as necessary with such diverse professionals as Acoustical Engineers, Air Quality Engineers, Biologists, Botanists, Arborists, Historians, Archeologists, Paleontologists and such other professional practitioners as may be needed to support the required environmental analyses.

As the need for specific environmental compliance services arise, staff will issue Contract Work Orders and changes from their associated project's budget considering the information available and applicable time constraints on performance of the work. Staff will closely monitor the Contractor's budget and schedule using existing project management controls. No funds are obligated until a Contract Work Order is awarded against a valid project.

The FY 07 project budget for the period July 1st, 2006, through June 30, 2007, and a forecast of projected expenditures for the period July 1, 2007, through June 30, 2008, are presented in the Financial Impact section below and summarized in Attachment B. Since this is a multi-year contract, budgeting for future year expenditures that reflect an increase to the award value will be brought back to the Board for approval.

IMPACTS TO OTHER CONTRACTS

Contract No. EN075 will replace the existing Environmental Compliance Services contract, Contract No. EN070, that expires June 30, 2006.

The EN075 contract will support the Metro Gold Line Eastside LRT Project, Mid City/Exposition LRT, Orange Line, Bus and Rail Division Expansion Projects and Environmental Capital Projects such as upgrades and modifications to bus, rail and

transportation facilities.

FINANCIAL IMPACT

As specific environmental compliance services needs arise, Contract Work Orders will be issued and funded from their associated project budget, upon approval by the responsible Project Manager. The Environmental Compliance Services Contract support for Board-approved projects in the budget for FY 07 and a forecast for projected FY 08 including Capital Projects requiring environmental compliance services are provided. These services will be required for the Metro Gold Line Eastside Extension (800088), Mid City/ Exposition LRT (800113), Orange Line (800112) and on various capitol Bus Division expansion and Rail projects.

PROPOSED ENVIRONMENTAL COMPLIANCE SERVICES IN SUPPORT OF CONSTRUCTION ACTIVITIES: FY 2007, AND PROJECTED FY 2008.

Environmental Compliance Services for the Orange Line:

These services include ongoing and projected noise studies and noise monitoring activities as well as acoustical engineering services to determine noise mitigation requirements:

| | |
|------------|------------|
| | Projected |
| FY 2007 | FY2008 |
| \$ 200,000 | \$ 200,000 |

North Hollywood Historic Train Depot Cultural Resource Monitoring:

These services cover monitoring of all construction/renovation activities associated with the rehabilitation of the North Hollywood/Lankershim Historic Train Depot to comply with the requirements of the National Historic Preservation Act.

| |
|-----------|
| FY 2007 |
| \$ 50,000 |

Environmental Compliance Services for the Gold Line Eastside LRT:

These services cover the ongoing Mitigation Monitoring services for the Gold Line Eastside LRT including noise, archeological/paleontological and other mitigation monitoring services.

| | |
|------------|------------|
| | Projected |
| FY 2007 | FY 2008 |
| \$ 300,000 | \$ 300,000 |

Los Angeles County Crematorium Cultural Resource Monitoring:

These services cover the ongoing effort to re-inter the human remains discovered at the Los Angeles County Crematorium Site.

FY 2007
\$ 150,000

Environmental Compliance Services for Mid City Exposition LRT:

The Mid City Exposition LRT project will require Mitigation Monitoring services once construction commences. These monitoring services will cover field activities as well as reporting activities. This effort is expected to start in FY 2007 and accelerate in Projected FY 2008.

| | | |
|--|------------|------------|
| | FY 2007 | Projected |
| | \$ 200,000 | FY 2008 |
| | | \$ 300,000 |

Division 21 Modifications Phase II:

The Phase II construction activities at Midway Yard will require Cultural Resource Monitoring services. There is a continued possibility of encountering historic structures as with the Zanja Madre during these construction activities.

FY 2007
\$ 100,000

Miscellaneous Capital Projects:

There are various smaller capital projects that will require CEQA reviews and mitigation monitoring activities. These are listed below with a budget figure to cover the projected Environmental Compliance Services costs.

| | |
|--|------------|
| | FY 2007 |
| Union Division CEQA Review (adjacent to RRC) | \$ 150,000 |
| Temple and Beaudry Bus Facility Mitigation Monitoring | \$ 50,000 |
| 490 Bauchet St. Storage Building | \$ 25,000 |

| | | |
|-----------------------------|--------------|------------|
| Division 7 Noise Mitigation | \$ 50,000 | |
| Other Projects | \$100,000 | |
| Totals: | FY 2007 | Projected |
| | \$ 1,325,000 | FY 2008 |
| | | \$ 900,000 |

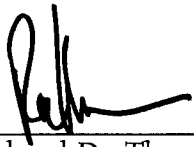
ALTERNATIVES CONSIDERED

If Contract EN075 is not awarded then Metro could experience increased liability for Contractor claims for delay to schedule completion milestones or risk fines due to violation of order by a regulatory agency, local government, or community group. The Metro Board may reject the recommended action and direct staff to do all environmental compliance services support work in-house. Metro would have to hire many additional staff with expertise in many different subjects, such as acoustical engineering, archeology, paleontology, biology, botany, traffic engineering, etc. as well as purchase specialized equipment such as, sound monitors, traffic counters, bio-monitors, etc. which is not practical or cost effective. Metro would incur more cost to do the work internally than by employing consultants.

ATTACHMENTS:

- A. Procurement Summary
- B. Forecast Expenditures

Prepared by: Carl Peter Ripaldi, Environmental Compliance Services
Henry Fuks, Deputy Executive Officer, Project Management
Valerie Dean, Contract Administrator



Richard D. Thorpe
Chief Capital Management Officer



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

| | | | |
|----|---|--|--|
| 1. | Contract Number: EN075 | | |
| 2. | Recommended Vendor: Jones & Stokes Associates, Inc. | | |
| 3. | Cost/Price Analysis Information: | | |
| | A. Bid/Proposed Price: TBD | Recommended Negotiated Price: \$TBD | |
| | B. Details of Significant Variances: N/A | | |
| 4. | Contract Type: Labor Hour | | |
| 5. | Procurement Dates: | | |
| | A. Issued: 02-07-06 | | |
| | B. Advertised: 02-19-06, 02-27-06 | | |
| | C. Pre-proposal Conference: 02-23-06 | | |
| | D. Proposals Due: 03-21-06 | | |
| | E. Pre-Qualification Completed: 04-26-06 | | |
| | F. Conflict of Interest Form Submitted to Ethics: 05-16-06 | | |
| 6. | Small Business Participation: | | |
| | A. Bid Goal: 25% | Date Small Business Evaluation Completed: Upon completion of negotiation | |
| | B. Small Business Commitment: Upon completion of negotiation | | |
| 4. | Invitation for Bid/Request for Proposal Data: | | |
| | Notifications Sent: 186 | Bids/Proposals Picked up: 18 | Bids/Proposals Received: 5 |
| 5. | Evaluation Information: | | |
| | A. Bidders/Proposers Names: Jones & Stokes Terry Hayes and Associates TRC Ultra System URS | <u>Bid/Proposal Amount:</u> \$ TBD | <u>Best and Final Offer Amount:</u> N/A |
| | B. Evaluation Methodology: Qualification | | |
| 6. | Protest Information: | | |
| | A. Protest Period End Date: 06-23-06 | | |
| | B. Protest Receipt Date: TBD | | |
| | C. Disposition of Protest Date: TBD | | |
| 7. | Contract Administrator: Valerie Dean | Telephone Number: 922-1032 | |
| 8. | Project Manager: Carl Ripaldi | Telephone Number: 922-7304 | |

BOARD REPORT ATTACHMENT A-1 PROCUREMENT HISTORY ACTION

BACKGROUND ON CONTRACTOR

Jones & Stokes Associates, Inc. is headquartered in Sacramento, California with eight (8) offices in California, including Los Angeles and another eight (8) offices in Washington, Oregon, Utah, Nevada and New Mexico. Since its founding in 1970, Jones & Stokes has managed the preparation of a full range of environmental documents, including background supporting technical documentation, in compliance with CEQA and NEPA regulations, from Categorical Exemptions and Exclusions, Initial Studies, Negative Declarations, and Environmental Assessments to joint Environmental Impact Reports/Environmental Impact Statements for large, complex projects. The Los Angeles office of Jones & Stokes did business as Myra L. Franks & Associates, Inc. (MFA) for nearly 24 years, when in 2003, Jones & Stokes acquired MFA. MFA's experience with Metro began in 1981 includes environmental work on the Long Beach Blue Line, the Red Line Eastside Extension, the Metro Rail Mid-City alignment, the I-5 Interim HOV Project, and the San Fernando Valley East-West Corridor.

Jones & Stokes, as a sub-consultant, is managing the preparation of the EIS/EIR for the Pasadena Gold Line Phase II extension to Montclair. Jones & Stokes as a sub-consultant to URS Corporation was responsible for socio-economic analyses for proposed multiple mode improvements from Denver to Boulder, Colorado. Jones & Stokes, as a sub-consultant, for BART conducted studies and analyses to determine the impacts of noise and vibration, air quality, energy impacts, hydrology and water quality, biological resources, historic/architectural and archaeological resources, visual impacts, land use, socioeconomics, and relocation, for a 5.3 mile rail extensions that tunnels beneath Lake Elizabeth in Fremont and transitions into the Union Pacific Railroad right-of-way in southern Alameda County. Jones & Stokes, as a sub-consultant, for the Riverside County Transportation Commission provided environmental screening of proposed elements and options, and is preparing the CEQA environmental documents, as well as the NEPA environmental document, to support the federal grant application for the proposed conversion of a railroad branch line to a commuter rail service, from the City of Riverside south through Perris.

PROCUREMENT BACKGROUND

The solicitation was a qualification-based procurement. This method is based on each of the responding firm's qualifications being evaluated, and the most qualified firm is selected, followed by a request for cost proposal.

Five (5) Qualification proposals and Cost Proposals (under separate cover) were received.

A Proposal Evaluation Team comprised of representatives from Metro Construction Management, Environmental and Planning completed evaluation of the proposing firms' qualifications on May

16, 2006. The Proposal Evaluation Team recommends Jones & Stokes Associates, Inc. as the most qualified firm.

The cost proposal shall be opened upon Board approval of this recommendation. The final negotiated amount will comply with all requirements of Metro Procurement, including fact-finding, clarifications, cost analysis, and (if necessary) pre-award audit before the Contract is awarded and executed. Should Metro be unable to negotiate a satisfactory contract, at a fair and reasonable price, with Jones & Stokes Associates, Inc., staff will, in accordance with Government Code Section 4528, undertake negotiations to enter into a satisfactory contract, at a fair and reasonable price, with the second most qualified firm, and if necessary with the next most qualified firm.

This is a labor hour contract and as the need for specific environmental compliance services arise, staff will issue Contract Work Orders and changes, from their associated project's budget, considering the information available and applicable time constraints on performance of the work.

EVALUATION OF PROPOSALS

The Proposal Evaluation Team (PET) completed its evaluation of the written proposals on Thursday April 6, 2006. The PET invited all five (5) Proposers to make Oral Presentations beginning Monday April 17, 2006. The Proposal Evaluation Team (PET) completed its evaluation of the oral presentations on Tuesday April 18, 2006. The results of the evaluations are summarized below.

| Proposer | Written Proposal | Oral Presentation | Total Rating |
|-----------------|------------------|-------------------|--------------|
| Jones & Stokes | Blue | Blue | Blue |
| Ultra Systems | Green | Blue | Green |
| URS Corporation | Green | Green | Green |
| TRC | Green | Green | Green |
| Terry Hayes & | Green | Green | Green |

COLOR RANGE

Excellent
(Blue)

A comprehensive and thorough proposal of exceptional merit with one or more major strengths. No weaknesses or only minor correctable weaknesses exist.

Very Good
(Green)

A proposal, which demonstrates over-all competence. One or more major strengths have been found, and strengths outbalance any weaknesses that exist. Any major weaknesses are correctable.

Good
(Yellow)

A proposal which shows a reasonably sound response. There may be strengths or weaknesses, or both. As a whole, weaknesses, not offset by strengths, do not significantly detract from the offeror's response. Major weaknesses are probably correctable.

Fair
(Orange)

A proposal that has one or more weaknesses. Weaknesses have been found that outbalance any strengths that exist. Major weaknesses can probably be improved, minimized, or corrected.

Poor

A proposal that has one or more major weaknesses which are expected to be difficult to correct, or are not correctable.

The PET evaluated the capabilities of each firm and its team of subcontractors, in accordance with the Evaluation Criteria in the RFP Documents for the following subject areas:

- Proposer Team Capabilities and Experience 35%
- Staff Positions Identified in the Scope of Service 35%
- Management Plan 30%.

The PET identified strengths and weakness of each responding proposal, which are reflected in the above ranking.

**BOARD REPORT ATTACHMENT A-2
LIST OF SUBCONTRACTORS**

CONTRACT NO. EN075

PRIME CONTRACTOR

Jones & Stokes Associates, Inc.

SMALL BUSINESS SUBCONTRACTORS

Abratique & Associates
ArchaeoPaleo Resource Management
Arellano Associates
Consensus Planning Group
The Robert Group
Wagner Engineering & Survey

OTHER SUBCONTRACTORS

Advanced Engineering Acoustics
Applied Earthworks
ATS Consulting
Kaku Associates
Kroner Environmental Services
Ninyo & Moore
Weston Solutions

SMALL BUSINESS PARTICIPATION

The Disadvantaged Business Enterprise (DBE) participation goal established for this contract is twenty five percent (25%). A review of the cost proposal by the Small Business Diversity Office will be done for Jones & Stokes Associates, Inc., upon approval by the Executive Officer of Procurement and Material Management. Until that time cost proposal has remain sealed. All Proposers identified in their technical proposals that the 25% DBE goal would be achieved or exceeded. In accordance with the Metro DBE Program a final review of the DBE goal for negotiated procurements will be done after completing negotiations.

ATTACHMENT B

Proposed Environmental Compliance Services Work in Support of Construction Activities: FY2007, and Projected FY 2008

| | FY 2007 | Projected FY 2008 |
|--|------------------------|------------------------------|
| Environmental Compliance Services for the Orange Line: | | |
| Noise Studies and Monitoring | \$ 200,000.00 | \$ 200,000.00 |
| North Hollywood Train Depot Cultural Resource Monitoring | \$ 50,000.00 | |
| Environmental Compliance Services for MTA Gold Line Eastside Extension: | | |
| Mitigation Monitoring Activities | \$ 300,000.00 | \$ 300,000.00 |
| LA Crematorium Cultural Resource Monitoring | \$ 150,000.00 | |
| Environmental Compliance Services for Exposition LRT: | | |
| Mitigation Monitoring Activities | \$ 200,000.00 | \$ 300,000.00 |
| Division 21 Modifications: | | |
| Cultural Resource Monitoring | \$ 100,000.00 | |
| Miscellaneous Capital Projects: | | |
| Union Division CEQA Review | \$ 150,000.00 | |
| Temple and Beaudry Bus Facility Mitigation Monitoring | \$ 50,000.00 | |
| 490 Bauchet St. Storage Building | \$ 25,000.00 | |
| Division 7 Noise Mitigation | \$ 50,000.00 | |
| Other Projects | \$ 100,000.00 | \$ 100,000.00 |
| Totals: | \$ 1,375,000.00 | \$ 900,000.00 |

Total Contract Authorization: \$ 2,275,000.00