



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Scott P. Johnson

**SUBJECT:** SEE BELOW

**DATE:** 03-29-10

Approved

Date

4-6-10

Council District: Citywide

**SUBJECT: REPORT ON REQUEST FOR PROPOSAL FOR MITIGATION MONITORING, MAINTENANCE AND REPORTING FOR VARIOUS PARKS AND TRAIL PROJECTS**

## RECOMMENDATION

Report on Request for Proposal (RFP) for mitigation monitoring, maintenance and reporting for various parks and recreation projects and adoption of a resolution authorizing the Director of Finance to:

1. Execute a master consultant and maintenance agreement with Environmental Science Associates, Inc. (San Francisco, CA) for the mitigation monitoring, maintenance and reporting services in an amount not to exceed \$350,000 for an initial term of 24 months.
2. Execute a one-year option to extend, subject to the appropriation of funds.

## OUTCOME

To meet environmental permit conditions as required by the California Department of Fish and Game, the Santa Clara Valley Water District, San Francisco Bay Regional Water Quality Control Board, and various other permit agencies, for the construction of certain capital projects requiring mitigation planting areas.

## BACKGROUND

The construction of capital projects requires California Environmental Quality Act (CEQA) clearance and environmental construction permits issued by outside agencies. In cases where environmentally sensitive areas are disturbed, such as the construction of trails along riparian

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corridors, the City mitigates impacts to these areas as part of the project. The construction and management of mitigation areas must conform to the Mitigation Monitoring and Reporting Plan (MMRP) approved as part of CEQA clearance, and must also comply with environmental permit conditions. Parks, Recreation and Neighborhood Services (PRNS) is responsible for managing and maintaining mitigation areas when project construction is complete.

Each project site must follow the approved MMRP, which sets forth monitoring, maintenance, and reporting tailored to meet the needs of each site. Monitoring and reporting is required for three to ten years, depending on the MMRP. Annual reports must be submitted to environmental permit agencies such as the California Department of Fish and Game, and the Santa Clara Valley Water District by December 31<sup>st</sup> of each monitoring year. The reports summarize how the site is performing against success criteria and make recommendations for remedial planting and maintenance activities to be performed during the next monitoring year. In some cases where mitigation areas do not meet success criteria, additional years of monitoring and reporting may be required by permit agencies.

The annual reports must be prepared by qualified biologists and the City does not have biologists on staff to perform this work. Maintenance is performed by PRNS maintenance staff whenever possible and is supplemented by outside contractors who specialize in environmental restoration and maintenance where specialized skills are required, such as working within steeply sloping waterways or knowledge of native and invasive plant species.

PRNS staff seeks to consolidate the management of mitigation planting areas and ensure consistent quality by hiring one firm to provide environmental monitoring, maintenance, and reporting services for park and recreation projects.

## ANALYSIS

On December 21, 2009, the Finance Department released a Request for Proposal (RFP) on the City's e-procurement system. A total of 144 companies viewed the RFP and nine proposals were received by the January 19, 2010 deadline as follows:

- Denise Duffy & Associates (San Jose, CA)
- Environmental Science Associates (San Francisco, CA)
- Go Native (Montara, CA)
- LSA Associates, Inc. (Pt. Richmond, CA)
- Live Oak (San Jose, CA)
- Mosaic Associates LLC (Santa Cruz, CA)
- Restoration Resources (Rocklin, CA)
- Shelterbelt Builders (San Francisco, CA)
- URS Corporation (San Jose, CA)

**Minimum Qualifications:** The initial proposal review consisted of a pass/fail assessment to ensure that all proposals were responsive and minimum qualifications were met. All nine proposals met the minimum requirements.

**Technical Evaluation:** The technical evaluation consisted of a thorough review of each company's written proposal for technical capability and experience in mitigation monitoring and reporting.

**Cost Proposals:** Cost proposals were submitted separately from the technical proposals and were not disclosed to the evaluation team prior to the completion of the technical evaluations so as not to inadvertently influence the technical evaluation.

**Oral Interview/Presentations:** The scores were tabulated and a short-list of five finalists was established for oral presentations. Proposers making the short-list were: Environmental Science Associates (ESA), Live Oak, URS, Denise Duffy & Associates and LSA Associates, Inc.

Oral Interview/Presentations were held in order to clarify responses to the RFP, demonstrate each proposer's knowledge and ability to meet the City's requirements, and to meet key personnel who would be assigned to this project. At the conclusion of the oral presentations, the scores were adjusted and finalized as appropriate.

**Local and Small Business Preference:** In accordance with City policy, ten percent of the total evaluation points were reserved for local and small business preference. Two proposers applied for both the local and small business preference and one proposer applied for only the local preference. The application of the local and small business preference had no effect on the recommendation of award.

Final Scores and ranks are summarized in the following table:

<b>Evaluation Criteria</b>	<b>Max Points</b>	<b>Environmental Science Associates</b>	<b>Live Oak</b>	<b>Denise Duffy &amp; Associates</b>	<b>LSA Associates, Inc.</b>	<b>URS Corporation</b>
<b>Experience</b>	35	31	21	28	31	26
<b>Technical</b>	35	31	23	20	25	23
<b>Local and Small Business Preference</b>	10	0	10	10	0	5
<b>Cost</b>	20	12	18	14	12	13
<b>Total</b>	100	74	72	72	68	67

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**Protest Period:** The RFP process included a ten-day protest period that commenced when Proposers were notified of the City's intent to award on February 18, 2010. No protests were received. Two proposers requested and received a de-briefing to better understand why they were not selected.

**Recommendation Summary:** Staff recommends award of contract to ESA because the evaluation deemed ESA's proposal to be the best value based on the technical evaluation criteria as detailed above.

ESA's proposal was deemed superior in the following areas:

- ESA extensive experience working on a variety of projects such as the Ellis Creek Water recycling facility San Leandro Shoreline marshland restoration. The firm also has experience working on many park recreation projects.
- ESA has a proven track record of excellence completing environmental monitoring and reporting projects on time and on budget.
- ESA as an experienced team who understand the City's requirements as demonstrated in their oral presentations.
- ESA's maintenance sub-consultant is Central Coast Wilds, a firm with an excellent reputation in providing services for the City of San Jose on many of our current mitigation planting projects.

**Summary of Agreement:** The Agreement will be prepared as a Master Agreement including fixed pricing and compensation schedule, and a detailed statement of work defining all deliverable. The statement of work under the Master Agreement includes, but will not be limited to providing project management, mitigation monitoring, maintenance work and preparation of annual reports for permit agencies for mitigation sites on parks and trails.

Under the Master Agreement, specific projects shall be initiated by authorized Service Orders by PRNS detailing the specific scope, schedule, and compensation, along with the appropriate funding source(s) for the project. Consultant services will be tailored to complement City staff expertise to ensure efficient and effective project delivery.

The following is a list of projects that have been identified for mitigation monitoring, maintenance and reporting under the Agreement:

- Los Gatos Creek Trail, Reach 4
- Coyote Creek Trail from Los Lagos to Tully Road
- Montgomery Hill Bridge
- Quail Hollow Bridge in Alum Rock Park
- Happy Hollow Park and Zoo
- Watson Park

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## **EVALUATION AND FOLLOW-UP**

This memo will not require any follow-up from staff.

## **POLICY ALTERNATIVES**

**Alternative #1:** Hire City staff with the expertise and special skills required for each of the various agency permits' requirements for monitoring and reporting and train the City park maintenance crew in the identification, maintenance and care of native plants as well as the safety procedures for plants located on steep stream banks and near water ways.

*Reason for not recommending:* This type of work requires special skills, training, certifications and is seasonal, and is also dependent on when new trails come on line and when other trails no longer need the permit process, and is best done by consultants who are familiar with the requirements and have the expertise, and so the City is not in violation of environmental permit conditions and subject to legal fines by the various permit agencies.

## **PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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)**

Although this item does not meet any of the above criteria, this memorandum will be posted on the City's website for the April 20, 2010 City Council agenda.

## **COORDINATION**

This memorandum has been coordinated with Parks, Recreation and Neighborhood Services Department, City Attorney's Office, City Manager's Budget Office, and the Department of Planning, Building and Code Enforcement.

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**FISCAL/POLICY ALIGNMENT**

This Council item is consistent with Council approved Budget Strategy Memo General Principle #2, "We must focus on protecting our vital core City services."

**COST IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: None
2. COST OF AGREEMENT: \$350,000
3. SOURCE OF FUNDING: Various Capital Funds, encumbered at the time the individual Service Order is processed

**BUDGET REFERENCE**

Expenditures and encumbrances will be charged to capital appropriations identified upon issuance of Service Orders under this master agreement.

**CEQA**

<b>CEQA Number</b>	<b>Project Name</b>
PP02-09-235	San Tomas Aquino Reach 6
Mitigated Negative Declaration, File No. PP04-01-014	Los Gatos Creek Trail Reach 4
PPP02-09-235	Quail Hollow Bridge
PP07-130	Watson Park
Mitigated Neg Dec. File #PP05-142 dated Apr. 07 2009	Happy Hollow Park and Zoo
Mitigated Negative Declaration, File No. PP04-02-057	Coyote Creek Trail Los Lagos to Tully

/ s /

SCOTT P. JOHNSON  
Director of Finance

For questions please contact Mark Giovannetti, Purchasing Division Manager at (408) 535-7052.