



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: January 25, 2021

Approved

Date

01/28/21

SUBJECT: MASTER CONSULTANT AGREEMENTS WITH GHD INC., AND BROWN AND CALDWELL FOR SUPPORTING THE CITY'S PLANNING AND IMPLEMENTATION OF THE GREEN STORMWATER INFRASTRUCTURE PLAN

RECOMMENDATION

Approve master agreements with GHD Inc. and Brown and Caldwell to support the City of San Jose's planning and implementation of Green Stormwater Infrastructure (GSI) Plan from the date of execution through February 28, 2026, with each agreement not to exceed \$5,000,000.

OUTCOME

The approval of the master agreements will enable the City to obtain the consultant services necessary to support the City's planning and implementation of the GSI Plan, including program management, project planning and prioritization, public outreach and grant funding supports, and comprehensive multidisciplinary professional services for feasibility studies, engineering, design, project delivery, and implementation of GSI Projects.

BACKGROUND

On September 10, 2019, the City Council approved the GSI Plan, advancing the City's goals of a more comprehensive approach in managing stormwater quality, demonstrating the City's long-term commitment to reduce stormwater pollutants discharged to local waterways, providing multiple benefits for the environment and community, and meeting regulatory requirements. The City Council also, among other recommendations, directed staff to develop an inclusive communication strategy, develop a list of near-term projects and approaches with a corresponding funding strategy, and pursue partnerships with other agencies for possible funding.

The GSI Plan lays out the City's approach, strategies, targets, and a roadmap of how the City of San José will transform its urban landscape and storm drainage systems from a singular reliance on traditional "gray" infrastructure, where stormwater runoff flows directly from impervious surfaces into storm drains and receiving waters, to an integrated approach that includes more resilient and sustainable "green" infrastructure systems. These GSI facilities are categorized as Green Streets, Parcel-Based LID retrofits, and Regional Projects.

Goals of the GSI Plan include: 1) protect beneficial uses of waterways within San José, including the Bay, and provide environmental and community benefits; 2) capture, infiltrate, treat, and/or "repurpose" stormwater with multi-benefit projects that can enhance public spaces, water supply, flood control, habitat, and green spaces; 3) retrofit public right-of-ways to exhibit complete streets with GSI; 4) reduce pollutants discharging to creeks from the Municipal Separate Storm Sewer System; and 5) demonstrate quantitatively the pollutant load reductions that can be achieved through implementation of GSI.

Staff has proceeded with the planning phase of the River Oaks Stormwater Capture Project, one of the six regional GSI projects identified in the GSI Plan. On August 25, 2020, the City Council adopted a resolution authorizing the City Manager to negotiate and execute a Local Project Sponsor Agreement with the Association of Bay Area Governments to effectuate a \$3,203,550 grant with City matching funds of 65% for the total project cost relating to the River Oaks Stormwater Capture Project. The 65% matching funds would come from the Measure T Program – Clean Water and Green Infrastructure Projects.

ANALYSIS

In July 2020, the City issued a Request for Qualifications (RFQ) seeking qualified Consultants to provide as-needed Consultant Services to support the City's planning and implementation of the GSI Plan. The services include program management support, project planning support, public outreach and grant funding support, and comprehensive multidisciplinary professional services for identifying, planning, engineering and design, project delivery, and implementation of GSI Projects, including the River Oaks Stormwater Capture Project.

The City received responsive Statements of Qualifications (SOQs) by the August 13, 2020 submittal deadline from the following firms:

- GHD Inc.
- Brown and Caldwell
- MIG
- BKF Engineers
- HMM Engineers

A Technical Evaluation Panel (TEP) was formed with individuals from the Department of Public Works and the Environmental Service Departments to evaluate the SOQs following procedures outlined in the RFQ. Each TEP member evaluated the SOQs using a consistent scoring matrix based on the firm’s expertise, experience, and approach. These firms were evaluated and ranked based on their previous experience related to the planning and implementation of green stormwater infrastructure program and projects.

The TEP reviewed the SOQs and invited the four (4) highest ranked firms for interviews on the week of October 6, 2020, and the City posted the Notice of Final Rankings with the below scores on October 9, 2020.

Chapter 4.12 of the San José Municipal Code provides a preference for Local and Small Businesses in the procurement of goods and services, and this was included in the evaluation ranking.

Consultant	SOQ Score	Interview Score	Local Business Enterprise Score	Total
GHD Inc.	59.37	17.24	5	81.61
Brown and Caldwell	59.31	17.14	5	81.45
MIG	54.69	15.31	5	75.00
BKF Engineers	53.30	16.59	5	74.89

Award Recommendation

GHD Inc. and Brown and Caldwell demonstrated possessing qualifications and experience and expertise to provide the needed services for the City with higher scores and ranked number one and two in the consultant selection process. Staff recommends executing master consultant agreements with GHD Inc. and Brown and Caldwell in order to give the City the necessary capacity to plan and implement the GSI Plan and Projects, in support of the City’s comprehensive approach in managing stormwater quality.

The Master Consultant Agreements will be administered with individual Service Orders. Each service order will specify the scope of services that these firms must perform and the compensation to which the consultant would be entitled upon delivery of all specified services. Funding will not be encumbered or expended unless a funding source is clearly identified before the issuance of each service order.

The Department of Public Works will issue service orders to the various consultants in accordance with its written Issuance of Service Orders Policy.

The Master Consultant Agreements will have a separate aggregate maximum compensation limit of \$5,000,000 for each agreement and shall expire on February 28, 2026, unless compensation level is reached earlier.

CONCLUSION

Staff recommends the award and execution of the Master Consultant Agreements to support the City's planning and implementation of the GSI Plan, including program management, project planning and prioritization, public outreach and grant funding supports, and comprehensive multidisciplinary professional services for planning, engineering and design, project delivery, and implementation of GSI Projects, including the River Oaks Stormwater Capture Project. The award of these Master Consultant Agreements will be in line with the City's goals of more comprehensively managing stormwater, providing multiple benefits for the environment and community, and meeting regulatory requirements.

EVALUATION AND FOLLOW-UP

These master agreements will allow consultants to provide as-needed support to the City to plan and implement the GSI Plan and Projects. Staff will present an update on GSI implementation to the Transportation and Environment Committee in Spring 2021.

As part of utilizing funding from the Measure T Program, staff will present to the City Council for approval in Spring 2021 the scope of the River Oaks Stormwater Capture Project (Planning Study Report) and the associated CEQA documentation.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum is consistent with major strategies, goals, and policies of the Envision San José 2040 General Plan, and aligns with the direction the City is moving with Climate Smart San José initiatives.

POLICY ALTERNATIVES

Alternative #1: Award one master consultant agreement to the top firm instead of two master agreements to the top two firms.

Pros: Administration would be simpler with only one agreement.

Cons: One consultant will not have enough resources to support the City's planning and implementation of GSI Plan.

Reason for not recommending: Due to the extent of the scope of work and the required schedule for the City to plan and implement the GSI Plan, one master agreement with the top firm will be insufficient to support the City's work.

Alternative #2: Do not award the master consultant agreements and direct City staff to provide the required services with in-house resources.

Pros: This project would give staff an opportunity to gain experiences in GSI Plan's planning and implementation.

Cons: PW has limited in-house capacity and expertise to perform the work. Shifting existing staff resources to the project at this time would delay the project and adversely affect the City's effort in planning and implementation of the GSI Plan.

Reason for not recommending: Current staff is fully utilized. Also, staff does not have sufficient experience and expertise to perform the highly technical and complex work. This project requires consultant staffing, services, and the consultant's specialized experience and expertise to support the City's planning and implementation of the GSI Plan.

PUBLIC OUTREACH

Procurement staff used Biddingo to conduct outreach to local and small business enterprises. Chapter 4.12 of the San Jose Municipal Code defines a "local business enterprise" as one with a legitimate business presence in Santa Clara County and "small business enterprise" as a local business enterprise with 35 or fewer employees. Procurement staff sent notifications to 9,364 vendors, and documents were downloaded by 85 vendors, approximately 21 of which were located within Santa Clara County. Both of the recommended consultants are local business enterprises.

COORDINATION

This memorandum has been coordinated with the Environmental Services Department, the City Attorney's Office, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

FISCAL/POLICY ALIGNMENT

This action aligns with the City Council approved GSI Plan, the City’s strategy in compliance with the National Pollutant Discharge Elimination System Stormwater Permit, and the City’s implementation of goals, policies, and actions from the Envision San José 2040 General Plan and Climate Smart San José.

COST SUMMARY/IMPLICATIONS

1.	AMOUNT OF RECOMMENDATION/COST OF PROJECT:	
	Agreement with GHD (not-to-exceed)	\$5,000,000
	Agreement with B&C (not-to-exceed)	\$5,000,000
	TOTAL	\$10,000,000

Funding for Master Agreements is not encumbered or expended until the issuance of each service order with appropriate funding sources clearly identified.

2.	COST ELEMENTS OF AGREEMENTS:	
	Project Planning, Master Planning, 10-YR CIP, Program Management and Planning Support, Stakeholder and Community Engagement, and Funding and Regulatory Support	\$2,850,000
	Planning, CEQA, Final Design, and Construction Management and Engineering Support for GSI Projects Up to \$35M in Capital Cost	\$6,000,000
	Planning, CEQA, and Final Design for GSI Projects Up to \$15M in Capital Cost	\$1,150,000

3.	SOURCE OF FUNDING:	
	469 - Storm Sewer Capital Fund (APPN 402P - Green Infrastructure Improvements, and APPN 422S - River Oaks Stormwater Capture, State of California, Prop 1 Integrated Regional Water Management Program Grant)	
	498 - Public Safety and Infrastructure Bond Fund – Storm Sewer (APPN 414V - Measure T – Clean Water Projects)	

4. **FISCAL IMPACT:** The approval of Master Agreements for these consultant services will have no impacts to operation and maintenance costs.

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum, including program planning, project planning, project design and construction support service costs.

Fund #	Appn #	Appn Name	Total Appn	2020-2021 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
469	402P	Green Infrastructure Improvements	\$1,230,000	V-101	6/23/2020, Ord. No. 30437
469	422S	River Oaks Stormwater Capture	\$1,518,000	N/A	8/25/2020, Ord. No. 30470
498	414V	Measure T – Clean Water Projects	\$542,000	V-96	10/20/2020, Ord No. 30494

CEQA

Not a Project, File No. PP17-002 – Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003 - Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

/s/
MATT CANO
Director of Public Works

For questions, please contact Michael O’Connell, Deputy Director, Public Works Department at michael.oconnell@sanjoseca.gov.