



AGENDA REPORT

PROPOSED ACTION: Resolution: Approve and Authorize the Executive Director to Execute Professional Services Agreements with Consolidated Engineering Laboratories and Construction Testing Services for On-Call Material Testing and Construction Inspection Services for Non-Federally Funded Projects and Inspection Services, Inc. and Ninyo & Moore Geotechnical & Environmental Science Consultants for On-Call Material Testing and Construction Inspection Services for Federally Funded Projects, for Three-Year Terms with an Aggregate Maximum Compensation for All Agreements Not to Exceed \$3,000,000 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering)**

Submitted By: Emilia Sánchez, Director of Engineering; Danny Wan, Executive Director

Parties Involved:

Consolidated Engineering Laboratories	San Ramon, CA
Construction Testing Services	Oakland, CA
Inspection Services, Inc.	Berkeley, CA
Ninyo & Moore Geotechnical & Environmental Science Consultants	Alameda, CA

Amount:

\$3,000,000 – Total not to exceed combined amount of contracts (capital expense)

EXECUTIVE SUMMARY: On-call contracts are an essential tool for performing certain Port of Oakland (Port) work. The Port has numerous construction projects planned as the Port seeks to replace and rehabilitate aging infrastructure. Port Staff have recently conducted a formal procurement process, soliciting proposals for on-call material testing and construction inspection services (MTCIS) to support this work. The total contract authorization amount reflects the scope and number of planned projects as well as flexibility for new projects that may emerge during the term. As with other on-call contracts having multiple firms afford the greatest flexibility for the Port and opportunity for firms to participate.

BACKGROUND & ANALYSIS

On-call contracts are essential tools in delivering the Port’s projects and programs. Each project is separately authorized by a formal technical service order with multiple layers of approval in accordance with all Port policies and best practices. To best meet the demand for MTCIS anticipated in the next three years, Port Staff completed a formal procurement process for these services.

On July 26, 2024, the Port issued requests for proposals (RFP) for on-call MTCIS for both federally funded (FF) and non-federally funded (NFF) projects. On August 30, 2024, the Port received six proposals for MTCIS for FF projects, two of which were non-responsive, and five proposals for MTCIS for NFF projects, one of which was non-responsive.

A Committee of Port Staff reviewed and scored the remaining four proposals for MTCIS for FF based on the criteria set forth in the RFQ, as shown in Table 1.

**Table 1
Proposals for MTCIS for FF Scoring Criteria**

Item	Criteria	Points
1	Firm History and Laboratories	30
2	Key Personnel	35
3	Cost	35
	Total	100

The final ranking, including number of Disadvantaged Business Enterprises (DBE) and Small Businesses is shown in Table 2:

**Table 2
Final Consultant Ranking (FF)**

Rank	Consultant	City	DBE#	Small Business#
1	Consolidated Engineering Laboratories	San Ramon, CA	0	0
2	Inspection Services, Inc.	Berkeley, CA	1	0
3	Ninyo & Moore Geotechnical & Environmental Science Consultants	Alameda, CA	0	0
4	Construction Testing Services	Oakland, CA	0	0

A committee of Port Staff reviewed and scored the remaining four proposals for MTCIS for NFF based on the criteria set forth in the RFQ, as shown in Table 3.

**Table 3
Proposals for MTCIS for NFF Scoring Criteria**

Item	Criteria	Points
1	Firm History and Laboratories	25
2	Key Personnel	30
3	Cost	30
4	Non-Discrimination Small Local Business Utilization Policy	15
	Total	100

The final ranking is shown in Table 4:

**Table 4
Final Consultant Ranking (NFF)**

Rank	Consultant	City	LIA/ LBA#	SBE/ VSBE#
1	Consolidated Engineering Laboratories	San Ramon, CA	0 LBA 1 LIA	0 SBE 0 VSBE
2	Ninyo & Moore Geotechnical & Environmental Science Consultants	Alameda, CA	0 LBA 1 LIA	0 SBE 0 VSBE
3	Inspection Services, Inc.	Berkeley, CA	1 LBA 0 LIA	0 SBE 0 VSBE
4	Construction Testing Services	Oakland, CA	0 LBA 1 LIA	0 SBE 0 VSBE

Consultants were precluded from holding both types of contracts, therefore, based on the Proposals, their Non-Discrimination Small/Local Business Utilization Points and the number of DBEs, the Port Staff recommends entering into contract with the following firms for each of the following contracts:

On-Call MTCIS (FF)	Contract Amount
Inspection Services, Inc.	\$3,000,000 shared
Ninyo & Moore Geotechnical & Environmental Science Consultants	
On-Call MTCIS (NFF)	
Consolidated Engineering Laboratories	
Construction Testing Services	

OTHER FINDINGS AND PROVISIONS

ENVIRONMENTAL REVIEW

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- Categorically exempt under the following CEQA Guidelines Section:

Choose an item.

- Not a "Project" under CEQA, as defined in Public Resources Code § 21065.
- "Common Sense" exemption under CEQA Guidelines Section 15061(b)(3).
- Other/Notes:

The proposed Board Action is only for awarding on-call contracts to the selected firms. Each individual project requiring discretionary action by the Board would be reviewed for CEQA prior to initiation.

BUDGET

- Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR
- Operating Non-Operating Capital

Analysis: No budget impact is anticipated as all work performed under these on-call contracts will draw on authorized capital, operating, and non-operating expense budgets including reprioritizing work if needed for urgent or emergency instances.

STAFFING

- No Anticipated Staffing Impact.
- Anticipated Change to Budgeted Headcount.
- Reason:
- Other Anticipated Staffing Impact (e.g., Temp Help).
- Reason:

MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA):

Applies? No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port’s Capital Improvement Program in Aviation or Maritime areas above the threshold cost.

Additional Notes: *To the extent that the services provided under a Professional Services Agreement fall within the craft jurisdiction of the unions signatory to the MAPLA (such as field surveying, on-site soils and material testing, and inspection) the MAPLA provisions will apply to any Instance of Work whose dollar value exceeds \$150,000.*

LIVING WAGE (City Charter § 728):

Applies?

Yes (Service Provider) – proposed action entails at least \$50,000 in payments to service provider (and/or its subcontractor) employing at least 21 employees who spend at least 25% of their time on Port-related work on premises owned or managed by the Port

Additional Notes: Determinations for each individual firm may vary depending on how much of their team they assign to work at the Port.

SUSTAINABLE OPPORTUNITIES:

Applies? No.

Reason: Sustainable opportunities on Projects are considered during the Design Phase and are part of those actions.

GENERAL PLAN (City Charter § 727):

Conformity Determination:

No Project – conformity determination not required because proposed action does not change use of or make alterations to an existing facility, or create a new facility.

STRATEGIC PLAN. The proposed action would help the Port achieve the following goal(s) and objective(s) in the Port’s Strategic Business Plan:

- Grow Net Revenues
- Modernize and Maintain Infrastructure
- Improve Customer Service
- Pursue Employee Excellence
- Strengthen Safety and Security
- Serve Our Community
- Care for Our Environment