



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: APRIL 19, 2022

FROM: ENVIRONMENTAL MANAGEMENT

SUBJECT: RESOLUTION NO. _____ - PERSONAL SERVICES AGREEMENTS BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND ANCHOR QEA, LLC; MERKEL & ASSOCIATES, INC.; MICHAEL BAKER INTERNATIONAL, INC.; MOFFATT & NICHOL; PI ENVIRONMENTAL, LLC.; AND WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. TO CONDUCT AS-NEEDED WATER QUALITY, SEDIMENT QUALITY, AND BIOLOGICAL RESOURCES SERVICES

SUMMARY:

Staff requests approval of the proposed Agreements with Anchor QEA, LLC; Merkel & Associates, Inc.; Michael Baker International, Inc.; Moffatt & Nichol; Pi Environmental, LLC; and Wood Environment & Infrastructure Solutions, Inc. to provide the City of Los Angeles Harbor Department (Harbor Department) technical support for water and sediment quality programs, biological resources management and regulatory program development and compliance. This action will authorize six as-needed Agreements, each for a three-year term, with a combined total not-to-exceed amount of \$6,000,000. The Harbor Department is financially responsible for payment under the proposed Agreements.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) and Article III Class 6(2) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with the City Charter Section 1022, work under the subject Agreements can be performed more feasibly by independent consultants rather than by City employees;

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3. Approve the Agreement with Anchor QEA, LLC, for a term of three years for the total not-to-exceed amount of \$1,100,000;
4. Approve the Agreement with Merkel & Associates, Inc. for a term of three years for the total not-to-exceed amount of \$250,000;
5. Approve the Agreement with Michael Baker International, Inc. for a term of three years for the total not-to-exceed amount of \$1,400,000;
6. Approve the Agreement with Moffatt & Nichol for a term of three years for the total not-to-exceed amount of \$750,000;
7. Approve the Agreement with Pi Environmental, LLC for a term of three years for the total not-to-exceed amount of \$1,100,000;
8. Approve the Agreement with Wood Environment & Infrastructure Solutions, Inc. for a term of three years for the total not-to-exceed amount of \$1,400,000;
9. Authorize the Executive Director to execute and the Board Secretary to attest to said Agreements for and on behalf of the Board; and
10. Adopt Resolution No. _____.

DISCUSSION:

Background/Context – The Scope of Work for the proposed water quality, sediment quality, and biological resources technical support Agreements includes assisting the Harbor Department with regulatory requirements associated with capital and maintenance dredging projects, as well as compliance with new and increasingly stringent requirements of federal and state stormwater regulations National Pollutant Discharge Elimination System (NPDES), and Total Daily Maximum Load (TMDL) regulations. These programs require extensive monitoring, source control, and remediation activities to reduce pollutant concentrations in harbor waters and sediments. Work under these proposed Agreements also involves assisting the Harbor Department with biological resources management activities such as biological surveys, mitigation bank implementation, and obtaining biological mitigation credits for Harbor Department development projects. In support of these and other efforts, staff requests approval of the proposed Agreements for a term of three years (Transmittal 1).

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Services to be Performed – Contractual services to be performed under the proposed Agreements are detailed in the Scopes of Work and include:

- Support for Harbor Toxics TMDL
- Support for Inner Cabrillo Beach Bacteria TMDL
- Source Control Measures
- Stormwater Support
- Water Quality Studies
- Dredge Program Support
- Sediment Quality Studies
- Biological Support Services
- Biological Mitigation
- Database Management Support

The terms of the current agreements expire in May 2022 and the new proposed Agreements are needed in order to continue to provide the necessary water, sediment, and biological resources support services for the Harbor Department. These professional service Agreements support operational, capital development and maintenance projects.

Work Assignments – Work under these proposed Agreements will be authorized through a Project Directive (PD) process and approved by the Executive Director. Each PD will include a detailed scope of work, schedule, Small Business Enterprise (SBE) anticipated participation level, and a cost estimate.

Selection Process – On September 22, 2021, the Harbor Department Environmental Management Division (EMD) issued an As-Needed Water Quality, Sediment Quality, and Biological Resource Services Request for Proposal (RFP) outlining ten separate scope of work items. Firms were allowed to submit proposals on all of the scope of work items, or a subset of the items that best represented the firm's strengths. The RFP was posted on the Port of Los Angeles (Port) website, and automatic email notifications were sent out to all those firms registered on the Los Angeles Business Assistance Virtual Network (BAVN) under the applicable North American Industry Classification System Codes. A total of 30 BAVN users downloaded the request.

Eight proposals were received by the October 20, 2021 deadline. Proposals were reviewed using evaluation criteria published in the RFP (Transmittal 2). All eight proposers were invited to oral interviews that occurred December 13 through 16, 2021. Interview questions were set up in consultation with the Contracts and Purchasing Division (Transmittal 3). The proposal and interview evaluation panel members included one Environmental Specialist III and one Marine Environmental Supervisor, both in Environmental Management's water resources group, one Civil Engineer from Engineering, and a Senior Water Biologist with the Bureau of Sanitation.

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Of the eight firms interviewed, six firms proposed on at least eight of the 10 Scope of Work items, and two firms proposed on six items or less. Oral interviews were used to explore and determine breadth and depth of the expertise firms could provide to the Harbor Department. Questions explored existing capabilities, understanding of upcoming issues that could affect the Port, and how real-world experience has benefitted other clients.

The evaluation panel completed the evaluation scoring on the strength of the written proposal and interview. The proposals were scored to a total of 100 points, as outlined in the RFP. The interviews were scored to a total of 100 points. The proposal and interview points were added up and then divided by two to give an Overall Average percentage. A Local Preference of 8% was added to the Overall Average percentage score to determine the Total Score.

The results of the proposal and interview evaluations are as follows:

Table 1 - Proposal and Interview Evaluation Summary

Team	No. of SOW Items	Reviewer Average Score (%Total Points Available)				Overall Average (%)	Local Preference (%)	Total Score
		1	2	3	4			
1	10	89	90	93	89	90	8	98
2	9	83	86	89	86	86	8	94
3	3	90	90	95	93	92	--	92
4	10	91	87	91	94	91	--	91
5	10	89	92	90	94	91	--	91
6	9	88	92	91	90	90	--	90
7	8	85	83	88	90	87	--	87
8	6	77	74	80	76	76	8	84

Following the evaluation process and interviews, six firms were selected as the most qualified to meet the Harbor Department's anticipated needs over the next three years. Moffatt Nichol is a new selection for this services agreement, while the other five firms have been under contract previously; two of these five, Merkel & Associates, Inc. and Pi Environmental, LLC, are Very Small Business Enterprises. These firms exceed all necessary qualifications and experience to provide as-needed water quality, sediment quality, and biological resource services. The selection of consultants provides EMD with consistency and keeps proven capabilities on-call, but also allows a new firm the opportunity to demonstrate their abilities. The selection of firms provides redundancy in Scope of Work expertise, which provides flexibility and fiscal integrity to the assignment of projects under the as-needed Agreements.

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As a result, EMD recommends that the Harbor Department enter into three-year Agreements with these six firms at the following identified not-to-exceed agreement amounts:

Anchor QEA, LLC	\$1,100,000
Merkel & Associates, Inc.	\$250,000
Michael Baker International, Inc.	\$1,400,000
Moffatt & Nichol	\$750,000
Pi Environmental, LLC	\$1,100,000
Wood Environment & Infrastructure Solutions, Inc.	\$1,400,000
TOTAL	\$6,000,000

The assigned not-to-exceed amounts to each Agreement are based on each firm's expertise and experience, tasks bid on, and information gathered from the written proposals and interviews. The types of projects and activities EMD anticipates undertaking over the next three years was also considered. This allocation ensures that consultants with proven capabilities are available, but also allows new teams the opportunity to demonstrate their abilities. Actual assignments for work will be made based on budget allocations in each fiscal year. Further, where appropriate, consultants will be asked to submit bids for project work in order to obtain a competitive price for various work assignments.

Small Business Enterprise (SBE) and Local Business Enterprise (LBE) Preference Programs – The required SBE participation for each Agreement is 25%, including 5% Very Small Business Enterprise (VSBE) participation. This requirement can be met through the prime consultant or sub-consultant. The specific sub-consultant participation levels will be committed through each individual PD when work is assigned. Merkel & Associates, Inc. and Pi Environmental, LLC are certified SBEs and VSBEs; therefore, 100% of their services will apply towards these goals. The contract opportunity was also eligible for the LBE Preference Program which provides for an eight percent preference in their selection scores for qualifying LBEs. Two of the selected six firms are local businesses: Michael Baker International, Inc. and Moffatt & Nichol. Both of these firms received an eight percent preference in their selection score.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of six Agreements for as-needed technical support relating to water and sediment quality programs, biological resources management, and regulatory program development and compliance, which is an administrative activity and an activity involving basic data collection, field testing, research, experimental management, and resource activities of City Departments which do not result in serious

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or major disturbances to an environmental resource. Therefore, the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of CEQA in accordance with Article II Section 2(f) and Article III Class 6(2) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the proposed three-year Agreements would authorize the not-to-exceed amount of \$6,000,000 over six consultants to provide technical support for water and sediment quality programs, biological resources management and regulatory program development and compliance. It is anticipated that funds under this proposed Agreements will be expended as follows:

Exp Type:	OP	GASB	CIP	OP	
Center:	0330	7000	1000	0311	
Account:	54260	21995	54260	54260	
FY21/22	\$89,583	\$28,889	\$25,556	\$22,637	\$166,665
FY22/23	\$674,999	\$346,667	\$306,667	\$271,667	\$1,600,000
FY23/24	\$1,075,000	\$346,667	\$306,665	\$271,667	\$1,999,999
FY24/25	\$1,385,418	\$317,777	\$281,112	\$249,029	\$2,233,336
TOTAL	\$3,225,000	\$1,040,000	\$920,000	\$815,000	\$6,000,000

Future year funds will be requested to be budgeted through the Harbor Department’s annual budgeting process, upon Board approval.

The Harbor Department’s financial obligations after the current fiscal year are contingent upon the Board appropriation of funds. If any subsequent fiscal year funds are not appropriated by the Board for the work required by the Agreements, the Agreements shall be terminated. However, such termination shall not relieve the parties of liability for any obligations previously incurred.

CITY ATTORNEY:

The Office of the City Attorney has approved the proposed Agreements as to form and legality.

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TRANSMITTALS:

1. Agreements
 - a. Agreement with Anchor QEA, LLC
 - b. Agreement with Merkel & Associates, Inc.
 - c. Agreement with Michael Baker International, Inc.
 - d. Agreement with Moffatt & Nichol
 - e. Agreement with Pi Environmental, LLC
 - f. Agreement with Wood Environment & Infrastructure Solutions, Inc.
2. Proposal Evaluation Criteria
3. Oral Interview Questions

FIS Approval: JAS
CA Approval: SO



CHRISTOPHER CANNON
Director of Environmental Management

Michael DiBernardo

MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:



for EUGENE D. SEROKA
Executive Director

CC/yo
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