

**City of Culver City, California
Agenda Item Report**

Meeting Date: 11/12/2012		Item Number: <u>C-8</u>	
CITY COUNCIL AGENDA ITEM: Amendment to the Existing Professional Services Agreement with Fleming Environmental Inc. to Continue Providing Designated UST Operator Services, Environmental Compliance Testing, and Associated UST and AST Component Repair at Four (4) City Fuel Sites.			
Contact Person/Dept.: Eric Mirzaian/PW		Phone Number: (310) 253-6410	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification (E-mail) Meetings and Agendas-City Council (11/08/12) Fleming Environmental Inc. on (11/5/2012)			
Department Approval: Charles D. Herbertson (11/01/12)		City Attorney Approval: Carol Schwab (by H. Baker) (11/08/12)	
Chief Financial Officer Approval: Jeff Muir (11/08/12)		City Manager Approval: John M. Nachbar (11/08/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council approve an amendment to the existing agreement with Fleming Environmental Inc. (Fleming) to continue providing designated underground storage tank (UST) operator services, environmental compliance testing, and associated (UST) and above ground storage tank (AST) component repair at four (4) City fuel sites. <u>BACKGROUND:</u> Fleming has been providing designated UST operator services, environmental compliance testing, and necessary component repairs at four City fuel sites since January of 2008. The four fuel sites include the Transportation Facility, Police Department, Fire Station #1 and Fire Station #2. Only Fire Station #2 has an AST while the other sites utilize USTs. The operation, monitoring and environmental compliance testing for all USTs and ASTs are strictly regulated by the California Air Resources Board (CARB), the State Water Resources Control Board (SWRCB), and the South Coast Air Quality Management District (SCAQMD) to ensure protection of groundwater resources and air quality. All tank and fueling dispensing components are required to be monitored and inspected by individuals certified as Designated UST Operators. All monitoring equipment must be tested and certified annually, vapor recovery systems must be tested annually, and secondary containment systems must be tested triennially by technicians who possess special qualifications for this testing. Monthly visual			

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inspections need to be performed as well. Additionally, all repairs on these components must be performed by certified tank specialists.

In 2007, a Request for Proposal (RFP) process was initiated to solicit bids from qualified contractors for the noted services. After evaluating all bids received, Staff determined Fleming was the most responsive and responsible bidder and subsequently the City Council at the time approved a three-year contract between the City and Fleming at a not to exceed amount of \$35,674.00 with an optional two-year extension at a not to exceed amount of \$26,821.20.

DISCUSSION:

Fleming has presented a proposal to the City for a new three year agreement with an optional two year extension at the discretion of the Director of Public Works/City Engineer. The proposed contract amount over the initial three-year period would be \$35,674.00 and \$26,821.20 over the two-year extension.

Culver City Municipal Code (CCMC) Sections 3.07.085 provides exemption from the formal bidding process for professional services and only requires the award of the contract be based upon competitive quotations from no less than three vendor contractors whenever practical. Per Section 3.07.085.C.6 of the CCMC, this contract would fall under the category of professional services, which includes the repair and maintenance of City-owned buildings. .

In lieu of conducting another RFP process, Staff has determined the proposal by Fleming is highly competitive and is recommending accepting their proposal since they are proposing pricing levels that were agreed upon by the City and Fleming back in 2007. The City has maintained an effective relationship with Fleming that has resulted in thorough and timely responses to the monitoring and testing needs of the City fuel sites. Fleming has extensive knowledge of the City's UST operation and monitoring documentation, as well as, history of repairs done at all four sites. Fleming also works directly with all applicable regulatory agencies on behalf of the City to ensure ongoing compliance. Because of these reasons, and due to the complex nature of the City's UST and AST operations, Staff recommends amending the existing agreement with Fleming to continue providing the services noted.

FISCAL ANALYSIS:

Funding for the noted services has been appropriated for Fiscal Year 2012/2013 in the Building Repair & Maintenance budgets of the Transportation, Police and Fire Departments for their respective fueling sites.

Funding for repairs and minor modifications associated with changes in regulations and mandates has been established in Capital Improvement Project No. 844 at General Funded fuel sites (Police Department and both Fire Stations) and in the

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Transportation Department Capital Improvement account for the Transportation fuel site.

ATTACHMENTS:

1. Copy of Fleming Environmental proposal.

MOTION:

That the City Council:

1. Approve an amendment to the existing professional services agreement with Fleming Environmental to provide designated underground storage tank (UST) operator services, environmental compliance testing, and associated (UST) and above ground storage tank (AST) component repair at four (4) City fuel sites in a not-to-exceed amount of \$35,674.00 for the initial three years of the proposed agreement; and,
2. Authorize the extension of the agreement for an additional two years at the discretion of the Public Works Director/City Engineer in a not-to-exceed amount of \$26,821.20; and,
3. Authorize the City Attorney to review/prepare the necessary documents; and
4. Authorize the City Manager to execute such documents on behalf of the City.