



City of Culver City

Staff Report

File #: 18-01257, **Version:** 2

Item #: C-8.

CC - (1) Waiver of Formal Competitive Bidding Procedures; and (2) Approval of a Five-Year Professional Services Agreement with Fleming Environmental, Inc. for Providing Designated Underground Storage Tank Operator Services, Environmental Compliance Testing, and Associated UST and AST Component Repair at Three City Fuel Sites in an Aggregate Amount Not-to-Exceed \$59,790.

Meeting Date: May 29, 2018

Contact Person/Dept: Eric Mirzaian/Public Works

Phone Number: 310-253-6444

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 (05/23/18);

Department Approval: Charles D. Herbertson (05/16/18)

RECOMMENDATION

Staff recommends the City Council (1) waive formal competitive bidding procedures; and (2) approve a five-year Professional Services Agreement with Fleming Environmental, Inc. (Fleming) for providing designated Underground Storage Tank (UST) operator services, environmental compliance testing, and associated UST and Aboveground Storage Tank (AST) component repair at three City fuel sites, in an aggregate amount not-to-exceed \$59,790.

BACKGROUND/DISCUSSION

Fleming has been providing designated 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 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 there are funded through approved Capital Improvement Project funding (PZ-844-UST Upgrades on City Property).

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 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 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 and subsequently the City Council at the time approved an 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.

The most recent agreement between the City and Fleming expired earlier in 2018 and Staff has negotiated with Fleming on a new proposal which represents a slight increase from the previous rates of the recently expired contract due mostly to the fact of increasing permitting costs but more specifically triennial testing for SB 989 compliance which is due in 2020. SB989, initiated by the SWRCB, applies the need for secondary containment for UST systems. Staff deems the new proposal to still be very competitive. 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 Fleming has always provided quick and efficient response when need to address repairs. For these reasons, and due to the complex nature of the City's UST and AST operations, Staff recommends the City enter into a new five-year agreement with Fleming.

In general, Culver City Municipal Code (CCMC) Section 3.07.085 exempts professional services from the formal competitive bid process. However, pursuant to CCMC Section 3.07.050, 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.

The total cost breakdown for all three sites over the proposed five years will be as follows:

Fire Station #1: \$20,120.00
Transportation: \$20,035.00
Police Facility: \$19,635.00

FISCAL ANALYSIS

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

Funding for repairs and minor modifications outside of the proposed scope of work has been established 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 Capital Improvement account for their fueling site.

ATTACHMENTS

1. Proposal by Fleming Environmental Inc.

MOTION

That the City Council:

1. Waive formal competitive bidding procedures in accordance with CCMC Section 3.07.075.F.3;
2. Approve a five-year professional services agreement with Fleming Environmental, Inc. for providing Designated UST Operator services, environmental compliance testing, and associated component repairs for the City's fueling operations in amounts not-to-exceed \$20,120.00 (Fire Station #1), \$20,035.00 (Transportation), and \$19,635.00 (Police Facility) (an aggregate amount not-to-exceed \$59,790), 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.