



City of Culver City

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Staff Report Details (With Text)

File #: 24-1141 **Version:** 1 **Name:** 1) Waiver of Competitive Bidding Requirements, Pursuant to Culver City Municipal Code Section 3.07.075.F.3; and (2) Approval of Amendment to the Existing Fleming Environmental, Inc. Professional General Services Agreement with Fleming Environmental, Inc.

Type: Minute Order **Status:** Consent Agenda

File created: 6/3/2024 **In control:** City Council Meeting Agenda

On agenda: 6/24/2024 **Final action:**

Title: CC - CONSENT ITEM: (1) Waiver of Competitive Bidding Requirements, Pursuant to Culver City Municipal Code Section 3.07.075.F.3; and (2) Approval of Amendment to the Existing General Services Agreement with Fleming Environmental, Inc. for Underground Storage Tank (UST) Operator Services and Environmental Compliance Testing at City Fuel Sites to Extend the Agreement through Fiscal Years 2024-2025 and 2025-2026 in an Additional Aggregate Amount Not-to-Exceed \$180,000.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Meeting Date: June 24, 2024

Contact Person/Dept: Sean Singletary/Public Works - EPO Division

Phone Number: (310) 253-6444

Fiscal Impact: Yes No

General Fund: Yes No

Attachments: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (06/19/2024);

Department Approval: Yanni Demitri, Public Works Director/City Engineer (06/03/2024)

RECOMMENDATION

Staff recommends the City Council (1) waive competitive bidding requirements, pursuant to Culver

City Municipal Code (CCMC) Section 3.07.075.F.3; and (2) approve an amendment to the existing general services agreement with Fleming Environmental, Inc. for Underground Storage Tank (UST) operator services and environmental compliance testing at City fuel sites to extend the agreement through Fiscal Year 2024-2025 and Fiscal Year 2025-2026 for an additional aggregate amount not-to-exceed \$180,000.

BACKGROUND/DISCUSSION

Fleming has been providing designated fuel Underground Storage Tank (UST) operator services, environmental compliance testing, and necessary component repairs at three City fuel sites since 2008. The fuel sites include the Transportation Facility, Police Department, and Fire Station #1. Only Fire Station #2 has an Aboveground Storage Tank (AST) while the other sites utilize USTs. The AST at Fire Station #2 is not subject to the same regulations as USTs and any repairs needed at that location are funded through approved Capital Improvement Project funding. The Transportation Department oversees the maintenance and operation of the fuel sites while the Public Works Department administers and monitors the City's compliance with regulations, and the two Departments work close together to ensure the systems are properly monitored and maintained.

The operation, monitoring and environmental compliance testing for all USTs and ASTs is strictly regulated by the California Air Resources Board (CARB), the State Water Resources Control Board (SWRCB), the South Coast Air Quality Management District (SCAQMD) and Los Angeles County Department of Public Works to ensure protection of groundwater resources and air quality. All tank and fuel 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 certifications for this testing. Monthly visual inspections of the entire fueling systems must be performed as well. Additionally, all repairs on these components must be performed by certified tank specialists.

In 2007, a Request for Proposals (RFP) process was initiated to solicit bids from qualified consultants for the noted services at which time staff deemed Fleming to be the most qualified. The City Council at the time approved a five-year agreement between the City and Fleming. In 2012, Fleming presented a proposal to the City for a new five-year agreement while maintaining pricing levels from the 2007 agreement. In 2018, staff negotiated with Fleming on a third five-year proposal. On July 12, 2023, City Council approved a one-year extension as part of a blanket approval of service contracts for City maintenance.

Fleming has extensive knowledge of the City's UST operation and monitoring documentation, as well as history of repairs done at all three sites. Fleming also works directly with all applicable regulatory agencies on behalf of the City to ensure ongoing compliance. The City has never received any major violations from any of the regulatory agencies during the time Fleming has been the City's Designated UST Operator, and has always provided quick and efficient response to address repairs. For these reasons, and due to the complex nature of the City's UST and AST operations, staff recommends the City amend Fleming's existing contract.

CCMC Section 3.07.065 exempts professional and general services from the formal competitive bid process. However, pursuant to CCMC Section 3.07.045, where the same consultant has been utilized for a period of five years, the formal bidding procedures shall apply unless waived by the City

Council. In this case, for the reasons set forth above, City staff is requesting that the City Council waive this requirement in accordance with CCMC Section 3.07.075.F.3.

FISCAL ANALYSIS

The Adopted Budget for Fiscal Year 2024-2025 includes sufficient funding for the annual compliance and reporting services, which cost approximately \$4,000 annually per UST, in the Building Repair & Maintenance budgets of the Transportation Department (20370210.600100), Police Department (10140200.600100) and Fire Department (10145200.600100) for their respective fueling locations. Funding for compliance in the second year of the amendment will be included in the proposed budget for the next fiscal year.

As the tanks get older, calls for service from Fleming are more frequent, and the City's repair and maintenance costs have increased. Sufficient funding to cover the additional \$156,000 for repairs and minor modifications outside of the routine compliance work has been included in Capital Improvement Project PZ-844 (UST Upgrades on City Property) for General Fund fueling sites (Police Department and Fire Stations) and in the Transportation Department (20370210.600100) for their fueling site.

ATTACHMENTS

None

MOTION

That the City Council:

1. Waive competitive bidding requirements, pursuant to Culver City Municipal Code Section 3.07.075.F.3;
2. Approve an amendment to the Fleming Environmental Inc. extending the agreement through FY 2024-25 and 2025-26 in an additional aggregate amount not-to-exceed \$180,000;
2. Authorize the City Attorney to review/prepare the necessary documents; and
3. Authorize the City Manager to execute such documents on behalf of the City.