

AGENDA REPORT

Resolution: Authorization to Award Three On-Call Asbestos and Lead Paint Consulting Services Contracts to ACC Environmental, SCA Environmental, and Millennium Consulting for \$250,000 each, totaling \$750,000, for a three-year Contract Term.
(Engineering)

MEETING DATE: 10/10/2019

AMOUNT: \$750,000 Total Not to Exceed Amount of Contracts Operating Expense

PARTIES INVOLVED: SCA Environmental, Oakland/CA,
Christina Codemo

ACC Environmental, Oakland/CA,
Sarah Wilson

Millennium Consulting, Oakland/CA,
Jack McCubbin

SUBMITTED BY: Robert Andrews, Acting Director of Engineering

APPROVED BY: Danny Wan, Acting Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

This Agenda Report seeks authorization to award three On-Call Asbestos and Lead Paint Consulting Services contracts to ACC Environmental, SCA Environmental, and Millennium Consulting for \$250,000 each, totaling \$750,000, for a three-year contract term.

BACKGROUND

The Environmental Programs and Planning Division (EP&P) manages environmental risks and responsibilities for the Port of Oakland (Port), including the asbestos and lead-based paint management program. The Port's most common asbestos and lead-based paint projects include maintenance operations, renovation, demolition, and abatement oversight within the Port area. In order for EP&P to provide timely project turn-around, and to supplement the Port's expertise (including specific certifications and licenses required to conduct asbestos and lead-based paint related work), the Port relies on consulting firms for On-Call Asbestos and Lead-Based Paint Consulting Services.

The scope of work of the On-Call Asbestos and Lead Paint Consulting Services contract includes performing hazardous materials surveys, providing oversight of hazardous material abatement, identification of certain hazardous materials (such as fluorescent lights, PCBs, mercury light switches, refrigerants and hydraulics), and providing health and safety-related services associated with hazardous materials (including but not limited to indoor air quality, mold assessments and training).

ANALYSIS

The three current On-Call Asbestos and Lead Paint Consulting Services contracts will expire December 31, 2019. Staff solicited proposals through the Request for Proposal (RFP) competitive process and have selected the three most qualified firms. The firms selected include two incumbents from the current on-call contracts (ACC Environmental and SCA Environmental), and one new firm (Millennium Consulting). The RFP included a provision to award contracts to up to three consultants in order to insure consultant services availability.

Evaluation Process

Staff issued a RFP on June 11, 2019, for On-Call Asbestos and Lead Paint Consulting Services. Staff disseminated the RFP on the Port's website at the following link: <http://www.portofoakland.com/business/bids-RFQs/rfq-engineering/>. Proposals were due on July 11, 2019.

Eight respondents submitted proposals. To evaluate the proposals received, the Port established a three-person Evaluation Committee (the "Committee") comprised of staff from EP&P and Aviation Properties.

The Committee evaluated each proposal based on criteria set forth in the RFP. Ratings were assigned based on criteria such as responsiveness, experience, key personnel, cost effectiveness, and Non-Discrimination and Small/Local Business Utilization Policy. Based on the scores, the Committee invited the six top-ranking consultants for interviews. The consultants presented their capabilities, described their understanding of the services, and answered prepared questions from the Committee.

Based on this evaluation process, ACC Environmental, SCA Environmental, and Millennium Consulting ranked as the top three most qualified firms. ACC Environmental and SCA Environmental have previously demonstrated successful project experience with the Port, understand Port needs and processes, and were knowledgeable about upcoming regulations that might affect the Port. Millennium Consulting has local project experience, knowledge of upcoming regulations, presented innovative ideas for asbestos management, and has staff ready for deployment, as verified by their provided references. The table below presents the ranking of the consultant teams from the interviews.

Rank	Proposer	Location	Certified LIA/LBA
1	SCA Environmental	Oakland, CA	Yes
2	ACC Environmental	Oakland, CA	Yes
3	Millennium Consulting	Oakland, CA	Yes

4	Sensible Environmental Solutions, Inc.	Oakland, CA	Yes
5	Terracon	Emeryville, CA	Yes
6	Aurora Environmental	Oakland, CA	Yes

Staff, therefore, seeks authorization to award three on-call professional services contracts for Asbestos and Lead Paint Consulting Services to: ACC Environmental, SCA Environmental, and Millennium Consulting for the amount not to exceed \$250,000 each, totaling \$750,000, for the three-year contract term.

BUDGET & STAFFING

The proposed request to award three on-call Asbestos and Lead Paint Consulting Services contracts has no budget impact as funds were included in the recently adopted Fiscal Year 2019-2020 operating budget. These contracts will be utilized on an “As-needed” basis and only remaining budgeted contract funds will be used and no additional funding will be authorized. There is no staffing impact associated with this action.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) does not apply because this contract is for professional services that are not within the craft jurisdiction of the unions signatory to the MAPLA.

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>

- Goal: Improve Customer Service
- Goal: Modernize and Maintain Infrastructure
- Goal: Strengthen Safety and Security
- Goal: Serve Our Community
- Goal: Care for Our Environment

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, 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. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities. However, the Port will encourage selected firms to incorporate sustainable practices into their work, including paperless reporting to the Port, utilizing technology in the field to reduce paper, and helping the Port to notify tenants and employees of asbestos/lead issues without creating paper waste.

ENVIRONMENTAL

This action, to approve contracts for asbestos and lead consulting services for the Port of Oakland, was reviewed in accordance with the requirements of the California Environmental Quality Act (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. It can be seen with certainty that there is no possibility that authorizing on-call consulting contracts will result in a physical change in the environment, and therefore this action is not subject to CEQA and no further environmental

review is required. Projects identified for future implementation would be subject to environmental review when proposed for implementation.

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

- Approve the recommendation as described below. This would reduce processing time for contracts and ensure the Port's ability to provide uninterrupted service to internal projects for asbestos and lead testing and/or abatement, preventing stoppages or delays to projects. This is the recommended action.
- Reject the recommendation as described below and direct staff to solicit new proposals for the work. The current on-call contracts will expire at the end of 2019. However, this will increase the time to establish the contracts, require additional staff resources, and will result in delays in responding efficiently to urgent work and ongoing projects.

RECOMMENDATION

- Adopt a resolution authorizing the Executive Director to execute three on-call professional services agreements On-Call Asbestos and Lead Paint Consulting Services with ACC Environmental, SCA Environmental, and Millennium Consulting at a maximum compensation for each contract of \$250,000, for a three-year contract term.