

AGENDA REPORT

Resolution: Authorization for the Executive Director to Execute Third Supplemental Agreements with AECOM Technical Services Inc., Mott McDonald, LLC, Transystems Corporation, and WSP USA, Inc. to Extend their Contract Terms for On-Call Engineering Design Services to December 31, 2019 in order to Complete Ongoing Projects. **(Engineering)**

MEETING DATE: 6/13/2019

AMOUNT: \$0.00

PARTIES INVOLVED: AECOM Technical Services, Inc.
Concord, CA
Martin Czarnecki

Mott MacDonald, LLC
San Ramon, CA
Chris Metzger

TranSystems Corporation
Berkeley, CA
Marian L. Rule

WSP USA, Inc.
Oakland, CA
Nader Sayegh

SUBMITTED BY: Robert Andrews, Interim Chief Engineer/Director of Engineering

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

This Agenda Report seeks authorization for the Executive Director to execute third supplemental agreements with AECOM Technical Services Inc., Mott McDonald, LLC, Transystems Corporation, and WSP USA, Inc. to extend the term of their existing On-Call Engineering Design Services Agreements from June 30, 2019 to December 31, 2019. The extension of time will allow the consultants to complete their work on ongoing projects, identified in this report, that commenced under the existing agreements.

BACKGROUND

On September 11, 2014, by Resolution No. 14-90, the Board awarded a total of five contracts for On-Call Engineering Design Services (two for non-federally funded projects and three for federally funded projects) to AECOM Technical Services, Inc. (expiring on 10/15/2018), HNTB Corporation (expiring on 11/05/2018), Mott MacDonald LLC (expiring on 11/05/2018), TranSystems Corporation (expiring on 10/21/2018), and WSP USA Inc (expiring on 12/22/2018), for a combined total contract authority of \$6,000,000. On July 27, 2017, per Resolution 17-82, a first supplemental agreement was authorized which increased the total contract authority by \$1,200,000 to \$7,200,000. The additional budget needed was based on a forecast of anticipated work. A second supplemental agreement was authorized on July 26, 2018 per Resolution No. 18-88. The second supplemental agreement authorized \$4,800,000 of additional contract budget, for a total revised contract expenditure limit of \$12,000,000, and extended the contract terms to June 30, 2019. This second supplemental agreement was needed to continue ongoing design efforts while staff worked to establish new on-call engineering design services contracts.

On July 26, 2018, per Resolution Nos. 18-81 and 18-82, the Board pre-authorized Port staff to establish new On-Call Engineering Design Services agreements for federally funded and non-federally funded projects based on a competitive procurement process. Staff is currently in the process of selecting consultants and anticipates executing new On-Call Engineering Design Contracts around August 2019.

ANALYSIS

There are several projects that were programmed for FY 2018/2019. It was anticipated that these projects would be designed utilizing one of the On-Call Engineering Design Consultants; AECOM Technical Services, Inc., HNTB Corporation, Mott MacDonald, LLC, TranSystems Corporation, or WSP USA, Inc. Due to unforeseen and unanticipated projects, the start of some of these projects were delayed. Similarly, for projects that were already started, the completion of design was delayed due to unforeseen events. With the term of these contracts set to expire on June 30, 2019, the work under these TSOs cannot be completed before the expiration of the contracts. Table 1, below, summarizes the remaining active TSOs that utilizes the current Design Services agreements, the respective consultants, the total cost of the consultant's work, and the requested extension date.

Table: 1, Active Projects Utilizing the On-Call Engineering Design Services Contracts

Project	Consultant	Current Contract End Date	Requested Contract End Date	Forecasted Remaining Expenditure (See Note 1)
Southfield Pavement Improvements	AECOM	June 30, 2019	December 31, 2019	\$231,000
Concept Design of Inner Harbor Turning Basin Modification	Mott MacDonald	June 30, 2019	December 31, 2019	\$47,000
Berth 25/26 Bollards & Fenders	Mott MacDonald	June 30, 2019	December 31, 2019	\$13,000
Rail Infrastructure at Maritime Support Center	TranSystems	June 30, 2019	December 31, 2019	\$13,000
TSA - EDS Recapitalization	TranSystems	June 30, 2019	December 31, 2019	\$156,300
Berth 35-38 Gate Complex Pavement Replacement Design	WSP	June 30, 2019	December 31, 2019	\$15,000
Design Services Nutter Terminal Chassis Shop Roof Replacement	WSP	June 30, 2019	December 31, 2019	\$40,000
Berth 55-59 Electrical Vault Repairs	WSP	June 30, 2019	December 31, 2019	\$38,000
Design Services OHIT PH 2 Yard Paving Project	WSP	June 30, 2019	December 31, 2019	\$156,600
Terminal 2 Baggage Claim Security Exit	WSP	June 30, 2019	December 31, 2019	\$127,000

(Note 1: For each respective project, the Forecasted Remaining Expenditure is included in the project budget that has been approved by the Board. This Agenda Report is only seeking a time extension to December 31, 2019)

Given that more time is needed to complete the projects listed in Table 1, Staff believes that it is in the best interest of the Port to extend the terms of the On-Call Engineering Design Services contracts with AECOM Technical Services, Inc., Mott MacDonald, LLC, TranSystems Corporation, and WSP USA, Inc. through December 31, 2019. This will avoid delays to these projects which would be the result of stopping all work at the end of the contract term and subsequently utilizing other contract vehicles. Other contract vehicles could include the pending new On-Call Engineering Design Services contracts which will be available no sooner than August 2019. Alternatively, standalone design contracts could be solicited for each of these projects on a competitive basis; which typically takes more than 6 months to complete, from issuing a Request for Qualifications/Proposals to an executed contract. No additional budget is needed to complete the work on these projects under these agreements.

BUDGET & STAFFING

The requested action to extend the term of the contracts does not impact the project budget; no additional budget is requested.

This action has no staffing impact.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

On-Call Engineering Design Services are for professional services that are not within the craft jurisdiction of the unions signatory to the MAPLA and therefore, the provisions of MAPLA do not apply.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Improve Customer Service
- Modernize and Maintain Infrastructure

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement as the service providers do not employ 21 or more employees working on Port-related work. However, the service providers will be required to certify that should living wage obligations become applicable, the service providers shall comply with the Living Wage Regulations.

SUSTAINABILITY

Port staff has reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that present sustainability opportunities. Opportunities for sustainability will be evaluated at the time that individual projects are moved forward for design.

ENVIRONMENTAL

The proposal to authorize the Executive Director to enter into supplemental agreements with the On-Call Engineering Design Services consultants was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. Authorizing the Executive Director to enter into supplemental on-call agreements for existing on-call agreements will not result in a physical change in the environment, and therefore those actions are not subject to CEQA.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

Professional service agreements are not subject to the Port's Owner Controlled Insurance Program (OCIP) as professional services are not construction activities.

OPTIONS

1. Approve a resolution authorizing the Executive Director to enter into a third supplemental agreement with AECOM Technical Services, Inc., Mott McDonald, LLC, Transystems Corporation, and WSP USA, Inc. to extend the existing On-Call Engineering Design Services contracts to December 31, 2019. This allows the consultants to complete their work and avoid project delay. This is the recommended option.
2. Do not approve the requested action and direct staff to complete the design utilizing other contracting methods. This will likely cause a delay of 2-9-months of the current projects.

RECOMMENDATION

Adopt a resolution authorizing the Executive Director to enter into a third supplemental agreement with AECOM Technical Services Inc., Mott McDonald, LLC, Transystems Corporation and WSP USA, Inc. to extend the existing On-Call Engineering Design Services contracts to December 31, 2019.