



DATE: JULY 11, 2017

FROM: ENVIRONMENTAL MANAGEMENT

SUBJECT: RESOLUTION NO. _____ - PERSONAL SERVICES AGREEMENT WITH AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC. TO PERFORM THE CITY OF LOS ANGELES SHARE OF BIOLOGICAL SURVEYS OF LOS ANGELES AND LONG BEACH HARBORS

SUMMARY:

Staff requests the Board of Harbor Commissioners (Board) approve the proposed Agreement with AMEC Foster Wheeler Environment & Infrastructure, Inc. (AMEC), to conduct the City of Los Angeles Harbor Department (Harbor Department) share of the periodic biological surveys of the Los Angeles and Long Beach Harbors (Harbors). The total cost associated with the 2018 Biological Survey is \$1,300,000, that will be shared between the Harbor Department and the Port of Long Beach (POLB) based on a previously-established 52%/48% split, respectively. POLB staff will recommend to its Board that it approve a separate contract with AMEC for \$624,000 (48%). Approval of the proposed Agreement will authorize a four-year contract for an amount not-to-exceed \$676,000 (52%). The Harbor Department is financially responsible for expenses incurred under the proposed Agreement.

RECOMMENDATION:

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

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

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3. Approve the Agreement with AMEC Foster Wheeler Environment & Infrastructure, Inc. for a term of four years in the total not-to-exceed amount of \$676,000;
4. Direct the Board Secretary to transmit said Agreement to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5(a) of the Los Angeles Administrative Code;
5. Authorize the Executive Director to execute and the Board Secretary to attest to said Agreements for and on behalf of the Board; and
6. Adopt Resolution No. _____.

DISCUSSION:

Background/Context - The Harbor Department and POLB have periodically undertaken biological baseline studies of the Harbors. In 1983-1984, MBC Applied Environmental Sciences (MBC) studied the Long Beach Harbor and in 1986-1987, MEC Analytical Systems conducted a study of the Los Angeles Harbor. More recently, the Harbor Department and POLB jointly conducted biological baseline surveys of the Harbors in 2000, 2008 and 2013. The information from these studies have been used in numerous CEQA and National Environmental Protection Act (NEPA) documents, related to biological coordination activities, and biological mitigation planning related to Harbor Department development projects. An accurate understanding of the biological conditions of the Los Angeles Harbor is critical to obtain development approvals and to negotiate biological mitigation measures with various regulatory and resource agencies (including representatives from the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, National Marine Fisheries Service, and California Department of Fish & Wildlife).

The general consensus among the Harbor Department, the POLB, and Federal and State agency representatives is that this type of harbor-wide biological survey needs to be updated on a periodic basis, ideally every five years, to maintain up-to-date information on the Harbors. For instance, the Harbor Department and the POLB are active stakeholders in the implementation of the Dominguez Watershed Total Maximum Daily Load (TMDL) regulations that directly affect the Harbors. Data collected in conjunction with a new biological baseline study will provide supporting information on benthic community health that can be used to inform upcoming TMDL monitoring and implementation activities.

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The Harbor Department is paying a slightly greater percentage of the total cost because of additional sampling in the Los Angeles Harbor habitats that are not present in the Long Beach Harbor (sampling of beaches for fish and eelgrass surveys). This slightly greater percentage of 52% is consistent with the cost-share percentage from past joint surveys. The Harbor Department share of costs for the 2008 and 2013 surveys was \$679,000 and \$528,580, respectively.

In support of these and other efforts, we request approval of the personal service Agreement (Transmittal 1) for a term of four years.

Services to be Performed – Contractual services to be performed are related to the Harbor Department share of activities detailed in the Scope of Work (Transmittal 2), and include:

- Perform biological surveys of marine habitat including: benthic infauna and epibenthic sampling; riprap biota sampling using standard and alternate methods to focus on nonnative species; juvenile, adult and larval fish sampling in pelagic, demersal and near-shore habitats; kelp, macroalgae and eelgrass surveys using aerial photography, sidescan sonar and expert divers; and bird and marine mammal surveys.
- Apply statistical methods to determine relationships among habitats and regions of the Port of Los Angeles.
- Produce a clear and accessible report of the sampling efforts that can be used to relay information on the status of the harbor habitat to agency scientists, the public, and other interested stakeholders.

Pre-Request for Proposal Outreach – A Charter Section 1022 Determination was prepared which found that the proposed work and staff needed under the proposed Agreements can be performed more feasibly by independent consultants rather than by City employees.

Selection Process – On January 13, 2017, the Harbor Department Environmental Management Division (EMD) issued a Biological Surveys of Los Angeles and Long Beach Harbors Request for Proposal (RFP). The RFP was posted on the Port of Los Angeles website, and automatic email notifications were sent out to all those firms registered on the Los Angeles Business Assistance Virtual Network under the applicable North American Industry Classification System Codes.

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Five proposals were received by the February 7, 2017, deadline. The proposal evaluation panel members were Kat Prickett and Rachel McPherson, both Environmental Specialists in EMD's water resources group, and Justin Luedy and Janna Watanabe from the POLB. Proposals were reviewed using evaluation criteria published in the RFP (Transmittal 3). The proposals were scored to a total of 100 points, as outlined in the RFP, and the three proposers that scored more than 75% were invited to oral interviews that occurred March 8-9, 2017.

Oral interviews were used to explore and determine breadth and depth of the expertise firms could provide to the Harbor Department. Each firm was asked to provide a presentation and then asked eight questions, established in consultation with the Contracts and Purchasing Division (Transmittal 4). As outlined in the RFP, the evaluation committee made the final recommendation based solely on interview scores.

Following evaluation of interviews, the evaluation panel found that the AMEC team was the most qualified proposer and met or exceeded all necessary qualifications and experience to perform the 2018 Biological Surveys of Los Angeles and Long Beach Harbors.

It is EMD's recommendation for the Harbor Department to enter into a four-year consultant agreement with AMEC Foster Wheeler Environment & Infrastructure, Inc. in the amount of \$676,000. This represents 52% of the total project cost of \$1,300,000. The remaining 48% of the project costs will be borne by the POLB through an agreement it will enter into directly with AMEC.

Small Business Enterprise Program - The required Small Business Enterprise (SBE) participation for this agreement is 25%. The amount of SBE participation in AMEC's proposal was 66%, far exceeding the goal.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of an agreement with AMEC for completion of the 2018 Biological Survey which is an activity involving basic data collection, field testing, research, experimental management and resource activities of a City Department which does not result in serious or major disturbances to an environmental resource. As such, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of CEQA in accordance with Article III Class 6(2) of the Los Angeles City CEQA Guidelines.

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FINANCIAL IMPACT:

Approval of the four-year Agreement authorizes a total amount not-to-exceed of \$676,000 for environmental consulting services. It is anticipated that funds under the Agreements will be expended as follows:

| | |
|--------------|-------------------|
| FY 17/18 | \$ 260,000 |
| FY 18/19 | \$ 312,000 |
| FY 19/20 | \$ 65,000 |
| FY 20/21 | \$ 39,000 |
| Total | \$ 676,000 |

Funds for FY 2017/2018 in the amount of \$260,000 were budgeted in Account 54260, Center 330, Program 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. A funding out clause is included in each Agreement.

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CITY ATTORNEY:

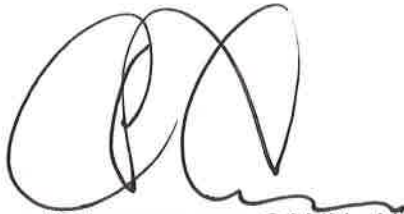
The Office of the City Attorney has prepared and approved the subject Agreement as to form and legality.

TRANSMITTALS:

1. Agreement with AMEC Foster Wheeler Environment & Infrastructure, Inc.
2. Scope of Work
3. Proposal Evaluation Criteria
4. Oral Interview Questions

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)



CHRISTOPHER CANNON
Director of Environmental Management



MICHAEL DIBERNARDO
Deputy Executive Director

APPROVED:



For

EUGENE D. SEROKA
Executive Director

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