

**APPROVED**

SEP 16 2015

BOARD OF RECREATION  
AND PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 15-209

DATE September 16, 2015

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED ENVIRONMENTAL HEALTH AND SAFETY SERVICES –  
AWARD OF CONTRACTS

R. Barajas \_\_\_\_\_

K. Regan \_\_\_\_\_

H. Fujita \_\_\_\_\_

\*N. Williams NDW

V. Israel \_\_\_\_\_



General Manager

Approved

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Find, in accordance with Charter Section 1022, that the Department of Recreation and Parks (RAP) does not have, available in its employ, personnel with sufficient time or necessary expertise to undertake specialized professional environmental health and safety tasks in a timely manner, and it is more feasible, economical and in RAP's best interest, to secure these services by contract with several contractors to perform this work as-needed and on an occasional, but frequent basis, without engaging in a new competitive bidding process for each individual project to be performed;
2. Find, in accordance with Charter Section 371(e)(2), that a competitive bidding is not practicable or advantageous as it is necessary for RAP to be able to call on contractors to perform this work as-needed and on an occasional, but frequent basis, without engaging in a new competitive process for each individual project to be performed; however, from among as-needed contractors each individual project is assigned on the basis of availability of an as-needed contractor to perform the work, the price to be charged and the unique expertise of the as-needed contractor;
3. Find, in accordance with Charter Section 372 and Los Angeles Administrative Code Section 10.15(a)(2), that obtaining competitive proposals or bids for each individual project for which work may be performed pursuant to this agreement is not reasonably practicable or compatible with RAP's interests of having available as-needed contractors who are assigned various projects on the basis of availability, price, and expertise, and that it is

REPORT OF GENERAL MANAGER

PG. 2            NO. 15-209

therefore necessary to have several as-needed contractors for this type of service available when called upon by RAP to perform services;

4. Find in accordance with Charter Section 371(e)(10), that use of competitive bidding would be undesirable, impractical or impossible or is otherwise excused by the common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by RAP to provide as-needed environmental health and safety services;
5. Approve proposed Personal Services Contracts (Contracts), substantially in the form on file in the Board Office, between the City of Los Angeles, Department of RAP and the following firms for hazardous materials analysis, surveying and monitoring services, specifying the terms and conditions for a three (3) year contract, subject to approval of the Mayor and of the City Attorney as to form:
  - 1) Converse Consultants  
222 East Huntington Drive, Suite 211  
Monrovia, CA 91016
  - 2) Ninyo & Moore  
355 South Grand Avenue, Suite 2450  
Los Angeles, CA 90071
6. Direct the Board Secretary to transmit the Contracts to the Mayor in accordance with Executive Directive No. 3 and, concurrently to the City Attorney for review and approval as to form;
7. Approve the selection process for the selection of qualified firms;
8. Deny the appeal filed by Andersen Environmental; and,
9. Authorize the Board President and Secretary to execute the contracts upon receipt of the necessary approvals.

SUMMARY:

RAP is in need of environmental health and safety services that staff cannot provide, therefore one or more environmental health and safety services contracts are required. Currently, RAP does not have contracts in place to determine if its buildings and other facilities contain asbestos and/or

REPORT OF GENERAL MANAGER

PG. 3

NO. 15-209

lead-based materials, mold, or other hazardous materials that could expose park patrons and employees to health hazards. In addition, RAP does not have contracts in place for oversight and air monitoring during abatement activities to protect the public and park employees, or contractual services for injury and incident investigations, workplace hazard assessments, safety training, and compliance audits.

On January 21, 2015, the Board approved a Request for Qualifications (RFQ) (Report No. 15-011), which was released January 29, 2015. The RFQ allowed responders to submit proposals in one (1) or both of the following two (2) service categories: Hazardous Materials Analysis, Surveying, and Monitoring; and, Industrial Hygiene.

The scope of the resulting contracts include, but are not limited to, comprehensive asbestos and lead surveys; asbestos and lead abatement oversight and monitoring; industrial hygiene assessments for noise, indoor air quality, and mold; health risk assessments; and injury/incident investigations.

On March 10, 2015, RAP received eleven (11) proposals from the contractors listed in the table below:

Name	Address	Application Category
ACC Environmental Consultants, Inc.	1055 Wilshire Bl., Suite 1450 Los Angeles, CA 90017	Hazardous Materials Analysis, Surveying & Monitoring
Ambient Environmental, Inc.	1464 Sixth Street Norco, CA 92860	Both
Andersen Environmental	5261 West Imperial Highway Los Angeles, CA 90045	Both
A-Tech Consulting, Inc.	1748 W. Katella Av., Suite 112 Orange, CA 92867	Hazardous Materials Analysis, Surveying & Monitoring
Citadel Environmental Services, Inc.	1725 Victory Bl. Glendale, CA 91201	Industrial Hygiene
The Converse Professional Group dba Converse Consultants	222 E. Huntington Dr., Suite 211 Monrovia, CA 91016	Hazardous Materials Analysis, Surveying & Monitoring
Health Science Associates, Inc.	10771 Noel Street Los Alamitos, CA 90720	Both
National Econ Corporation	1899 S. Santa Cruz Street Anaheim, CA 92805	Hazardous Materials Analysis, Surveying & Monitoring

REPORT OF GENERAL MANAGER

PG. 4                      NO. 15-209

Ninyo & Moore	355 S. Grand Av., Suite 2450 Los Angeles, CA 90071	Hazardous Materials Analysis, Surveying & Monitoring
SCA/LA Environmental, Inc.	3605 Long Beach Bl., Suite 108 Long Beach, CA 90807	Both
TRC Solutions, Inc	707 Wilshire Bl., Suite 3250 Los Angeles, CA 90017	Both

Responders were required to provide evidence of their qualifications and to meet the following minimum requirements:

- 1) Provide a brief (maximum of three (3) pages) statement of the firm’s general background information related to conducting environmental health and safety services, including at least ten (10) years of performing hazardous materials analysis, surveying and environmental monitoring work, and/or industrial hygiene services, the organizational approach and range of services, and other resources that will be used in the performance of the contract work.
- 2) Have an established office(s) in Southern California (Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura counties). Responder will provide the address of the office location(s) and the name and phone number of the office manager(s);
- 3) Have had no severe violations or citations lodged by Cal/OSHA or other regulatory agencies in the last three (3) years, particularly any involving the suspensions or revocations of professional licenses or registrations;
- 4) Have certified and technical specialists that have current State of California or applicable governing entity certifications, including: Certified Asbestos Consultant and Certified Site Surveillance Technician; Certified Lead Inspector/Assessor, Lead Project Monitor, Lead Project Designer, and Lead Sampling Technician; Certified Mold Consultant; and, Certified Industrial Hygienist and Certified Safety Professional;
- 5) Submit a list of ten (10) representative projects in the applicable pre-qualification category(ies) completed principally by the company from January 1, 2010 to January 31, 2015; each project listing must contain the following information for each item: the title, a brief description of the project, the service date, the client name and a valid contact reference.
  - Hazardous Materials Analysis, Surveying, and Monitoring: Five (5) asbestos abatement oversight and air monitoring projects and five (5) comprehensive building surveys for both asbestos-containing and lead-containing projects.

## REPORT OF GENERAL MANAGER

PG. 5

NO. 15-209

- Industrial Hygiene: Five (5) industrial hygiene surveys for noise, indoor air quality, and mold and five (5) health risk assessment and injury/incident investigations.

### Results of the RFQ Process

Responses were evaluated solely to determine if each responder met the minimum qualifications as stated in the RFQ Document. The minimum qualifications as set forth determined the responder's knowledge and experience to perform according to the terms and specifications of the resulting contract. Of the eleven (11) responders, only two (2) responders (Converse Consultants and Ninyo & Moore) submitted a responsive pre-qualification package for this RFQ and are therefore being recommended for a contract award. The remaining nine (9) responders failed to submit a completed pre-qualification package, and thus had to be disqualified from any further review of qualifications. Attachment 1 lists the responders and, where applicable, the reason(s) for disqualification.

The Board Office received a letter of protest dated February 13, 2015 from Mr. Jason Ironi of Andersen Environmental (Andersen), provided as Attachment 2 of this report. In the letter, Mr. Ironi raises an objection to the manner in which the pre-proposal conference was conducted. The meeting was scheduled for 10:30 a.m. on February 11, 2015 at the Valley Region Headquarters. Attendance was mandatory, however, Mr. Ironi contends that a number of proposers arrived between 10:30 a.m. and the meeting's conclusion at approximately 11:00 a.m. The RAP staff who conducted the meeting made an allowance for late arrivals and the meeting's sign-in sheet did not record the arrival time, therefore it is not possible to ascertain the late arrivals from those who attended on time.

The protest letter argues that individuals arriving after 10:30 a.m. should be considered as having failed to attend the mandatory meeting (and therefore ineligible to submit a proposal), taking into consideration the timely arrival of Mr. Ironi and a number of other proposers. RAP is recommending that Mr. Ironi's protest be overturned on the grounds that the pre-proposal conference is held for the benefit of prospective proposers, as it provides information to assist proposers in preparing a complete proposal that meets the requirements as stated in the RFQ; as such, it is at RAP's discretion whether to allow late arrivals. The decision to overturn the protest will have no bearing on Andersen's status as a result of the RFQ, because the firm was disqualified for failing to pass the Level I requirements as noted in Attachment A. Also, because the pre-proposal conference's sign-in sheet does not contain arrival times, it would be difficult to accurately assess whether the two firms being recommended for contract awards were among the proposers who arrived late.

Mr. Ironi and the other disqualified proposers were notified of their disqualification status and the pending reissuance of the RFQ in which they would be invited to resubmit proposals.

## REPORT OF GENERAL MANAGER

PG. 6

NO. 15-209

Mr. Ironi in particular was informed of the date and time of the Commission meeting in which this item would be considered so that he would have the opportunity to address the Board with his concerns. The RAP representative who conducted the meeting is also available to address any questions the Board may have.

### Recommended Proposers

Upon review and verification by RAP staff, it was determined that two proposers, Converse Consultants and Ninyo & Moore met and/or exceeded the minimum qualifications of the RFQ. In addition, the two responders passed the City's Business Inclusion Program (BIP) outreach requirements. Both applied under the hazardous materials analysis, surveying, and monitoring services category and are being recommended for contract awards. Neither responder submitted a proposal under the industrial hygiene services category.

Once it was determined that the two responders had met the minimum qualifications, RAP staff contacted the responders' provided references. Questions were posed regarding the responders' ability to produce a quality product that met all necessary standards in a timely manner. They were also asked if the responder was timely and effective in their correspondence with contracting agencies. All of the references responded favorably to these questions and highly recommended the respective responder. As a result, the two responders are recommended as pre-qualified Environmental Health and Safety Services contractors who will be eligible to bid on future RAP projects.

It is therefore requested that the Board approve contracts for each of the two qualified responders and authorize the Board President and Secretary to execute the contracts, subject to Mayor and City Attorney approval. Each contract will be for a three (3) year term, in an amount not to exceed an annual expenditure of Seven Million Dollars (\$7,000,000.00). The contract amount is an estimate, and RAP does not guarantee that the contract maximum amount will be reached. The professional services that RAP is requesting shall be on an as-needed basis. RAP, in entering into an agreement, guarantees no minimum amount of business or compensation. Contracts awarded through this RFQ shall be subject to funding availability and early termination by RAP, as provided in the Standard Provisions for City Contracts.

### ENVIRONMENTAL IMPACT STATEMENT:

Staff has determined that the authorized as-needed environmental health and safety contracts will establish administrative and funding mechanisms that do not involve any commitment to specific projects, which may result in potentially significant physical impacts on the environment, and therefore, is by definition not a "project" that is subject to CEQA pursuant to Article 20, Section 15378 State CEQA Guidelines. Further CEQA compliance will be addressed as each as-needed contract for a specific project is awarded from the list of pre-qualified contractors.

REPORT OF GENERAL MANAGER

PG. 7            NO. 15-209

FISCAL IMPACT STATEMENT:

Funding for projects will be provided from various project-specific, non-RAP funding sources including but not limited to Proposition K, Quimby, and other State and local grants. Therefore, executing these as-needed contracts will have no impact to the RAP's General Fund.

This Report was prepared by Jim Newsom, Senior Management Analyst I, Contracts Unit.

CITY OF LOS ANGELES DEPARTMENT OF RECREATION AND PARKS  
 RFQ-ENVIRONMENTAL HEALTH AND SAFETY SERVICES  
 SUBMITTAL VERIFICATION  
 4/1/15

PROPOSALS RECOMMENDED FOR CONTRACT AWARD			
Responder Name	Contact Person	Mailing Address	Comments
Converse Consultants	Norman S. Eke	222 E. Huntington Drive, Suite 211 Monrovia, California 91016	Proposal deemed responsive and is recommended for contract award.
Ninyo & Moore	David Richter	475 Goddard, Suite 200 Irvine, California 92618	Proposal deemed responsive and is recommended for contract award.
NON-RESPONSIVE PROPOSALS			
Responder Name	Contact Person	Mailing Address	Comments
ACC Environmental Consultants, Inc.	Justin Graham, Sr. Project Coordinator	1055 Wilshire Bl., Suite 1450 Los Angeles, CA 90017	Responder did not sign the Child Care Declaration Statement on Page 84 of the RFQ document (Both Copies).
Ambient Environmental, Inc.	Not listed	1464 6th Street Norco, CA 92860	1) Responder did not provide two (2) completed RFQ document "Pages 1-134), 2) Responder did not provide two (2) originally signed copies of the RFQ Document, 3) Responder did not provide a completed answer to question # 14 of the Contractor Responsibility Ordinance on Page 69 of RFQ, no attached documentation provide on attachment "B".
Andersen Environmental, Inc.	Dennis Ironi, President	5261 W. Imperial Hwy. Los Angeles, CA 90045	1) Responder did not complete Question #10 of the CRO on Page 68 of RFQ Document, 2) Responder did not provide an answer to question #14 of the CRO on page 69 of RFQ document,
A-Teck Consulting, Inc.	Not listed	1748 Katella Av., Suite 112 Orange, CA 92867	1) Responder did not Complete the BIP, 2) Responder did not submit two (2) Originally Signed RFQ documents, 3) Did not Sign Form on Page 57 of RFQ Document, 4) Did not Form D at Bottom of Page 84 of RFQ document.
Citadel Environmental Servies, Inc.	Not listed	1725 Victory Bl. Glendale, CA 91201	1) Responder did not provide answer to question #14 of CRO on page 69 of RFQ document
Health Science Associates, Inc.	Joel I. Berman, Vice President	10771 Noel St. Los Alamitos, CA 90720	Responder did not provide a response to question #14 of the CRO on page 69 of the RFQ (Both Copies).
Nation Econ Corp.	Mark S. Ervin, President	1899 S. Santa Cruz St. Anaheim, CA 92805	1) Responder did not Sign Form D at bottom of Page 84 of RFQ Document,
SCA/ LA Environmental, Inc.	Mark Osborn, President	3605 Long Beach Bl., Suite 108 Long Beach, CA 90807	Responder's response was missing page 69 of the RFQ, CRO questionnaire (Board Office Copy).
TRC Solutions, Inc.	Chris Phillips, Principal-in-Charge	707 Wilshire Bl., Suite 3250 Los Angeles, CA 90017	1) Responder did not provide required information for questions #18(c) and #19 of CRO on page 70 of RFQ document.



February 13, 2015

Board of Recreation and Park Commissioners  
Attention: Board Secretary or LaTonya D Dean  
PO Box 86328  
Los Angeles, California 90086-0328

Fax Approved by Paul Lyles, (213) 202-2610

RE: Protest of RFQ for Environmental Health and Safety Services – Jimmy Newsom

Dear Board Secretary,

A mandatory pre-bid meeting was scheduled for the above referenced RFQ for 2/11/15 at 10:30am at 6335 Woodley Ave, Van Nuys CA 91406. I had arrived at the site location approximately 9:40am, and was the first person to sign in on the sign in sheet at approximately 10:10am. By 10:30am there were at least 10-15 other contractors who had arrive on time and had subsequently signed the sign in sheet.

At exactly 10:30am I had publicly asked Mr. Newsom if the sign in sheet was now closed; whereas he responded that he will leave it open until 11am for people who are "caught in traffic". Approximately 6-8 additional contractors wandered into meeting at various times between 10:30-11am, and subsequently signed the sign in sheet. It should be noted that the entire meeting ended at about 11am.

Given that this was a mandatory pre-bid, which began promptly at 10:30am , individuals who arrived after 10:30am, subsequently missing portions of the meeting, should be considered as having failed to attend the mandatory pre-bid meeting. Keeping in mind the unequal treatment to those that made an effort to make it on time.

Sincerely,

Jason Ironi

Forwarded to Jimmy N. 2/15 JML