



## Legislation Details (With Text)

**File #:** 18-174      **Version:** 1      **Name:**  
**Type:** Consent Item      **Status:** Passed  
**File created:** 3/26/2018      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency  
**On agenda:** 4/2/2018      **Final action:** 4/2/2018

**Title:** SUBJECT: Approval of Two Agreements for Professional Services with Tait Environmental Services, Inc., for a Commodities Flow Study and a Community Risk Assessment Plan and Approval to Waive the Competitive Bidding Requirement Which May Be Waived For Professional Services

### REPORT IN BRIEF

Considers approving two agreements for professional services with Tait Environmental Services, Inc., for a Commodities Flow Study and a Community Risk Assessment Plan. The work will be paid for by Cal OES Hazardous Materials Emergency Preparedness Program grant funds (\$55,000) that the City Council accepted on October 16, 2017. Also considers waiving the competitive bidding requirement as the work being performed is a professional service.

### RECOMMENDATION

City Council - Adopt a motion:

A. Approving a Professional Services Agreement for \$29,694 with Tait Environmental Services, Inc. for a Commodities Flow Study; and,

B. Approving a Professional Services Agreement for \$14,951 with Tait Environmental Services, Inc. for a Community Risk Assessment Plan; and,

C. Waiving the Competitive Bidding Requirement pursuant to Merced Municipal Code section 3.04.210; and,

D. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Commodities Flow Study and Needs Assessment Agreement.pdf, 2. Community Risk Assessment.pdf, 3. Tait & Associates, Inc. - Certificate of Liability Insurance.pdf, 4. Cal OES Grant Subaward Face Sheet.pdf, 5. Accepting Subaward Admin Report.pdf, 6. Resolution 2017-55.pdf

Date	Ver.	Action By	Action	Result
4/2/2018	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

*Report Prepared by: Janet German, Secretary III, Fire Dept.*

**SUBJECT: Approval of Two Agreements for Professional Services with Tait Environmental Services, Inc., for a Commodities Flow Study and a Community Risk Assessment Plan and**

## Approval to Waive the Competitive Bidding Requirement Which May Be Waived For Professional Services

### **REPORT IN BRIEF**

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### **RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Approving a Professional Services Agreement for \$29,694 with Tait Environmental Services, Inc. for a Commodities Flow Study; and,
- B. Approving a Professional Services Agreement for \$14,951 with Tait Environmental Services, Inc. for a Community Risk Assessment Plan; and,
- C. Waiving the Competitive Bidding Requirement pursuant to Merced Municipal Code section 3.04.210; and,
- D. Authorizing the City Manager or Assistant City Manager to execute the necessary documents.

### **ALTERNATIVES**

- 1. Approve as recommended by Staff; or
- 2. Approve, subject to other than recommended by staff; or,
- 3. Deny; or,
- 4. Refer to Staff for further evaluation.

### **AUTHORITY**

MMC Title 3, Chapter 3.04, Article III. - Purchases over Twenty-Five Thousand Dollars  
§ 3.04.210 - Exemptions from competitive bidding may be authorized for professional services.

### **CITY COUNCIL PRIORITIES**

Public Safety, as provided for in the 2017-18 Adopted Budget.

### **DISCUSSION**

On October 16, 2017, the City Council accepted a \$55,000 grant award through the 2017-18 Grant Cycle under the Cal OES Hazardous Materials Emergency Preparedness (HMEP) Planning Sub-Grant Program. There is no in-kind match required for this grant.

When the City accepted the grant on October 16, 2017, it did so with the intent to hire an environmental consultant to conduct a commodities flow study and/or a hazardous materials transportation analyses to determine the frequency and quantity of hazardous material shipments being transported through City. The intended purpose of the study is to assess whether the Merced Fire Department ("MFD") is appropriately trained to respond to incidents involving bulk shipments of

energy products and other hazardous materials. After receiving the results of the study and assessment, the MFD intends to use the data and information provided to identify hazardous material planning needs in the following areas:

- Hazardous material response equipment deficiencies/needs.
- Hazardous material response training, preplan incident response.
- Hazardous material transportation incident prevention, response, and mitigation.
- Identify the need to establish a hazardous material response team or develop a multi-agency team.
- Identify potential effectiveness of mutual aid to be received.

Initially, to select a consultant to perform the commodities flow study, MFD put forth a Request for Proposal (RFP). Four vendors responded to the RFP. After reviewing the RFP response material, the evaluation committee scored the vendors as follows:

Vendor	Cost	Product Provided	Score	Ranking
Blue Rock	\$53,250	Commodity Flow Study and Planning Needs Assessment	23	3
Citygate Associations, LLC	\$39,986	Commodity Flow Study and Planning Needs Assessment	25	2
IHS Markit	\$29,500	Commodity Flow Study	16	4
Tait Environmental Services, Inc.	\$29,694	Commodity Flow Study and Planning Needs Assessment	32	1

Based upon the scoring criteria and ranking, Tait Environmental Services, Inc. ("Tait"), was selected as the environmental consultant to prepare the commodities study and needs assessment. Tait has extensive experience with completing commodity flow studies and planning needs assessment for HMEP grant programs for municipalities statewide. In addition, Tait is concurrently working with the Merced County Department of Environmental Health to complete a Hazardous Materials Area Plan update so they are familiar with the City of Merced.

The original amount of the HMEP grant is \$55,000. The cost of Tait's services for conducting the commodities flow study is \$29,694, which is well under the grant allotted budget. The selection of Tait as the City's consultant resulted in about \$25,306 of unused grant funds. Upon being notified that the City was not going to be using the entire grant amount allotted for the commodities flow study, Cal OES told the MFD that it could use the remaining unused grant funds to hire a consultant to conduct a Community Risk Assessment Plan for Hazardous Materials. As detailed above, this Plan is something the MFD desired to develop based the information and data provided in the commodities flow study. However, time is of the essence as the State OES has notified the City that the grant

funds need to be used within 90 days of the approval of the agreement for the commodities flow study. Accordingly, if the City desires to use the remaining unused grant funds to conduct a Community Risk Assessment Plan for Hazardous Materials, it does not have sufficient time to select a consultant by way of a RFP process. Based on these circumstances, the MFD asked Tait to provide a quote for conduct a Community Risk Assessment Plan. Tait responded to the request by providing the City with a proposal to conduct the Assessment for \$14,951, which will leave \$10,355 of unused grant funds from the original grant award amount of \$55,000.

Staff is requesting to enter into two professional service agreements with Tait; one for the Commodities Flow Study and another for the Community Risk Assessment Plan. While the selection of Tait as the consultant to perform the Commodities Flow Study was originally done by way of the RFP process, this process was not required by the terms of the CAL OES grant. Moreover, Tait is a Civil Engineering and Environmental Consultant Company who will be performing professional services for the City. As such, the City Council has the authority to waive the competitive bidding requirements for the awarding of these contracts. Specifically, Merced Municipal Code section 3.04.210 states in relevant part:

**“3.04.210 - Exemptions from competitive bidding.**

Except as otherwise provided in this chapter, competitive bidding requirements for purchases in excess of twenty-five thousand dollars (\$25,000.00), the "bidding threshold," may be waived with the approval of the city council. Waivers may be authorized for, but are not limited to, cooperative purchasing in conjunction with other governmental entities, professional services, annual service or supply agreements, or purchases necessary for standardization on particular types of equipment.”

By waiving the competitive bidding requirement and approving both professional service agreements with Tait, the City will maximize the use of the grant funds it received from the State OES. In addition, by selecting Tait to conduct both services, the City will benefit from a sole source information gathering and analysis that will be part of both the study and resulting plan.

In the alternative, if the City Council does not want to waive the competitive bidding requirement and award Tait environmental the additional contract for conducting a Community Risk Assessment Plan for Hazardous Materials, Staff seeks approval to award Tait the contract for the Commodities Flow Study as they are the consulted selected to perform the Study as a result of the RFP process.

## **IMPACT ON CITY RESOURCES**

None. Funding for this contract is fully sub-vented through \$55,000 in grant funds, which were appropriated at the October 16, 2017, City Council meeting under account # 001-0901-522.17-00 (Professional Services).

## **ATTACHMENTS**

1. Commodities Flow Study and Needs Assessment Agreement
2. Community Risk Assessment
3. Certificate of Insurance
4. Cal OES Grant Subaward Face Sheet
5. Accepting Subaward Admin Report
6. Adopted Resolution 2017-55