

DEPARTMENT OF PUBLIC WORKS

BUREAU OF SANITATION  
BUREAU OF CONTRACT ADMINISTRATION  
JOINT BOARD REPORT NO. 1  
February 25, 2015

CD: ALL

AUTHORITY TO AWARD AND EXECUTE A PERSONAL SERVICES CONTRACT WITH S. GRONER ASSOCIATES, INC. FOR SPECIALIZED SERVICES RELATED TO THE STORMWATER PUBLIC EDUCATION PROGRAM AND FIND MIG, INC. (MIG) AND O'RORKE, INC. (O'RORKE) NON-RESPONSIVE FOR FAILURE TO PASS THE BUSINESS INCLUSION PROGRAM (BIP)

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RECOMMENDATIONS

Authorize the Director of the Bureau of Sanitation (LASAN) to:

1. Find MIG, Inc. and O'Rorke, Inc. non-responsive for failing to pass the Business Inclusion Program.
2. Approve and forward this report forthwith, with transmittals, to the Mayor and the City Council (Council) with the request that the Board of Public Works (Board) be authorized to execute a Personal Services Contract with S. Groner Associates, Inc. to provide specialized services related to the City of Los Angeles Stormwater Public Education Program.
3. Upon the Mayor's and City Council's authorization, the President or two (2) members of the Board will execute the contract.
4. Return the executed contract to LASAN for further processing. Contact the Board Report Section at (213) 485-4246 for pickup.

TRANSMITTALS

1. Copy of the adopted LASAN and Bureau of Contract Administration Joint Report No. 1, dated July 23, 2012, authorizing the Bureau to distribute a Request for Proposals (RFP) and to negotiate a contract for specialized public education services related to the Stormwater Public Education Program.
2. Copy of the letter from LASAN's Centralized Contracts Unit (CCU) to MIG, dated May 17, 2013, regarding their BIP evaluation.
3. Copy of the letter from LASAN's CCU to O'Rorke, dated May 17, 2013, regarding their BIP evaluation.

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4. Copy of letter dated May 23, 2013 from O'Rourke to LASAN
5. Copy of the email dated June 24, 2013 from O'Rourke to LASAN.
6. Copy of the proposed contract between the City of Los Angeles and S. Groner Associates, Inc. to provide specialized services for the City of Los Angeles Stormwater Public Education Program. Originals will be delivered to the Board Office when the Board Report Section at (213) 485-4246 is notified that the contract is ready for execution.

## DISCUSSION

### **Background**

The storm drain system in the City of Los Angeles (City) encompasses more than 34,000 catch basins and 1,500 miles of closed pipes and open flood control channels. This system is designed to prevent flooding by collecting stormwater runoff from urbanized areas and conveying it untreated to regional receiving waters, i.e. lakes, rivers, creeks and the ocean.

Stormwater pollution is considered a non-point source of pollution; the pollution comes from numerous sources (e.g. the general public, industrial/commercial, and construction activities) which cumulatively have a negative impact on the quality of water entering our storm drain system. This can negatively affect the quality of the receiving waters (e.g. Los Angeles River, Ballona Creek, Santa Monica and San Pedro Bays).

The City of Los Angeles, Department of Public Works, Bureau of Sanitation, Watershed Protection Division has been engaged in a program to reduce the amount of pollutants entering the City's storm drain system since 1990. On December 28, 2012, the City was issued a National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit from the California Regional Water Quality Control Board, Los Angeles Region (CRWQCB) to control and reduce pollutants entering the storm drain system. As part of the City's effort to meet NPDES Permit provisions, the City is required to implement a Stormwater Public Education Program to educate the public about what they can do to prevent pollution and keep local waterways clean. The City's program uses a variety of different outreach efforts to educate the general public about the impact their individual actions have on the environment.

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Current NPDES Permit requirements as they relate to the public information and participation program include measurably increasing the knowledge of the target audiences about the adverse impact of storm water pollution on receiving waters and measurably changing the waste disposal and stormwater pollution generation behavior of the general public by developing and encouraging the implementation of appropriate alternatives through various public education activities including online media, pollutant specific outreach, school education, business outreach and municipal employee training programs.

Establishing a stormwater public education services contract will enable LASAN to ensure the City's ongoing compliance with NPDES MS4 Permit requirements.

#### **Scope of Work**

LASAN intends to establish a stormwater public education services contract to ensure its compliance with the NPDES MS4 Permit. The services to be provided include, but are not limited to:

- The maintenance and expansion of the LA Stormwater's online social media program including the LA Stormwater website, blog, quarterly e-newsletter, Facebook page, YouTube channel and Twitter account.
- The creation and development of mass media advertising campaigns and earned media relations.
- The development and implementation of a pollutant specific program that focuses on watershed-specific pollutants of concern and target audiences.
- The development and implementation of a voluntary residential low-impact development outreach program.
- The promotion of Proposition O and grant-funded stormwater capital improvement projects and coordination of community meetings and outreach events.
- The development and maintenance of a school education program that includes educating elementary, middle and high school students in the Los Angeles area.
- The development and creation of an online employee stormwater training module.

**Selection Process**

On July 23, 2012, the Board approved the LASAN and Bureau of Contract Administration, Joint Board Report No. 1, authorizing LASAN to distribute an RFP to provide specialized stormwater public education services (Transmittal No. 1).

On September 26, 2012, in response to the RFP, LASAN received bids from the following four (4) vendors: MIG, O'Rorke, TreePeople and S. Groner Associates. As noted in the RFP, a BIP evaluation was conducted by LASAN's CCU. LASAN informed MIG and O'Rorke that they would recommend that MIG and O'Rorke, each, be deemed non-responsive for failure to pass the BIP. (Transmittal No. 2 and Transmittal No. 3) Thus, LASAN disqualified each of them from further evaluation.

In response to their evaluation results, O'Rorke filed a protest (Transmittal No. 4) against CCU's BIP evaluation; whereas MIG did not. Shortly thereafter, however, O'Rorke rescinded their protest (Transmittal No. 5). LASAN also recommends that S. Groner Associates and Tree People, each, be deemed responsive based on their BIP evaluation. As a result of being deemed responsive on the BIP, staff from LASAN, the Public Affairs Office and the Los Angeles County Department of Public Works reviewed, evaluated and rated the technical proposals of S. Groner Associates and TreePeople using the criteria set forth in the RFP and noted below.

<b>Evaluation Criteria</b>	<b>Percentage</b>
The Proposer's proven track record and/or demonstrated skills and ability to successfully provide the City with the scope of services being requested.	20%
Proposal's Innovation	15%
The Proposer's demonstrated flexibility and leadership skills	15%
The Proposer's state-of-the-art industry knowledge and demonstrated creativity and ability to apply that knowledge to a municipal government or similar environment	30%
Proposal's cost and Proposer's demonstrated ability and commitment to complete projects within budget.	20%
<b>TOTAL</b>	<b>100%</b>

The evaluation team reviewed and interviewed both proposing teams, determining scores for each proposer. Each proposer received a score from each evaluator based on their written proposal and oral presentation. The evaluators' scores were averaged and the evaluation team ranked the proposers as follows:

<b>Proposer</b>	<b>Final Averaged Score</b>	<b>Final Ranking</b>
S. Groner Associates	91	1
TreePeople	74	2

S. Groner Associates has demonstrated excellent knowledge and experience in the NPDES MS4 Municipal Stormwater Permit, public outreach, school education, social media and community relations as it relates to stormwater education.

**Local Business Preference Program**

City Ordinance No. 181910 adopted the LBPP. This Program is designed to increase local employment and expenditures in the local private sector. Proposers certified as a Local Business Enterprise (LBE) may receive an increase to their total evaluation score equal to eight percent (8%) of the total evaluation points available. Non-LBE proposers who utilize certified LBE sub-consultants to perform work under the contract, may receive an increase to their evaluation score equal to five percent (5%) of the total evaluation points available.

For this RFP, staff verified that S. Groner Associates is the only certified LBE Proposer and that no other Proposers qualified for a LBPP preference.

LASAN recommends that S. Groner Associates be awarded a contract for the services required by the RFP. Negotiations have been conducted with S. Groner Associates and LASAN now returns to the Board with the recommendation to award and execute the personal services contract (Transmittal No. 6) and forward it to the Mayor and City Council forthwith for approval.

**Proposed Term of Agreement and Cost Ceiling**

The term of the contract shall be for five (5) years from the date of contract execution by the Board with two (2) one-year renewal options. The total estimated contract ceiling for the contract term, including the two renewal options, is \$3,150,000.

**Business Inclusion Program**

The Business Inclusion Program will be administered in accordance with Mayor's Executive Directive 14, which was in effect at the time the RFP was advertised.

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At the time of distribution of the RFP for these services, the City established anticipated participation levels for this contract of 18% MBE, 4% WBE, 25% SBE, 8% EBE and 3% DVBE. S. Groner Associates has pledged participation levels of 18% MBE, 4% WBE, 97% SBE, 97% EBE, 0% DVBE, and 3% OBE.

The Subcontractor information for S. Groner Associates is as follows:

Gender/Ethnicity Codes:

- |                                   |                              |
|-----------------------------------|------------------------------|
| AA = African American             | HA = Hispanic American       |
| SAA = Subcontinent Asian American | APA = Asian Pacific American |
| C = Caucasian                     | NA = Native American         |
| M = Male                          | F = Female                   |

Subcontractor	Gender/ Ethnicity	MBE/WBE SBE/EBE DVBE/ OBE	% of Contract Amount	Subcontract Amount
Harris & Co.	F/C	WBE/SBE/ EBE	4%	\$90,000
Ancon Communications dba Burgos Communications	F/HA	MBE/SBE/ EBE	3%	\$67,500
Mark Anthony Printing Services	M/AA	MBE/SBE/ EBE	15%	\$337,500
Malibu Foundation for Environmental Education	-	OBE	3%	\$67,500
S. Groner Associates*	-	SBE/EBE	75%	\$1,687,500
Total MBE Participation			18%	\$405,000
Total WBE Participation			4%	\$90,000
Total OBE Participation			3%	\$67,500
Total SBE Participation*			97%	\$2,182,500
Total EBE Participation*			97%	\$2,182,500
Total DVBE Participation			0%	\$0
Base Estimated Contract Amount				\$2,250,000

\*S. Groner Associates, Inc., the prime contractor, qualifies as an SBE and an EBE.

**Other City Requirements**

S. Groner Associates shall comply with all City requirements including:

- Non-discrimination/Equal Employment Practices/Affirmative Action
- Living Wage and Service Contractor Worker Retention Ordinances
- Americans with Disabilities Act
- Insurance Requirements
- Child Support Obligations Ordinance
- Business Tax Registration Certificate
- Equal Benefits Ordinance
- Slavery Disclosure Ordinance
- Non-Collusion Affidavit
- City of Los Angeles Contract History
- Los Angeles Residence Information
- First Source Hiring Ordinance
- Municipal Lobbying Ordinance
- Contract Bidder Campaign Contribution and Fundraising Restrictions
- Iran Contracting Act of 2010

**Contractor Responsibility Ordinance**

All contractors participating in this program are subject to compliance with the requirement specified in the City of Los Angeles' Contractor Responsibility Ordinance #173677, (Article 14, Chapter 1, Division 10, L.A.A.C.). Failure to comply with all requirements specified in the Ordinance will render the proposer's contract subject to termination pursuant to the conditions expressed therein.

**Contractor Performance Evaluation**

In accordance with Article 13, Chapter 1, Division 10 of the City of Los Angeles Administrative Code, the appropriate City personnel responsible for the quality control of this Personal Services Contract shall submit Contractor Performance Evaluation Reports to the Bureau of Contract Administration upon completion of the work specified in the terms of this contract.

**Notification of Intent to Contract**

The required "Notification of Intent to Contract" was filed with the City Administrative Office (CAO) Clearinghouse on February 3, 2011, re-filed on July 11, 2012 and re-filed again on January 24, 2015.

**Charter Section 1022**

The CAO issued the Charter Section 1022 determination on December 11, 2012 and concluded that there was insufficient number of City staff to perform the work proposed to be contracted.

**Contract Administration**

Responsibility for and administration of the contract will be with the Watershed Protection Division, LASAN.

**Approved As To Form**

The proposed contract has been approved as to form by the Office of the City Attorney.

**Headquarters and Work Force Information**

The headquarters address of S. Groner Associates is at 100 W. Broadway Avenue, Suite 290, Long Beach, CA 90802. The contractor has a staff of fourteen (14) employees assigned to this contract, four (4) of whom reside in the City of Los Angeles.

STATUS OF FINANCING

Funding in the amount of \$3,150,000 will be made available in the Stormwater Pollution Abatement Fund as shown in the table below:

<b>Fund</b>	<b>Account</b>	<b>Amount</b>
511	50LX65	\$50,000
511	Future FY budgets	\$3,100,000
<b>Total</b>		<b>\$3,150,000</b>

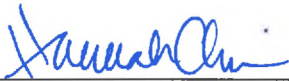
This Contract contains a "Financial Liability Clause" which states that "the City's liability under this contract shall only be to the extent of the present City appropriation to fund the contract. However, if the City shall appropriate funds for any succeeding years, the City's liability shall be extended to the extent of such appropriation, subject to the terms and conditions of the contract."



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COMPLIANCE REVIEW PERFORMED  
AND APPROVED BY:

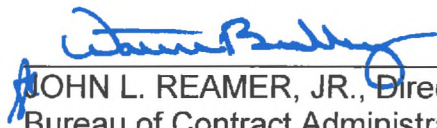


HANNAH CHOI, Program Manager  
Office of Contract Compliance  
Bureau of Contract Administration

Respectfully submitted,



ENRIQUE C. ZALDIVAR, Director  
LA Sanitation



JOHN L. REAMER, JR., Director  
Bureau of Contract Administration

APPROVED AS TO FUNDS:



VICTORIA A. SANTIAGO, Director  
Office of Accounting

Date: *fr*

2/18/2015

Prepared by:  
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