

M E M O

Alameda Corridor Transportation Authority

June 8, 2017

To:	Governing Board
From:	John T. Doherty, Chief Executive Officer
Subject:	<i>Short Duration Extensions and Value Adjustments – Approval of Amendments to C0693 Manatt, Phelps & Phillips, C0036 Tetra Tech, Inc., C0791 Positive Lab Services, and C0840 – Vasquez & Company, LLP (Approval)</i>

Recommendation:

Approve amendments to four ACTA agreements and authorize the Chief Executive Officer or Chief Financial Officer to execute the amendments as follows:

1. No. C0693 – Manatt, Phelps & Phillips for federal advocacy services - 4 month extension through October 30, 2017 and \$20,000 increase to contract value;
2. No. C0036 - Tetra Tech, Inc. for environmental services - 4 month extension through October 30, 2017 with no increase to contract value;
3. No. C0791 - Positive Lab Services for environmental lab services - 4 month extension through October 30, 2017 with no increase to contract value;
4. No. C0840 – Vasquez & Company, LLP for internal auditing services – 4 month extension through October 30, 2017 with no increase to contract value.

Discussion:

The four existing contracts described below must be extended by the terms specified above to enable replacement contracts to be competed and awarded (Recommendations 1-3) and completion of the remaining scope of work for FY17 (Recommendation 4). Additional contracts to be re-competed in FY18 are the subject of another memo of this same date.

Federal Advocacy – Agreement No C0693

Incumbent: Manatt, Phelps & Phillips

The existing federal advocacy contract with the incumbent has been in place since January 1, 2003 and will expire June 30, 2017.

Federal advocacy services have been used to support ACTA's interests in Washington, D.C., which have included, among other efforts, securing over \$16 million in project funding under



transportation bill legislation for the SR-47 Project, securing an \$84 million Railroad Rehabilitation & Improvement Financing (RRIF) loan to support ACTA's debt service, and successfully advising the California Congressional delegation against supporting proposed California State legislation regarding how and from whom ACTA may collect corridor fees to pay its debt service.

The cost of these services is a fixed rate of \$5,000 per month. The contract must be extended for four months with an additional \$20,000 budget to enable a new competitive selection process to be completed and a new contract awarded. The Request for Proposals (RFP) is scheduled to be released later this month.

Environmental On-Call Services – Agreement No. C0036

Incumbent: Tetra Tech, Inc.

The contract with Tetra Tech has been in place since December 12, 1996 and expires June 30, 2017. ACTA had three environmental services contracts in place through June 30, 2016, two of which (NRC and Ninyo & Moore) were allowed to expire at that time. The Board approved extending the Tetra Tech contract through June 30, 2017 to enable time to implement a new competitive selection process for these services.

Services include site assessments; remedial investigation, action plans, and oversight; preparation of health, safety, storm water pollution prevention, emergency response, and hazardous waste transportation plans; asbestos abatement; soil excavation, stockpiling, and treatment; hazardous waste removal and disposal; installation of ground water treatment systems; and other services. The combined contract values for these services by the three environmental firm, since 1996, throughout the years has been approximately \$10 million.

The contract must be extended for four months to enable a competitive selection process to be completed and a new contract awarded. The services covered under this contract will be broken up into two separate contracts – (1) Environmental Site Assessment & Restoration Services and (2) Emergency Response & Hazardous Waste Management Services. Both RFPs were released on April 28, 2017 and the proposals were received by ACTA on June, 7, 2017

Environmental Lab Services – Agreement No. C0791

Incumbent: Positive Lab Services

A lab service contract with the incumbent has been in place since January 2008 and will expire June 30, 2017. To manage environmental issues, an on-call laboratory service contract is required for prompt testing of water, soil, and other required samples. Some services are required on an emergency basis while others are required to be done at specified times throughout the year by various regulatory agencies.

The contract must be extended for four months to enable a new competitive selection process to be completed and a new contract awarded. A formal RFP will not be released. Instead, ACTA will be utilizing a modified RFP process where price sheets are requested from qualified laboratories. A standard RFP process would not be suitable because ACTA requires special testing and the laboratories need to be within a certain proximity of the Corridor.

Internal Auditing Services – Agreement No. C0840

Incumbent: Vasquez & Company LLP

An internal auditing services contract with the incumbent has been in place since July 2013 and will expire June 30, 2017. The internal auditing services are required in order to complete ACTA's Audit Plan, as approved by ACTA's Audit Committee. An RFP was issued in February 2017 and at ACTA's April 2017 Board meeting the Board approved an agreement with the selected firm, BCA Watson Rice – Western Region, LLP, which will be effective on July 1, 2017 to begin FY18 services.

The contract with Vasquez & Company LLP (Vasquez) must be extended for four months to allow the company additional time to complete work assigned to it for the FY17 fiscal year. Vasquez is in the process of completing two audits, but the audit analysis and testing, along with the audit report, may not be finished prior to the June 30, 2017 contract end date.

It is recommended that the Board approve the four amendments and authorize the Chief Executive Officer or Chief Financial Officer to execute the amendments as requested above.

Budget Impact:

Funds for the services, where applicable, are included in the FY18 Program Budget.