



## MEMORANDUM

September 9, 2022

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Kimberly Brandon, Vice President  
Hon. John Burton  
Hon. Gail Gilman  
Hon. Steven Lee

**FROM:** Elaine Forbes   
Executive Director

**SUBJECT:** Request Authorization to Issue a Request for Qualifications (RFQ) for As-Needed Environmental and Related Professional Services

**DIRECTOR'S RECOMMENDATION:** Approve Attached Resolution No. 22-44

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### EXECUTIVE SUMMARY

Port staff requests Port Commission's authorization to advertise a Request for Qualifications (RFQ) soliciting as-needed environmental and related professional services. The objective of the process is to qualify a pool of consultant teams with expertise in a variety of professional disciplines such as environmental engineering, storm water management, industrial hygiene, environmental planning and compliance, and more. These services are utilized on Port projects where existing Port or City staff does not have the specialized expertise or capacity. The City's Contract Monitoring Division ("CMD") has assigned a 15% Local Business Enterprise ("LBE") subcontracting goal for the services procured under this proposed RFQ.

The very nature of the Port's aging infrastructure and deferred maintenance, combined with evolving and increasingly stringent environmental regulations at the local, state and federal levels, creates an environment of many unanticipated urgent projects that require immediate attention. The timing for meeting these urgent project demands makes it necessary to contract with consultants on an as-needed basis to provide the requisite environmental and related professional services on short notice. The as-needed and sometimes urgent nature of this work makes it impractical to rely on formal bids for every contract. After the evaluation and scoring of qualified consultants, Port staff will take two actions. First, Port staff will recommend awarding professional

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services contracts to the three highest-ranked consultant teams. The contracts will have an initial four-year term with an option for an additional year at the Port's sole discretion for a not-to-exceed value \$2.5 million for each contract. The contracts will function as master agreements under which the Port will issue Contract Service Orders ("CSOs") for specific projects and work scopes as needs arise. Second, Port staff will rank all qualified firms for a prequalified pool. This prequalified pool will be created for a period of two years and contracts issued out of the prequalified pool will have a duration of no longer than three years. Port staff will follow solicitation requirements for award of additional contracts, including seeking Port Commission approval for formal contracts from the pool.

## **STRATEGIC OBJECTIVE**

The contract opportunity will support the goals of the Port's Strategic Plan as follows:

### Sustainability:

By implementing nature-based shoreline stabilization and improvement projects and maximizing the use of native plants in landscaping to increase biodiversity.

### Equity:

By increasing the proportion of funds spent by the Port with local businesses competing for Port contracts by engaging teams that support the diversity of the City; and by requesting a copy of the proposing firm's Diversity, Equity and Inclusion plan.

### Productivity:

By enabling implementation of \$27.5 million of funded capital projects and other projects that will maintain cargo volume and expand maritime terminal capacity, ensuring compliance with environmental approvals of the Pier 70 and Mission Rock development projects, and managing the waterfront and advancing environmentally and financially sustainable maritime, recreational, and economic opportunities to serve the City, the Bay Area region, and California.

## **PURPOSE OF THE CONTRACTS**

The purpose of these contracts is to allow the Port to retain a pool of qualified contractors to perform as-needed environmental and related professional services.

## **BACKGROUND**

Historically, the Port has used as-needed environmental and related professional services contracts to address the Port's fluctuating needs when existing Port and City staff are unavailable or lack the expertise to perform the required environmental work. These as-needed contracts are also used when highly specialized environmental expertise is required that otherwise does not exist with current personnel resources due to the limited need for such expertise or when rapid response is necessary.

### Existing Port As-Needed Environmental and Related Professional Services Contracts

The Port currently has three (3) as-needed environmental and related professional services contracts in the amount of \$2,000,000 each that were awarded in October and November 2019 to: 1) SCA Environmental; 2) ESA-CDIM Joint Venture; and 3) AEW Engineering. These contracts will expire in October 2023. There is a 12% LBE sub-consulting requirement assigned to these contracts and the average LBE participation on these contracts is 14%.

### As-Needed Contract Terms

Since the exact nature and timing of anticipated work performed under as-needed contracts is not known, Port staff will prepare specific project work scopes as the need for these services arises. Each specific project will be executed via individual CSOs operating within the framework of each Master Agreement.

Administrative Code Section 6.42 requires that all as-needed contracts shall provide a not-to-exceed price and an expiration term of not more than five (5) years, including all modifications. However, Port staff intends to recommend award of these as-needed contracts for terms of four (4) years, with an option for the Port to extend each contract term for one additional year. The Port may issue or modify any CSO to exceed the foregoing limits upon the department head's written determination establishing the urgency of the work and the justification for proceeding under Section 6.64 rather than by a formal competitive bid process.

## **POTENTIAL SCOPE OF WORK**

The exact scope of work for consultant assistance during the next four to five years is not fully known, but staff anticipates the need for support in the below categories of work.

### MAJOR CATEGORIES OF WORK

Site Assessment, Investigation, and Characterization  
Environmental Engineering  
Environmental Planning & Compliance  
Storm Water Management  
Industrial Hygiene Services  
Biological Assessment and Monitoring, including Habitat Monitoring

### MINOR CATEGORIES OF WORK

Climate Change Planning  
Environmental Information Management Services/GIS  
Hazardous Materials & Solid Waste Management  
Green Building Design Services  
Surveys and reports required by CEQA & NEPA including historic preservation requirements

### TERTIARY CATEGORIES OF WORK

Site and Master Planning

Urban Design and Architecture  
Transportation Planning and Analysis  
Safety Qualification Review

The above categories are provided as a guide only. Award of a contract does not represent a guaranteed amount of work or revenue for any of the successful contractors. Rather, these contracts will enable Port staff to rapidly obtain professional environmental services on a project-specific basis, as necessary.

## **SELECTION PROCESS**

Port staff proposes an RFQ to procure the requested services through a fair and competitive process. Port staff and a CMD representative will convene a diverse panel with subject matter experts in the required fields. Port staff expects the evaluation process to take the following steps to review and rank responses to the RFQ.

### 1. Written Proposal Evaluation, Ranking, and Short-List

After Port and CMD staff review proposals for responsiveness, the panel will score each written proposal based on criteria included in the RFQ. Expected evaluation criteria include:

- approach and prime experience
- technical experience
- respondent and subconsultant qualifications
- personnel experience and availability

Scores will be tabulated and ranked to determine short-listed firms. Teams must receive an average of 75 of 100 points to advance to the oral interviews.

### 2. Oral Interviews

The panel will conduct interviews only with the short-listed firms that received an average of 75 of 100 points. It is expected for at least one question to be a scenario. The evaluation panel members will individually score each firm and a total average score from the interview will be tabulated. Final ranking of the short-listed candidates will be based on the cumulative total of written proposal and oral interview scores.

### 3. Contract Negotiation and Award

Port staff will seek Port Commission authorization to negotiate and enter into agreements with the three highest-ranking respondents. If staff cannot complete negotiations with the highest-ranking firms, Port staff may elect to negotiate with the next highest-ranked firm in descending order.

### 4. Creation of As-Needed Environmental and Planning Services Pool

In addition to up to three as-needed contracts, Port staff will also use this procurement to create a pre-qualified pool for a period of no longer than two years. The Port will conduct additional solicitation for firms within the pool as required by

Chapter 6. Port staff will return for Port Commission action on all future contracts awarded from this pool above the minimum competitive amount.

#### Local Business Enterprise (LBE) Subconsulting Goal

It is the goal of the Port to maximize participation of Local Business Enterprises in its contracting opportunities. Potential roles for LBEs in this contract include Environmental Advisory Services, Habitat Environmental Services, Regulatory Compliance, and Environmental Impact Analysis.

The City's Administrative Code Chapter 14B – the Local Business Enterprise and Non-Discrimination in Contracting Ordinance – establishes discounts for LBE prime consultants and empowers CMD to set a project specific goal for LBE subcontractor participation.

For this proposed professional services contract, the ordinance establishes rating bonuses for LBE prime consultants and joint ventures at each stage of the grading process to level the playing field between LBE and non-LBE proposers. The rating bonus is applied as follows:

- Five percent (5%) to a Joint Venture with Small and/or Micro-LBE prime contractor participation that equals or exceeds thirty-five percent (35%) but is under forty percent (40%);
- Seven and one half percent (7.5%) to a Joint Venture with Small and/or Micro-LBE prime contractor participation that equals or exceeds forty percent (40%); and
- Ten percent (10%) to Joint Venture exclusively among Small and/or Micro-LBE prime contractors.

CMD set the LBE subcontracting participation goal for these proposed contracts at 15%. The selected prime contractors will be obligated to subcontract a minimum of 15% of the total contract value to certified LBE firms.

#### **OUTREACH EFFORTS**

Subject to Port Commission authorization, Port staff will advertise the RFQ opportunity on the Port and the City-wide Supplier Portal. Staff will directly outreach to LBE firms certified to provide Environmental Advisory Services, Habitat Environmental Services, Regulatory Compliance, and Environmental Impact Analysis, The Port will advertise this RFQ to interested parties identified through industry market research and include regional chambers of commerce and other trade organizations developed under the Port's Racial Equity Action Plan Action Item 8.1.1.<sup>1</sup>

The Port will host a pre-submittal conference to review the RFQ and answer respondent questions.

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<sup>1</sup> Racial Equity Action Plan Item 8.1.1. is to advertise all contracting events to racially diverse businesses, LBE, DBE, and non-certified minority owned businesses.

## **SCHEDULE (Subject to Change)**

In accordance with the following timeline, Port staff expects to return to the Port Commission in January 2023 to request approval to award the contracts.

<u>Activity</u>	<u>Target Date</u>
Port Commission Authorization to Advertise	September 2022
Civil Service Commission Authorization to Contract Out Services	September 2022
Commence RFQ Advertisement	September 2022
Pre-Submittal Meeting	September 2022
Submission Due Date	November 2022
Interviews	December 2022
Port Commission Request to Award Contracts	January 2023
New Contracts Commence	March 2023

## **FUNDING**

Funding for these services will be encumbered on a project basis and drawn from either the Port operating budget or capital budget. Some services may be funded through General Obligation or Port Revenue Bonds. Funding for each Contract Service Order will be identified prior to requesting CSO proposals from the as-needed contracting pool. CSOs will not be issued without available funding.

## **SUMMARY**

Staff recommends that the Port Commission approve the attached resolution authorizing staff to advertise the Request for Qualifications for as-needed environmental and related professional services.

Prepared by:

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For

Katharine Petrucione, Chief Financial Officer  
Finance and Administration Division

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 22-44**

- WHEREAS, The Port of San Francisco's environmental staff has, in the past, been requested to provide essential services that exceed staff resources available to the Port and other City departments; and
- WHEREAS, the Port anticipates a continued need for environmental and related professional services based upon its aging infrastructure, evolving environmental regulations, and the requirements of the Port's Ten Year Capital Plan; and
- WHEREAS, Port staff has managed and met environmental resource demands through three existing "as-needed" environmental and related professional services contracts to augment staffing of important and urgent projects; and
- WHEREAS, the Port's existing As-Needed Environmental and Related Professional Services Contracts have provided a timely and cost-effective vehicle for the provision of professional services, but these contract terms are scheduled to expire in October of 2023, and further services are needed; and
- WHEREAS, Port staff has drafted a Request for Qualifications (RFQ) to solicit as-needed environmental and related professional services; and
- WHEREAS, the RFQ solicitation will incorporate a 15% sub-consulting goal for Local Business Enterprises as recommended by the Contract Monitoring Division; and
- WHEREAS, funding for these services will be encumbered on a project basis and drawn from either the Port operating budget or capital budget; now, therefore be it
- RESOLVED, that the San Francisco Port Commission hereby authorizes Port staff to advertise a Request for Qualifications for three environmental and related professional services contracts for as-needed services, each in an amount not to exceed \$2,500,000, with a term of four years, and option to extend the term for one additional year in the Port's sole discretion subject to approval of the Civil Service Commission;
- RESOLOVED, that the San Francisco Port Commission hereby authorizes Port staff to create a pre-qualified pool of all qualified firms from the RFQ, which will exist for a maximum duration of two years and from which additional

contracts may be solicited and awarded for contract durations not to exceed three years.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of September 13, 2022.***

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Secretary