



March 1, 2021

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Agreement for Measure M2 Environmental Mitigation Program
Regulatory Support Services

Overview

Consultant services are needed to provide professional environmental mitigation support with a focus on regulatory permitting services associated with the Orange County Transportation Authority's Measure M2 Environmental Mitigation Program. Board of Directors' approval is requested to execute an agreement for these services.

Recommendations

- A. Approve the selection of Glenn Lukos Associates, Inc., as the firm to provide regulatory support of the Orange County Transportation Authority's Measure M2 Environmental Mitigation Program.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2701 between the Orange County Transportation Authority and Glenn Lukos Associates, Inc., in the amount of \$500,000, for a five-year term to provide regulatory permitting services associated with the Orange County Transportation Authority's Measure M2 Environmental Mitigation Program.

Discussion

In 2006, Orange County voters approved the renewal of Measure M, the half-cent sales tax to support continued investments in transportation projects and programs in Orange County through 2041. As part of the Measure M2 (M2) Program, a portion of the M2 Freeway Program revenues was set aside for the M2 Environmental Mitigation Program (EMP). The EMP provides funding for coordinated mitigation to offset impacts from the 13 freeway projects covered by M2 and ensures a streamlined permitting process.

The Orange County Transportation Authority (OCTA) prepared the Natural Community Conservation Plan/Habitat Conservation Plan (Conservation Plan) as a mechanism to offset potential project-related impacts on threatened and endangered species and their habitats in a comprehensive manner. A key component of the Conservation Plan has included the identification and acquisition of open space properties to offset habitat impacts. To date, seven OCTA properties (Preserves), totaling approximately 1,300 acres, have been successfully acquired (Attachment A). In addition, 12 different habitat restoration projects have been funded throughout Orange County and are also displayed in this same attachment.

The selected consultant will be a resource during the contract term to support the EMP with various tasks in relation to freeway project permitting, the Preserves, and the restoration projects. The M2 freeway projects are anticipated to impact jurisdictional waters, or waters that are subject to regulation by the United States Army Corps of Engineers (Corps), the State Water Resources Control Board (SWRCB), and the California Department of Fish and Wildlife (CDFW). These same types of impacts may also occur at the Preserves due to ongoing management or emergency projects. Regulatory permits may be required to cover each of these activities. The range of tasks the selected consultant may perform includes regulatory agency coordination, freeway project permitting consistency checks, assistance with Preserve permitting, conducting technical field assessments, providing cultural support services for EMP compliance, assistance with the development of land protection documents, and support for the transfer of management of the Preserves.

Procurement Approach

This procurement was handled in accordance with OCTA Board of Directors (Board)-approved procedures for professional and technical services. In addition to cost, many other factors are considered in an award for professional and technical services. Award is recommended to the firm offering the most comprehensive overall proposal considering such factors as project organization and staffing, prior experience with similar projects, work plan, as well as cost and price.

On December 8, 2020, Request for Proposals (RFP) 0-2701 was issued electronically on CAMM NET. The project was advertised in a newspaper of general circulation on December 8 and 14, 2020. A pre-proposal conference was held on December 14, 2020, with three attendees representing three firms. Two addenda were issued to provide a copy of the pre-proposal registration sheet and communicate administrative information related to the RFP.

On January 6, 2021, three proposals were received. An evaluation committee consisting of OCTA staff from Contracts Administration and Materials Management, Project Development, Project Management, and Public Outreach departments met to review all proposals received.

The proposals were evaluated based on the following evaluation criteria and weightings:

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| • | Qualifications of the Firm | 30 percent |
| • | Staffing and Project Organization | 30 percent |
| • | Work Plan | 20 percent |
| • | Cost and Price | 20 percent |

Several factors were considered in developing the criteria weightings. Qualifications of the firm was weighted at 30 percent. The higher weighting in this category emphasized the importance for the firm to demonstrate relevant experience supporting the EMP with various tasks in relation to the Preserves, restoration projects, and freeway project permitting. Staffing and project organization was also weighted at 30 percent to ensure the proposed project team had the required skills and expertise needed to perform the work. The work plan was weighted at 20 percent as the proposing firm had to demonstrate its understanding of the range of tasks and its approach to providing the services included in the scope of work. Cost and price were also weighted at 20 percent to ensure the services would be provided at competitive rates and that OCTA receives the best value for the services provided.

On January 13, 2021, the evaluation committee reviewed all proposals received based on the evaluation criteria and short-listed the two most qualified firms. The two short-listed firms are listed below in alphabetical order:

Firm and Location

Chambers Group, Inc. (Chambers)
Santa Ana, California

Glenn Lukos Associates, Inc. (Glenn Lukos)
Santa Ana, California

On January 19, 2021, the evaluation committee interviewed the two short-listed firms. The interviews consisted of a presentation to demonstrate the firms' understanding of OCTA's requirements for this project. Specifically, the firms were requested to describe their approach to providing regulatory support including experience developing and implementing programmatic permits and innovations that could be applied to this project.

The firms' project managers and key team members had an opportunity to present qualifications and respond to the evaluation committee's questions. Questions were asked relative to the firms' experience performing similar services, enhancements to the scope of work, and cost-saving measures for this project. In addition, each firm was asked specific clarification questions related to their proposal.

After considering the responses to the questions asked during the interviews, the evaluation committee reviewed the preliminary rankings and made adjustments to individual scores. However, Glenn Lukos remained the higher ranked firm with the higher overall score.

Based on the evaluation of the written proposals, information obtained from the interviews, as well as cost and price, the evaluation committee recommends Glenn Lukos for consideration of the award. The following is a brief summary of the proposal evaluation results.

Qualifications of the Firm

Glenn Lukos is located in the City of Santa Ana and has been providing environmental services since 1989. The firm employs 21 environmental professionals. The firm has distinctive regulatory experience specifically within Orange County and has worked with public and private entities. This experience includes the Aliso Creek Restoration Project to obtain regulatory/resource agency approval for the Habitat Mitigation Monitoring Program and Property Analysis Report. Since 1994, the firm has performed various biological and regulatory services for the City of Laguna Beach and regulatory support for the Laguna Beach Fire Department. Glenn Lukos has also provided similar services for OCTA where it demonstrates in-depth understanding of the Corps Letter of Permission procedures and the SWRCB assurances. The firm has experience with coastal development permits for management tasks on the Preserves, as well as with the Corps to track the M2 project impacts to jurisdictional areas and mitigation as the M2 projects move forward.

Chambers is located in the City of Santa Ana and has been providing environmental expertise and technical documentation since 1978. The firm has 76 employees and four decades of support experience maintaining compliance with applicable federal, state, and/or local environmental laws, regulations, and guidelines. The firm demonstrated experience providing similar services on a project for the City of Newport Beach where the firm provided jurisdictional delineation reports and restoration plans for the Superior Avenue Pedestrian and Bicycle Bridge. Chambers also prepared renewal permits for the Lost Canyons, LLC, development project for Newport Pacific Land Company.

In addition, the firm provided environmental consulting services for Marblehead Development Partners for the Sea Summit at Marblehead Coastal Development Project in the City of San Clemente, and environmental project management for San Diego Gas & Electric Company. The firm did not list projects where they specifically performed regulatory services required by the scope of work.

Staffing and Project Organization

Glenn Lukos proposed a qualified team with over ten years of experience for each team member. Additionally, the project team includes task leads and support staff to provide flexible scheduling. The firm's proposal demonstrated staff's knowledge of sensitive wildlife, plant species, and vegetation communities in the foothills and coastline, as well as applicable technical skills. The proposed project team has managed restoration projects, sensitive species surveys, vegetation mapping, plant surveys, and other environmental services throughout Orange County. The proposed project manager and lead regulatory specialist each have 15 years of regulatory support experience throughout Southern California with proposed availability at 65 percent to commit to this project and have experience preparing permit applications and developing programmatic permitting framework for advanced mitigation approvals for OCTA and the Corps. During the interview, the project team provided comprehensive responses to the evaluation committee's questions.

Chambers proposed an experienced team. The proposed project manager has over 20 years of experience and proposed 80 percent availability to this project. The proposed project manager and regulatory specialist have worked within the County of Orange and demonstrated an understanding of basic regulatory permitting, mitigation, and habitat restoration process. The project team is comprised of task leads and support staff who have experience with environmental permitting and compliance processes, project management, business development, and agency consultation. Other proposed key personnel range from one to 17 years of experience performing similar work with the firm. The resumes did not demonstrate that proposed staff has experience with complex programs and projects within Southern California. The project team responded to questions during the interview except staff availability. Staff availability was provided via email after the interviews.

Work Plan

Glenn Lukos presented a work plan that addressed all elements of the scope of work, its requirements, and presented a clear plan to accomplish necessary services and flexibility in scheduling based on needs. In addition, the firm demonstrated an understanding and background of the OCTA Conservation Plan and goals of the EMP. The firm demonstrated knowledge of sensitive

cultural resources on the Preserves and provided examples of Preserve work that may need permitting. The firm demonstrated in-depth understanding of land protection documents needed for the project and described coordination efforts with regulatory agencies, such as CDFW and the Corps. The project team's presentation demonstrated an understanding of the project requirements, including developing and/or implementing programmatic permits specifically with the Corps as required by the scope of work. In addition, they demonstrated a knowledge and understanding of the Corps before and after mitigation impact checklist as required in the scope of work.

Chambers presented a work plan that addressed elements of the scope of work. The work plan demonstrated their understanding of the Preserve permitting and permitting processes, compensatory mitigation, jurisdictional delineations, but presented a generic work plan that was not specifically tailored to OCTA. The proposal also did not elaborate on development of land protection documents in the proposed work plan. The firm's quality assurance and quality control processes were well-defined and provided an avenue to proactively identify problems and solutions. The firm was responsive to the interview questions.

Cost and Price

Pricing scores were based on a formula which assigned the highest score to the firm with the lowest weighted average hourly rate and scored the other proposals' weighted average hourly rate based on its relation to the lowest weighted average hourly rate. Glenn Lukos' weighted average hourly rate was lower than Chambers' rates, as well as the OCTA project manager's independent cost estimate. Therefore, the firms' rates are deemed fair and reasonable.

Procurement Summary

Based on the evaluation of the written proposals, the firms' qualifications, and the information obtained from the interviews, as well as cost and price, the evaluation committee recommends the selection of Glenn Lukos as the top-ranked firm to provide professional environmental support with a focus on regulatory permitting services associated with OCTA's EMP. Glenn Lukos delivered a comprehensive proposal and an interview that was responsive to all the requirements of the RFP.

Fiscal Impact

This project was approved in OCTA's Fiscal Year 2020-21 Budget, Planning Division, Account No. 0017-7519-FX001-OYM, and is funded through the M2 sales tax revenues.

Summary

Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2701 between the Orange County Transportation Authority and Glenn Lukos Associates, Inc., in the amount of \$500,000, for a five-year term to provide professional environmental support with a focus on regulatory permitting services associated with the Orange County Transportation Authority's Measure M2 Environmental Mitigation Program.

Attachments

- A. OCTA Preserves and Funded Restoration Projects
- B. Review of Proposals, RFP 0-2701 Measure M2 Environmental Mitigation Program Regulatory Support Services
- C. Proposal Evaluation Criteria Matrix (Short-Listed Firms), RFP 0-2701 Measure M2 Environmental Mitigation Program Regulatory Support Services
- D. Contract History for the Past Two Years, RFP 0-2701 Measure M2 Environmental Mitigation Program Regulatory Support Services

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