



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 01-24-07

Approved

*Ray Wines*

Date

*1/30/07*

**COUNCIL DISTRICT:** City-Wide

**SUBJECT: CONSULTANT AGREEMENT WITH ENVIROMENTAL ENGINEERING & CONTRACTING, INC. TO PROVIDE PRETREATMENT PROGRAM TRAINING TO ENVIRONMENTAL ENFORCEMENT STAFF**

## RECOMMENDATION

Approval of an agreement with Environmental Engineering & Contracting, Inc., for a term of two years, to provide pretreatment program training to Environmental Enforcement staff at a cost not to exceed \$125,000 for basic services, with an option to request additional services in an amount not to exceed \$52,000, for a total of \$177,000.

## OUTCOME

Approval of the agreement with Environmental Engineering & Contracting, Inc. will result in the development and delivery of training modules for pretreatment program staff and allow for compliance with requirements of the 2005 Administrative Order issued by the U.S. Environmental Protection Agency (U.S. EPA).

## BACKGROUND

The City of San Jose administers and operates the San Jose/Santa Clara Water Pollution Control Plant (Plant). The Plant has a permit requirement to implement and enforce an approved pretreatment program. The City of San Jose's pretreatment program (Source Control) is responsible for permitting, inspecting, and sampling the Plant's industrial dischargers to determine and enforce compliance with local, state, and federal wastewater discharge regulations. In 2004, U.S. EPA performed a compliance inspection that resulted in an Administrative Order issued to the City on March 17, 2005. In response to the audit findings and Administrative Order, the City identified the need to provide comprehensive training to the environmental inspectors. Development of consistent training materials and delivery of a comprehensive training program for the inspectors is essential in meeting this requirement.

## ANALYSIS

In response to the Administrative Order, Environmental Enforcement staff identified 31 training topics in the areas of compliance monitoring, record keeping, and enforcement that would comprise a comprehensive training program.

On November 6, 2006, a competitive Request for Proposal (RFP) was issued to solicit proposals from consulting firms to develop training modules and deliver training. The scope of work included review of existing materials developed by the City, development of curriculum including lesson plans and materials, conducting training workshops for up to 30 City staff, and evaluation and establishing metrics for long-term training effectiveness. The 31 training topics were divided into two training phases. Phase 1 training will be developed and delivered to City's staff by June 30, 2007 and includes 15 out of 31 identified training themes. Phase 2 will be implemented in FY 2007-08.

Due to a low response rate, an addendum was posted on November 17, 2006 to extend the deadline from December 1 to December 15, 2006. A mandatory pre-proposal conference was held on December 4, 2006, to allow consultants access to previously developed training materials, answer questions and to view the training venue. Four consultant firms attended the pre-proposal meeting and submitted acknowledgment forms to indicate their interest in responding to the RFP. On the closing date of December 15, four proposals were received from:

- Environmental Engineering & Contracting, Inc.
- Goldie & Associates
- United Water Services
- The combined team of Larry Walker and Associates (LWA); Eisenberg, Olivieri and Associates, Inc. (EOA); and Tom Barron

All proposals were first screened to ensure that they were prepared and submitted in accordance with the provisions of the RFP instructions and specifications. United Water Services' proposal did not conform to the minimum requirements and was deemed non-responsive.

Two panels (written and oral) consisting of representatives from various sections in the ESD Watershed Protection Division and one representative from the Consolidated Utility Billing System Change Management Team evaluated the remaining proposals. The criteria included quality of the proposal, expertise of the consultant in pretreatment program requirements and training, quality of previous work, references, and costs.

The two proposals from the written evaluation that were selected to move forward to the oral interview process were Environmental Engineering & Contracting, Inc. (EEC) and the combined team of LWA, EOA, and Tom Barron. These two candidates were both invited to an oral interview on January 10, 2007. The oral panel heard presentations from both firms that included a mock training as well as answers to formal questions. EEC received the highest overall score and proposed the lower estimated cost. Therefore, the selection panel recommended EEC.

The total cost to the City for the training on the 31 required modules will not exceed \$125,000. Staff is also recommending inclusion of an Additional Services option for an amount not to

exceed \$52,000 for EEC to provide additional training support that may be identified during the term of this agreement. One additional service that is under consideration is having EEC accompany inspectors during fieldwork following the completion of the training to evaluate the effectiveness and application of training to daily work of the inspectors.

Fee schedules submitted by the recommended consultants were found to be competitive in the Bay Area market place, and rates and contract terms are consistent with what these consultants charge to other agencies such as the City and County of San Francisco and the Central Contra Costa Sanitary Sewer District in the Bay Area to provide similar expertise.

### **POLICY ALTERNATIVES**

#### ***Alternative #1: In-House development of training materials and training***

**Pros:** In-house development would not require expenditure for consultants.

**Cons:** Development of the comprehensive training program requires expertise from pretreatment programs nationally and throughout California. In-house staff possesses specific expertise focused on pretreatment requirements in San José and our service area. In addition, there are not adequate staff resources available to meet the timeline required to comply with the U.S. EPA Administrative Order.

**Reason for not recommending:** The alternative would not allow timely implementation of requirement from the U.S. EPA Administrative Order and could therefore result in non-compliance.

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This project does not meet any of the criteria above. The Request for Proposal was posted on the City's bidline (criteria 1) for more than five weeks. In addition, an e-mail notification was sent to potentially interested consultants (criteria 2) initially and at the time of posting the addendum.

### **COORDINATION**

The project and memorandum have been coordinated with the City Attorney's Office; the Department of Planning, Building and Code Enforcement; and the City Manager's Budget Office. This item is scheduled to be heard at the February 8, 2007 Treatment Plant Advisory Committee (TPAC) meeting.

**COST SUMMARY/IMPLICATIONS**

1. **AMOUNT OF RECOMMENDATION:** **\$177,000**

2. **COST ELEMENTS OF AGREEMENT**

<b>Tasks</b>	<b>Amount</b>
Completing Phase I Training Modules for fiscal year 2006-2007	\$68,000
Completing Phase II Training Modules for fiscal year 2007-2008	\$57,000
Additional Services	\$52,000
<b>TOTAL AGREEMENT AMOUNT</b>	<b>\$177,000</b>

3. **SOURCE OF FUNDING:** 513, San Jose/Santa Clara Treatment Plant Operating Fund

4. **FISCAL IMPACT:** No additional funding is necessary to approve this project. Funding for the entire agreement amount is available in the fiscal year 2006-2007 Operating Budget.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn	Amt. For Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
513	0762	Non-personal/Equipment	\$30,168,232	\$177,000	VIII-38	10/17/06, NA

**CEQA**

Not a project.



**JOHN STUFFLEBEAN**  
 Director, Environmental Services Department

For questions please contact Heidi Geiger, P.E., Sanitary Engineer, at (408) 277-3897.