



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works

SUBJECT: As-Needed Environmental Consulting
Agreements

DATE: February 26, 2024

City Administrator Approval


Jestin Johnson (Mar 14, 2024 22:41 PDT)

Date: Mar 14, 2024

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution:

- 1. Authorizing The City Administrator To Enter Into Eight Professional Services Agreements With 1) CDIM Engineering, Inc., 2) EKI Environment & Water, Inc., 3) Haley & Aldrich, Inc., 4) Northgate Environmental Management, Inc., 5) SCA Environmental, Inc., 6) Terraphase Engineering, Inc., 7) TRC Engineers, Inc., And 8) Weiss Associates For As-Needed Environmental Consulting Services In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each And Four Million Dollars (\$4,000,000.00) Total For A Three-Year Period From July 1, 2024 Through June 30, 2027, With An Option To Extend For Two Additional Years Until June 30, 2029; And**
- 2. Adopting Appropriate California Environmental Quality Act Findings.**

EXECUTIVE SUMMARY

The City of Oakland (City) uses as-needed contracts with environmental consulting firms to obtain environmental assessment, remediation, and compliance services to support a wide variety of activities including the management of hazardous materials, remediation of contaminated sites, operation of City facilities/assets, protection of local waterways, redevelopment projects to revitalize the community, and other general operational compliance.

Oakland Public Works (OPW) recommends that the City Council adopt the proposed resolution authorizing a three-year agreement not to exceed \$500,000 per contract from July 1, 2024 to June 30, 2027, with an option to administratively extend for two additional years without allocation of additional funds, with each of the following eight firms:

- CDIM Engineering, Inc.
- EKI Environment & Water, Inc.
- Haley & Aldrich, Inc.
- Northgate Environmental Management, Inc.

- SCA Environmental, Inc.
- Terraphase Engineering, Inc.
- TRC Engineers, Inc.
- Weiss Associates

These firms were identified through a competitive Request for Proposal (RFP) process and selected based on their technical expertise, relevant experience, fee structure, organization, demonstrated ability to respond quickly, references, and responses to scenario questions. All firms also are compliant with the City's Local/Small Local Business Enterprise (L/SLBE) participation requirements. Approval of these as-needed agreements will not result in additional appropriation of funds.

These agreements will enable the City to manage facilities, operations, real estate transactions and infrastructure improvements in compliance with applicable federal, state, and local environmental laws. Failure to comply with these laws may subject the City to significant fines.

BACKGROUND / LEGISLATIVE HISTORY

OPW's Environmental Services Division (ESD) has maintained as-needed agreements for environmental assessment, remediation, and compliance consulting services in support of all City departments for the past thirty years. The current set of agreements will expire June 30, 2024. The as-needed agreements are an essential tool needed by the City for addressing a variety of environmental compliance issues using a set of consultants with a range of environmental qualifications needed to respond to these issues quickly.

The selection processes for the new as-needed environmental consulting agreements were conducted in accordance with Oakland Municipal Code (OMC) 2.04.051. An RFP was issued on September 29, 2023, and publicized according to the standard City process, including electronic notices through iSupplier and advertisements in The Oakland Post, The Oakland El Mundo, San Francisco Chronicle and The Oakland Tribune.

ESD received 14 proposals in response to the RFP. ESD staff evaluated and ranked the proposals in accordance with the procurement process set forth in the RFP. Staff scored the proposals using a consistent scoring matrix based on each firm's organization, relevant experience, and L/SBE status. Each firm received a total score comprised of their qualification score and L/SBE status. The scored categories include the following:

1. Relevant experience
2. Qualifications
3. Organization
4. Approach
5. Competitive rates
6. Scenario
7. LBE/SLBE/Oakland Workforce Points

Upon completion of the evaluation process, the proposals were numerically ranked, and staff invited the ten most responsive and qualified consultant teams for interviews on December 15

and 18, 2023. The interview panel consisted of staff from ESD and the Fire Prevention Bureau. The panel recommended contracting with eight of the ten firms.

ANALYSIS AND POLICY ALTERNATIVES

Adopting the proposed resolution will enable the City to enter into agreements with eight environmental consulting firms to provide as-needed assessment, remediation, and compliance services. Examples of services that may be needed include: Phase I & II Environmental Site Assessments in accordance with regulatorily acceptable standards; contaminated site investigation and remediation design; human health and ecological risk assessments; water quality sample collection, analysis, and interpretation; Storm Water Pollution Prevention Plans; hydraulic, hydrologic and geologic studies; hazmat management; fuel storage facility testing and inspections; lead-based paint and asbestos surveys; and procurement of environmental permits, etc.

The proposed work is of a professional and technical nature. The City lacks the equipment or qualified personnel to consistently perform these highly technical and specialized functions. Timely access to such services through as-needed agreements is key to ensuring compliance with federal, state, and local environmental laws for City properties, assets, and projects, and consistent with the Citywide priority of being a **responsive, trustworthy government**.

The eight firms were selected by a panel of subject matter experts based on the firms' technical expertise, relevant experience, fee structure, organization, demonstrated ability to respond quickly, references, and responses to scenario questions. All firms have also been determined to be compliant with the City's Local/Small Local Business Enterprise (L/SLBE) participation requirements. Of these eight firms, EKI Environment & Water, Inc., Northgate Environmental Management, Inc., SCA Environmental, Inc., and Terraphase Engineering, Inc. are certified LBEs and will partner with SLBEs on their contracts with the City to fulfill the 50% L/SLBE participation requirement. Northgate Environmental Management, Inc. is also a certified Women Business Enterprise. Haley & Aldrich, Inc. and TRC Engineers, Inc. are in the process of renewing their LBE status while CDIM Engineering, Inc. and Weiss Associates are neither LBEs nor SLBEs. As such, these four firms are partnering with both LBEs and SLBEs to satisfy the L/SLBE participation requirement.

According to the City's requirements, staff will annually verify with the Department of Workplace and Employment Standards (DWES) whether there are any newly compliant L/SLBE firms eligible for the as-needed environmental consulting work. If there are, and as appropriate, staff will work with the prime contractors to offer those firm(s) the chance to participate by following the necessary procedures. Each year, ESD staff will also verify that contractors are meeting the required percentage of work stipulated by the L/SLBE standards.

Staff are recommending eight as-needed agreements totaling four million dollars (\$4,000,000) for the 2024-2027 period based on the City's past use of consultant services, known upcoming needs, and a contingency for new regulatory requirements and unforeseen projects. However, no minimum amount of work will be guaranteed under the agreements.

FISCAL IMPACT

Approval of this resolution authorizes the City Administrator to execute eight professional services agreements for as-needed environmental consulting services for an amount not to exceed \$500,000 each and \$4,000,000 total, with no minimum commitment. Each agreement will have a three-year term, with an option to extend for two additional years without allocation of additional funds. Funding for work under these agreements will come directly from City projects, on a project-by-project basis without prior commitment of funds, or from the City Facilities Fund (4400), Environmental Remediation Organization (30683), and in a Project and Account to be determined.

There is no impact on the General Purpose Fund and no additional funding is requested.

PUBLIC OUTREACH / INTEREST

For this solicitation, OPW staff worked with the Finance Department's Contracts Administration Unit and the DWES' Contract Compliance Office to conduct public outreach through legal ads, enhanced notifications, and a pre-proposal meeting.

Notifications of solicitation were distributed through the City's iSupplier system, which is utilized to notify registered contractors. The City's iSupplier system distributed notifications to local and non-local professional service providers (e.g., environmental consulting services, remediation services, engineering services, all other professional, scientific, and technical services), and regional trade and business groups (e.g., Oakland Metropolitan Chamber of Commerce, Oakland Black Board of Trade & Commerce, and Bay Area Business Roundtable). Contractors registered with the appropriate Northern American Industry Classification System codes were notified about the opportunity.

The legal notice for the solicitation was advertised on September 29, 2023, in The Oakland Post, San Francisco Chronicle and The Oakland Tribune. In addition, information about the project was published in El Mundo to supplement and ensure the information reached Local Business Enterprises and Small Local Business Enterprises.

A pre-proposal meeting occurred on October 10, 2023, with prospective proposers in attendance virtually. The meeting served to inform potential contractors of the scope of work and to answer any questions that they had.

COORDINATION

This report and resolution have been reviewed for form and legality by the Office of the City Attorney and Budget Bureau of the Finance Department. Staff in DWES conducted the compliance analysis of submitted proposals.

SUSTAINABLE OPPORTUNITIES

Economic: Work through these agreements will generate business tax, sales tax, and other revenues for the City. The local economy will also benefit from services provided through these agreements, which have a high level of local business participation.

Environmental: These contractors will conduct activities to help the City comply with environmental regulations which will in turn protect human health and natural resources.

Race & Equity: Activities performed through these agreements will protect Oakland's air and water quality, clean up contaminated sites, and support the redevelopment of blighted locations which will result in cleaner, healthier neighborhoods for citizens of all income levels, but especially those in the frontline communities where residents have long suffered from past environmental injustice.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed as-needed agreements and the action being undertaken to implement them are exempt from the California Environmental Quality Act (CEQA) under the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

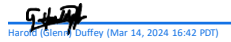
ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution:

1. Authorizing The City Administrator To Enter Into Eight Professional Services Agreements With 1) CDIM Engineering, Inc., 2) EKI Environment & Water, Inc., 3) Haley & Aldrich, Inc., 4) Northgate Environmental Management, Inc., 5) SCA Environmental, Inc., 6) Terraphase Engineering, Inc., 7) TRC Engineers, Inc., And 8) Weiss Associates For As-Needed Environmental Consulting Services In An Amount Not To Exceed Five Hundred Thousand Dollars (\$500,000.00) Each And Four Million Dollars (\$4,000,000.00) Total For A Three-Year Period From July 1, 2024 Through June 30, 2027, With An Option To Extend For Two Additional Years Until June 30, 2029; And
2. Adopting Appropriate California Environmental Quality Act Findings

For questions regarding this report, please contact Mark Arniola, Environmental Protection and Compliance Supervisor, at (510) 238-7371.

Respectfully submitted,



Harold (Glenn) Duffey (Mar 14, 2024 16:42 PDT)

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