



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kerrie Romanow

SUBJECT: SEE BELOW

DATE: October 10, 2017

Approved

Date

10-19-17

SUBJECT: MASTER CONSULTANT AGREEMENT WITH PARADIGM ENVIRONMENTAL FOR GREEN INFRASTRUCTURE PLANNING AND REASONABLE ASSURANCE ANALYSIS

RECOMMENDATION

Approve a Master Consultant Agreement with Paradigm Environmental to provide services related to green infrastructure planning and reasonable assurance analysis from the date of execution through October 31, 2020, in an amount not to exceed \$500,000, subject to the appropriation of funds.

OUTCOME

Approval of this master agreement provides the City with the ability to obtain as-needed professional services for projects related to green infrastructure plan development and reasonable assurance analysis.

BACKGROUND

The Federal Clean Water Act requires the City to operate under a National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit for the discharge of stormwater to surface waters via the City's storm sewer collection system. The current five year San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Stormwater Permit), adopted by the Regional Water Quality Control Board on November 19, 2015, became effective January 1, 2016.

The Stormwater Permit requires the City to develop a Green Infrastructure Plan (GI Plan) for incorporating low impact development drainage design elements into existing storm drain infrastructure on public and private lands. Prior to developing the GI Plan for submittal to the

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Water Board by September 30, 2019, the City was required to approve a framework for the GI Plan by June 30, 2017. Council approved the GI Plan Framework on May 23, 2017. Additionally, the Consent Decree (CD) between the City and Baykeeper, effective August 11, 2016, obligates the City to develop a plan referred to as a Comprehensive Load Reduction Plan (CLRP) describing how the City will implement green infrastructure to reduce bacteria entering the storm sewer collection system, distinguishing it from the GI Plan requirements which focus on reducing PCBs and mercury. The GI Plan and CLRP requirements are similar as they are both intended to be implementation plans that provide reasonable assurance that pollutant loads will be reduced. Because the elements of the two plans are so similar, City staff plan to incorporate the CLRP into the GI Plan.

The GI Plan must include a description of a reasonable assurance analysis (RAA) conducted by the City. An RAA is a modelling analysis intended to provide "reasonable assurance" to the Water Board, Baykeeper, and other stakeholders that the City's plan will, through implementation of green infrastructure and other control methods, reduce stormwater pollutants to acceptable levels. For the purpose of the GI Plan, the RAA will focus primarily on the reduction of bacteria while also considering the reduction of PCBs and mercury.

ANALYSIS

On July 21, 2017 the City issued a Request for Proposals (RFP), seeking to establish a master agreement with a firm(s) to provide professional services related to green infrastructure planning and reasonable assurance analysis. Green infrastructure planning would include developing the GI Plan, identifying potential green infrastructure project locations, engineering conceptual project designs, and conducting community engagement and education. Reasonable assurance analysis would require developing computer models used to assess hydrology and pollutant levels for San Jose watersheds that, combined with pollutant control measure models and GIS-based mapping tools, could help determine the most cost-effective way to reduce bacteria, PCBs, and mercury reaching creeks through the City's storm sewer collection system.

The City received two Statements of Qualifications (SOQ) by the August 23, 2017 submittal deadline. A Technical Evaluation Panel, consisting of representatives from the Environmental Services Department (ESD) and the Public Works Department (PW) evaluated and ranked the proposals in accordance with the procedures set forth in the RFP. Each panel member evaluated the SOQs using a consistent scoring matrix based on the firm's expertise, experience, approach, and Local/Small Business Enterprise (LBE/SBE) status. Each firm received a total score comprised of their RFP score, and LBE/SBE status as shown below.

DESCRIPTION	WEIGHT
Proposal Responsiveness	Pass/Fail
Experience	35%
Expertise	30%
Approach	25%
Local Business Enterprise	5%
Small Business Enterprise	5%
TOTAL	100%

As a result of the evaluation of the SOQs, the top proposing consultant was selected. No oral interviews were conducted. The final ranking and scores for each firm were as follows:

<u>Company/Firm</u>	<u>Rank</u>	<u>Score</u>
Paradigm Environmental	1	73
Geosyntec Consultants	2	63

In accordance with City policy, 10 percent of the total evaluation points were reserved for local and small business enterprise status. Neither of the firms qualified for the Local Business Enterprise (LBE), and neither of the firms qualified for the Small Business Enterprise (SBE) status.

Award Recommendation

The City has reached an agreement with Paradigm Environmental, and staff is recommending award of the master consultant agreement to Paradigm Environmental in an amount not to exceed \$500,000.

Paradigm Environmental is a consulting firm that specializes in hydrology and pollutant modelling, engineering, and regulatory strategies for meeting compliance with stormwater regulations. The firm has demonstrated their expertise through several years of working with local government agencies throughout California to help them comply with stormwater permit requirements similar to those in the Bay Area. They have a multi-disciplinary team of sub-consultants that include two local firms: EOA, located in Oakland and Sunnyvale, and Lotus Water, located in San Francisco. The collective experience of Paradigm Environmental and their sub-consultants includes hydrology and pollutant modelling, green infrastructure plan development, engineering services, and community outreach assistance for municipalities in Los Angeles County, City of San Francisco, San Mateo County, and municipalities in Santa Clara County.

Professional services to be provided under this master agreement may include, but are not limited to: GI plan development, modelling and analysis, GIS mapping, project design, and community education and outreach.

EVALUATION AND FOLLOW-UP

Staff will provide updates to the Transportation and Environment Committee to update the status of GI Plan development in 2018 and for ultimate approval of the GI Plan in spring 2019.

POLICY ALTERNATIVES

Alternative 1: Do not award the master consultant agreement and direct City staff to provide the required services with in-house resources.

Pros: Reduced financial burden to the City.

Cons: Possible return to legal action and failure to comply with the Stormwater Permit. The Baykeeper CD requires the City to contract with a qualified consultant or identify qualified staff by November 30, 2017 and the Stormwater Permit requires the City to develop a Green Infrastructure Plan by September 30, 2019.

Reason for not recommending: The lack of expertise and in-house staff resources might result in noncompliance with the Municipal Regional Permit and Baykeeper CD. In addition, allocating existing City staff for modelling and plan writing work of this magnitude would impact the ability to conduct ongoing programs and services.

PUBLIC OUTREACH

The City advertised a RFP to solicit professional firms for green infrastructure planning and RAA modelling. The RFP was listed on the City's Internet (Bid Hotline) and BidSync from July 21, 2017 to August 23, 2017. This memorandum will be posted on the City's website for the October 31, 2017 Council Meeting Agenda.

COORDINATION

This memo has been coordinated with the departments of Public Works, Transportation, Parks, Recreation and Neighborhood Services, the City Attorney's Office, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

There is no commission recommendation or input associated with this action.

FISCAL/POLICY ALIGNMENT

The consultant retained under this agreement will assist in development of a GI Plan and RAA required for the City to comply with the Baykeeper CD and the Stormwater Permit.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$ 500,000
2. COST ELEMENTS OF MASTER AGREEMENT: The consultant's services are reimbursed on actual hourly wages and per work product. The firms are also compensated for pre-approved sub-consultants and contract personnel, as well as certain reimbursable expenses.
3. SOURCE OF FUNDING: 446 - Storm Sewer Operating Fund and 469 – Storm Sewer Capital Fund.
4. FISCAL IMPACT: The proposed operating and maintenance costs of this project have been reviewed, and staff has determined that the project will have no significant adverse impact on the Storm Sewer Operating Fund.

BUDGET REFERENCE

Services performed by the consultant under this agreement will be authorized by service orders. While an appropriation is not required for execution of this master consultant agreement, one is required for each service order authorized under this agreement. Services performed for a specific project will be funded by that project's appropriation. Future funding is subject to appropriation and, if needed, will be included in the development of future year budgets during the annual budget process.

CEQA

Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Any future activities resulting in a change to the physical environment would require approval of CEQA review.

/s/

KERRIE ROMANOW
Director, Environmental Services

For questions, please contact Napp Fukuda, Deputy Director of Environmental Services, at (408) 793-5353.