



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sadie Graham Dept: Planning Signature/Date: <i>SC</i> 5.14.19	General Counsel <i>[Signature]</i> 5/15/19 []	Controller/Treasurer <i>[Signature]</i> 5/16/19 []	District Secretary []	BARC <i>[Signature]</i> 5/15/2019 []

Professional Service Agreements No. 6M6136, 6M6137, 6M6138, and 6M6139 General Environmental and Planning Services for BART Projects

PURPOSE: To obtain Board authorization for the General Manager to award Agreement No. 6M6136 to Arup North America; Ltd; Agreement No. 6M6137 to Fehr & Peers; Agreement No. 6M6138 to HNTB Corporation; and Agreement No. 6M6139 to Raimi + Associates; to provide General Environmental and Planning Services in support of BART projects.

DISCUSSION: In September 2015, the BART Board authorized the award of three agreements to consultant teams to provide on-call General Environmental and Planning Services for BART Projects. Each agreement was valued at \$6 million. These agreements were for a term of not to exceed five years but are now reaching the limits of the permitted compensation. New agreements are required to ensure the District will have the general environmental and planning services needed to advance the District's efforts in Station Area Planning, System Expansion, Strategic and Policy Planning, Sustainability and Energy Policy, Transit-Oriented Development, Art Project Management and Design Services, and Station Access Operations. On December 26, 2018, BART issued a Request for Proposals to Provide General Environmental and Planning Services for BART Projects, BART RFP No. 6M6126. The RFP indicated that the services would be obtained through agreements with up to four firms, that each agreement would have a term of up to five years, and that each would be in an amount not to exceed \$8,000,000.

An Advance Notice to Proposers was emailed to 33 environmental and planning consultant firms having expertise in the pertinent technical fields. The RFP was posted to the District's procurement Portal and was made available to proposers to download electronically. The RFP was also advertised in local publications. A total of 161 firms downloaded the RFP

through the Procurement Portal.

A pre-proposal meeting was held on January 23, 2019 at the Joseph P. Bort Metro Center in Oakland. Eighty (80) firms signed in at the meeting. Immediately following the pre-proposal meeting, a networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights. In an effort to maximize the participation of small businesses, all potential subconsultants were afforded the opportunity to discuss individual subcontracting opportunities with potential prime proposers at this session.

On February 12, 2019, timely proposals were received from the following six firms (listed in alphabetical order):

1. AECOM Technical Services, Inc. ("AECOM") of Oakland, CA
2. Arup North America, Ltd. ("Arup") of San Francisco, CA
3. Fehr & Peers of Walnut Creek, CA
4. HNTB of Oakland, CA
5. Raimi + Associates of Berkeley, CA
6. WSP USA Inc (WSP), of San Francisco, CA

The proposals were reviewed by a Selection Committee ("Committee") consisting of BART staff from the Planning, Development, & Construction groups of the Executive Office; Policy Planning, Real Estate and Property Development, and Sustainability; the Office of Civil Rights; and Contract Administration Department, as well as a planning staff representative from the Metropolitan Transportation Commission, and Alameda County Transportation Commission. Proposals were first reviewed to determine if the proposals were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the firm and key personnel. All six proposals were short-listed for oral presentations. The committee conducted oral interviews on March 25th, 26th, and 27th.

Based on the oral and written evaluations, the Committee determined that the four most qualified firms are Arup, Fehr & Peers, HNTB, and Raimi + Associates. After making this determination, BART began negotiations with these firms. With support from the Planning and Internal Audit Departments, Contract Administration staff evaluated the rates and mark-ups received from each Proposer for a cost-plus fixed fee agreement. Staff determined that the rate structures of all four firms are fair and reasonable, and that all four firms are responsible organizations. Negotiations between BART and the firms concluded on mutually favorable terms.

This Agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were Small Business Entity (SBE) subconsulting

opportunities; therefore, an SBE participation goal of 26% was set for this Agreement. All of the Proposers committed to meeting the 26% SBE participation goal. ARUP committed to meeting a 27% SBE participation goal; Fehr & Peers committed to meeting a 26% SBE participation goal; HNTB committed to meeting a 26% SBE participation goal; and Raimi + Associates committed to meeting a 26% SBE participation goal. The Office of Civil Rights will monitor the actual SBE participation attained based on individual task orders issued and amounts actually paid to SBE firms. The Agreements require the Consultants to ensure that SBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Accordingly, staff recommends the following four awards under RFP No. 6M6126, each in an amount not to exceed \$8,000,000 for a five-year performance period:

1. Arup North America, Ltd. of San Francisco, CA
2. HNTB of Oakland, CA
3. Fehr and Peers of Walnut Creek, CA
4. Raimi + Associates of Berkeley, CA

Work Plans (WPs) under the Agreements will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule and budget. The Office of the General Counsel will approve each Agreement as to form.

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit of \$8,000,000. These agreements have a total combined limit not to exceed \$32,000,000. District obligations will be subject to a series of WPs. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements, and the execution of each WP. While most WPs are expected to have capital funding sources, some may have operating funds. Each WP will be subject to the availability of funding in the Planning Department budget, or other department budgets as requested, for future years.

ALTERNATIVES: The District could reject all of the proposals and re-solicit new proposals. The amount of time necessary to reissue the RFP would adversely impact planning activities underway in support of the implementation of the District's Strategic Plan and would not likely result in better quality bids.

RECOMMENDATION: It is recommended that the Board adopt the following motion:

MOTION: The General Manager is authorized to award the below listed Agreements to provide General Environmental and Planning Services in support of BART projects, in an

amount not to exceed \$8,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and FTA's requirements related to protest procedures.

- Agreement No. 6M6136 to Arup North America, Ltd;
- Agreement No. 6M6137 to Fehr & Peers;
- Agreement No. 6M6138 to HNTB Corporation; and
- Agreement No. 6M6139 to Raimi + Associates.