



**BRIEFING: OCTOBER 11, 2016 BOARD MEETING AGENDA ITEM #5**

**TO:** Chairman Richard and Board Members

**FROM:** Mark McLoughlin, Director of Environmental Services  
Diana Gomez, Central Valley Regional Director  
Michelle Boehm, Southern California Regional Director

**DATE:** October 11, 2016

**RE:** Consider Amending the Contract for Environmental and Engineering Services on the Bakersfield to Palmdale Project Section with T.Y. Lin International

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**Summary of Action Requested**

Staff is recommending that the Board approve a contract amendment with T.Y. Lin International for Environmental and Engineering Services on the Bakersfield to Palmdale Project Section. This amendment will add an additional \$22.1 million to the contract in order to conduct the necessary work to complete environmental review of the Bakersfield Station and alignment through Kern County and the City of Bakersfield associated with the Locally Generated Alternative (LGA) – work not funded in the existing contract. This will bring the contract to a total not to exceed amount of \$68.2 million.

**Background**

In August 2013, the Board approved issuance of a Request for Qualifications (RFQ) to procure Environmental and Engineering services for up to five years for the Bakersfield to Palmdale Section (#HSRA 13-15). The procurement, estimated at \$46.1 million, was to cover tasks necessary to complete environmental impact analysis and right-of-way preservation and acquisition services to support a Record of Decision for the aforementioned Bakersfield to Palmdale section.

In November 2013, the Board approved the award of the Regional Consultant Contract for the Bakersfield to Palmdale Project Section to T.Y. Lin International (TYLI) (Resolution #HSRA 13-32). The contract was for \$46.1 million with a term of up to five years.

TYLI has advanced work for environmental clearance of the Bakersfield to Palmdale project section since that time. In order to complete the work on the Bakersfield to Palmdale section it was necessary for TYLI to also conduct work on a portion of the Fresno to Bakersfield Project Section involving the Bakersfield Station and alignment through Kern County and the City of

Bakersfield. This work was directed by the Board in May 2014 when the Fresno to Bakersfield Environmental Impact Report/Environmental Impact Statement (F-B EIR/EIS) was certified and the Board approved an alignment to Seventh Standard Road in Kern County. During the discussion of this action the Board directed staff to work with the City of Bakersfield and other local stakeholders on an alternative alignment through the City.

In December 2014, the Authority entered into a settlement agreement with the City of Bakersfield in which the Authority and the City agreed to work together on developing an alternative alignment through the City for further study. Based upon work completed under the TYLI contract, in May of this year the Board identified the Fresno to Bakersfield Locally Generated Alternative (LGA) as the preferred alternative to be included in the Fresno to Bakersfield Supplemental EIR/EIS (F-B SEIR/SEIS).

This work is beyond what was originally envisioned for the level of effort for the Bakersfield to Palmdale environmental document. Staff is requesting an amendment to the contract in the amount of \$22.1 million for the completion of all work required to complete the analysis for an F-B SEIR/SEIS studying the LGA to support a decision on this alignment, and a separate Bakersfield to Palmdale EIR/EIS document. There is no change to the contract term.

Board policies dictate that Board approval is required for amending this contract.

### **Prior Board Actions**

In August 2013, the Board approved issuance of a Request for Qualifications to procure Environmental/Engineering services for up to five years for the Bakersfield to Palmdale Section (Resolution #HSRA 13-15). The procurement was to cover tasks necessary to complete environmental impact analysis and right-of-way preservation and acquisition services to support a Record of Decision for the section.

In November 2013, the Board approved the Award of the Regional Consultant Contract for the B-P Project Section to TYLI (#HSRA 13-32). The contract was from \$46.1 million for a term of up to five years.

### **Discussion**

Since May 2014, staff has been working with the City of Bakersfield and others on the LGA alignment that generally follows the Union Pacific Railroad alignment through the City, in contrast to the alignment considered in the Fresno to Bakersfield EIR/EIS that generally follows the BNSF alignment. The LGA alignment includes an alternative station location at F Street and State Route 204 rather than the Truxtun station site included in the original EIR/EIS.

Originally the TYLI work for the Bakersfield to Palmdale section began at a match point at Oswell Street in East Bakersfield. However, due to the identification of a new alignment and station site through Bakersfield, as part of the LGA discussed above, additional engineering work and technical studies were required to complete the Bakersfield to Palmdale documents since these new options must be carried in the Bakersfield to Palmdale Draft EIR/EIS. In addition, the work related to the LGA needed to be developed under an expedited schedule to

achieve the dates and outcomes stipulated in the Bakersfield settlement which specifically required the new alignment be brought forth to the public by September 1, 2015. As these preliminary investigations advanced it became clear that the updated alignment was viable, and it was determined that the LGA would be studied fully in a Fresno to Bakersfield Supplemental EIR/EIS (F-B SEIR/SEIS).

Utilizing TYLI to perform this work allowed for immediate staff mobilization to conduct the engineering and environmental work necessary to ensure effective coordination with the Bakersfield to Palmdale EIR/EIS delivery. Due to the overlap of the LGA with the Bakersfield to Palmdale Project Section, and to ensure the effective coordination and timely delivery of the necessary environmental analysis for both documents, the Authority executed a work order with TYLI to perform the engineering and environmental studies required to support the LGA analysis. This has allowed the Authority to meet settlement deadlines as well as advance work required to keep the Bakersfield to Palmdale section environmental document on schedule for completion in 2017.

As noted above, the work on the LGA has been successful and led to the identification of the LGA as the preliminary preferred alternative to be addressed in the upcoming Fresno to Bakersfield SEIR/SEIS. Above and beyond the technical work, the terms of the settlement agreement also required the Authority to conduct an extensive outreach process with local agencies and stakeholders. In support of this process, TYLI has conducted extensive outreach efforts, including four public open houses and over 80 meetings with stakeholders and local agencies.

In summary, the original contract with TYLI did not contemplate the additional level of effort necessary to complete both the Bakersfield to Palmdale EIR/EIS and the Fresno to Bakersfield SEIR/SEIS. With both of these tasks utilizing existing contract funds, it is anticipated that the current contract capacity of \$46.1 million will be exhausted by December 2016.

**Legal Approval**

Chief Counsel’s office approves the requested contract amendment and affirms the Authority’s ability to do so under its A&E regulations, policies and procedures, as well as Government Code sections 4525, et seq. and applicable state contracting law.

**Budget Implications**

This request is for an additional \$22.1 million to be added to the existing contract with TYLI to complete environmental documentation through Notice of Decision/Record of Decision (NOD/ROD) and permitting related to supplementing the Fresno to Bakersfield and Bakersfield to Palmdale Project Sections. These additional funds have been accounted for in the 2016 Business Plan estimate and are included in the budget.

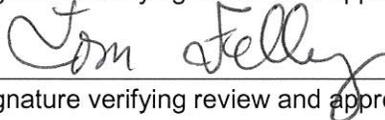
Contract	Existing Amount	Requested Amount	Total Amount	Contract Term
#HSR 13-44	\$46,100,000	\$22,100,000	\$68,200,000	February 2019

Cost Estimation

Staff estimates that an additional \$22.1 million will be necessary to complete both documents. This estimate is based on a negotiated scope of work and schedule for completion of the Fresno to Bakersfield SEIR/SEIS. These projected costs have been validated by program staff. This increase will fund all work necessary to complete the environmental documentation through ROD/NOD and permitting for both the Fresno to Bakersfield SEIR/SEIS and the Bakersfield to Palmdale EIR/EIS. Additional future action and funds will be necessary to complete Preliminary Engineering for Procurement and right-of-way mapping for both sections.

**Recommendations**

Staff recommends that the Board approve a contract amendment with TYLI for an additional \$22.1 million, for a total contract not to exceed \$68.2 million. This amendment also includes the Board’s 30-percent goal for Small Business Utilization.

APPROVED BY	
Reviewer Name and Title: <b>Russell Fong, CFO</b>	Signature verifying review and approval: 
Reviewer Name and Title: <b>Tom Fellenz, Chief Counsel</b>	Signature verifying review and approval: 
Reviewer Name and Title: <b>Mark McLoughlin, Director of Environmental services</b>	Signature verifying review and approval: 

**Attachments**

- Draft Resolution #HSRA 16-27
- Board Resolution #HSRA 13-15 – Release of RFQ for Environmental/Engineering Services for the Bakersfield to Palmdale Section
- Board Resolution #HSRA 13-32 – Award of the Regional Consultant Contract for the Bakersfield to Palmdale Project Section