

Department of Public Works

Bureau of Engineering
Bureau of Street Services
Joint Report No. 1

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE CITY COUNCIL
OCT 23 2015

October 16, 2015
CD No. All


Executive Officer
Board of Public Works

REQUEST TO ESTABLISH AN APPROPRIATION ACCOUNT WITHIN THE PUBLIC WORKS TRUST FUND (PWTF) FOR "TREE REMOVAL PERMIT PROCESSING," INSTRUCT THE CITY CONTROLLER TO APPROPRIATE \$300,000, AND REQUEST FOR AUTHORITY TO ISSUE THE TASK ORDER SOLICITATION (TOS) No. EMGD-020 TO PARSONS, CONTRACT No. C-123098, FROM THE PRE-QUALIFIED ON-CALL CONSULTANT (PQOC) LIST TO PROVIDE ENVIRONMENTAL STAFF SUPPORT SERVICES VARIOUS WORK ORDERS

RECOMMENDATIONS

1. Approve and forward this report and transmittal to the Los Angeles City Council for (a) Approval to establish an appropriation account within the PWTF (Fund No. 834, Department No. 50) for "Tree Removal Permit Processing" and (b) Instruct the City Controller to create said appropriation account and appropriate therein \$300,000 from available funds with the PWTF as front-funding for temporary Environmental Staff Support Services needed to review pending Bureau of Street Services (BSS) Tree Removal Permit applications.
2. Authorize the City Engineer, subject to front funding establishment of the proposed PWTF appropriation account, to issue the Task to Parsons, Contract No. C-123098 from the PQOC Environmental Documentation Consultants List to provide environmental staff support services as stated in TOS No. EMGD-020, with a budget authority of \$300,000, which includes contingency.
3. Instruct the Director of Accounting, or designee, to (a) appropriate \$300,000 within the PWTF into the proposed PWTF appropriation account, upon City Council authority to establish the appropriation account, as per Recommendation No. 1 above, (b) conduct periodic interim reconciliation of B-Permit receipts on deposit for related Tree Removal Permit review work, and (c) reimburse Public Works Trust Fund from B-Permit revenues received from fees as a result of the services rendered by Parsons (Contract No. C-123098).

TRANSMITTAL

Copy of TOS EMGD-020 titled "Urban Forestry Division (UFD) California Environmental Quality Act (CEQA) and Tree Removal Permits/Environmental Staff Support Services for BSS."

DISCUSSION

Background

Tree Removal permits are needed when removing street trees located in the public right-of-way or when removing protected trees. Pursuant to the Los Angeles Municipal Code (L.A.M.C.), the Board of Public Works (Board) is responsible for approving the removal of street trees and Southern California native trees protected by the L.A.M.C.

The Board appointed the BSS as the agency responsible for the processing and administration of tree removal permits. However, the BSS does not employ a CEQA specialist or another qualified individual to address CEQA issues. As an interim solution, the BSS requested assistance from the Bureau of Engineering's (BOE) Environmental Management Group (EMG) to provide environmental documentation review services. However, the BOE does not have the staff available at this time to provide the required CEQA support needed by the BSS to address the backlog of the BSS Tree Removal Permit applications. Due to the City's limited availability of CEQA technical experts, the BSS and the Board recommend that an in-house, temporary consultant be retained by BOE to address the need until additional CEQA staff can be hired.

In summary, as of October 2015, the BSS has approximately 300 permit requests (see below) that are either pending review, are considered incomplete, pending field inspection, and/or waiting for CEQA analysis:

- Pending Complete Application and Staff Inspection – 48
- Incomplete Application (waiting for additional information) - 77
- Pending Field Inspection - 99
- Pending Staff Review (Development Project Related) - 31
- Pending Superintendent Review (protected trees, developments, etc.) and CEQA analysis - 51

PWTF Appropriation Account Justification

To provide immediate, critical CEQA staff support for environmental documentation review services, and to process pending Tree Removal Permit applications, front-funding is needed to retain an in-house, temporary consultant to augment existing EMG staff resources at a cost not-to-exceed \$300,000. Since funding to pay for this service gap was not programmed into the City's adopted budget plan for Fiscal Year 2015-2016, the Board, subject to City Council approval, has the discretion to request the creation of an appropriation account within the PWTF. The proposed appropriation account will be front-funded by \$300,000 from existing funds available within the PWTF and reimbursed by B-Permit revenues deposited in the PWTF when various development projects pending review have been completed. Most important, front-funding the proposed appropriation account in the amount of \$300,000 will allow staff to pay for the temporary, in-house consultant services required with the understanding that the newly established PWTF appropriation account will be fully repaid and reconciled after the completion of specific development projects requiring CEQA review for tree removal permit applications.

Appropriation Account Terms and Conditions - The proposed PWTF appropriation account will be front-funded with \$300,000 and funds will be fully repaid and reconciled within one year from the time the services have commenced (or approximately by October 2016). Both BSS and BOE, working with the Board office, have agreed to

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assign work to the in-house consultant that is “fully reimbursable” only using B-Permit or Development Permit deposits received from private applicants. This repayment strategy will guarantee that work performed by the in-house consultant has a full cost recovery element and ensure full repayment of the front-funded funds.

It is important to note that work required for general funded activities (e.g. Protect-a-Tree, by Right Property, etc.) related to Tree Removal Permit applications will continue to be handled and reviewed by existing City staff on a limited basis or until a future date/time a permanent full-time position may be obtained/authorized from the Mayor and City Council to address the current service gap. Therefore, services from the proposed in-house, temporary consultant will not be utilized for general funded activities unless general fund salary savings or contractual service funding become available and subsequently approved by the Mayor and/or City Council to be expended to expedite said services while allowing BSS to repay the PWTF loan from the funding portion authorized thereof.

Proposed Project Overview

On July 26, 2013, the Board approved the PQOC list of consultants for Environmental Documentation Consultant Services. The contract with Parsons was executed on October 7, 2013, and will expire on October 6, 2018.

The proposed services required can be provided by consultants to support the City's environmental documentation workforce for conducting case-specific CEQA assessments of projects requiring Tree Removal Permits issued by BSS. In general, the more complex projects that do not meet the CEQA categorical exemption procedures/guidelines will be assigned to the proposed in-house temporary consultant to conduct more in-depth CEQA review and assessment. The specific projects (i.e. tree removal site locations, tree types, quantity, etc.) requiring CEQA review and the amount of consultant support will be determined at the time of need. The anticipated project duration is 12 months at a cost not-to-exceed \$300,000. Payment for work performed will be on a time (hourly) and material basis and the proposed contract will allow for two consultants to work during the initial six months of the task to help accelerate the review work and decrease the current backlog of tree removal permit applications.

TOS Description

In summary, the proposed scope of services (Transmittal) to be provided by Parsons includes but is not limited to the following tasks:

1. Conduct case-specific CEQA reviews of Tree Removal Permit applications administered by the BSS, such as:

- Review Tree Removal Permit Applications and support CEQA documentation, if any, to assess project-specific and cumulative impacts. In many cases, work includes the review of environmental impact reports, mitigated negative declarations, negative declarations, categorical exemptions, and addendums that were prepared for development projects where tree removals were a small part of the scope of the project;
 - Coordinate with BSS, Tree Removal Permit applicants, such as other public agencies (Metro, Los Angeles Department of Water and Power, etc.) and private sector applicants, and the Office of the City Attorney to obtain information needed for EMG's review and share recommendations related to the CEQA analysis; and,
 - Review Board Reports prepared by the BSS and prepare CEQA language for the findings and discussion sections. This could include summarizing findings in CEQA documents related to the tree removals and tree replacement ratio, integrating applicable mitigation measures, and preparing recommendations for Board action as needed.
2. Review existing procedure for CEQA review of Tree Removal Permit Applications and refine as necessary. Draft guidelines to streamline the process for submitting case-specific Tree Removal Permits for CEQA review, including creating a checklist of information the applicant must submit for BOE's review and a flow chart that can be shared with BSS and the applicant about the steps in the review process.
 3. Conduct policy research to identify relevant City of Los Angeles sustainability, biodiversity, and land use policies, plans, and programs related to urban street trees and biological resources to support CEQA cumulative impact analysis determinations and make recommendations consistent with existing policies, plans and programs.

Term of Work

The proposed term of work under TOS No. EMGD-020 is expected to continue for up to 12 months or until a full-time City staff position can be authorized for this non-programmed work within BOE. The City, at its discretion, may opt to reduce this proposed 12-month work plan or suspend or cancel the Task Order at any time once the back-log of Tree Removal Permit applications are reviewed. Work under this Task Order is anticipated to be fulltime, with the need for in-house staff support at 40 hours a week.

Summary of Selection and Negotiations

The TOS was distributed to three consulting firms on the PQOC List under the Engineering Services Contract for Environmental Documentation Consultant Services. Two out of the three firms responded.

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The selection committee was comprised of three staff members: Assistant Director from the BSS, an Environmental Supervisor II from the BOE, and the Executive Officer from the Board. Proposals were reviewed based on four rating criterion:

- Approach to Work (30 percent)
- Project Team and Experience (30 percent)
- Value Added (30 percent)
- Past Performance (10 percent)

Parsons was recommended by the selection panel due to its (a) clear understanding of the proposed project scope of work, including experience with legal mandates surrounding this discipline, (b) proposed team composition and experience, including the ability to deploy two project managers to help accelerate the review process, and decrease the City's tree removal permit application review backlog, (c) technical support and policy research expertise, including value added from having an advisory support team that includes experts in biology and sustainability; and (d) budget and time delivery.

Documentation supporting the selection of the consultant team, as well as a record of the negotiations, has been included in the project file.

Minority Business Enterprise/Women Business Enterprise/Other Business Enterprise (MBE/WBE/OBE) Subcontractor Outreach Program

This Task is subject to the MBE/WBE/OBE Subcontractor Outreach Program requirements. The City has set Anticipated Participation Level (APL) of 12 percent and 2 percent for MBE/WBE participation, respectively. For this Task, the consultant is pledging a MBE participation level of 15.28 percent and a WBE participation level of 0 percent. Although the WBE pledge for this task is below the APL, the contract will be in effect until October 6, 2018, so there is time to increase participation levels in the overall contract. Parsons has indicated that they have conducted, and will continue to conduct outreach designed to identify opportunities for MBE/WBE firm subcontractors.

On this particular Task, the following MBE, WBE, and OBE firms are proposed to be utilized by the consultant:

Gender/Ethnicity Codes:

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

Subconsultants	Gender/ Ethnicity	MBE/WBE/ OBE	(%) of Base Task	Task Amount
Sapphos Environmental	F/HA	MBE	15.28%	\$ 45,088
Total MBE Participation			15.28%	\$ 45,088
Total WBE Participation			0%	\$ 0
Total OBE Participation			0%	\$ 0
Subtotal Subconsultant Participation			15.28%	\$ 45,088
Prime Participation			84.72%	\$250,059
Initial Base Task			100.00%	\$295,147
Contingency				\$ 4,853
Total Task Budget Authority				\$300,000

Contractor Performance Evaluation

In accordance with Division 10, Chapter 1, Article 13 of the 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, Special Research & Investigation Section, upon termination of the contract.

STATUS OF FUNDING

Cash is available in Fund 834, Dept. 50, to front-fund \$300,000. Approval to issue TOS No. EMGD-020 and a Notice-to-Proceed is contingent upon approval by the City Council to (a) establish an appropriation account within the PWTF and (b) appropriate \$300,000 within the PWTF as front-funding to pay for the proposed temporary, in-house outside consultant services.

The proposed PWTF front-funded appropriation account is anticipated to be fully repaid and reconciled within one year from the time the services commenced (or approximately by November 2016). B-Permit revenues and/or Development Services revenues received from private applicants for the subject service will be used to reimburse the PWTF. Interim repayments will be made on a quarterly basis based on the Office of Accounting completing periodic reconciliation efforts of B-Permits/Development services deposits related to tree removal review work. Further, should funding from the General Fund be identified in the future to pay for general-funded activities, a request to the Mayor and/or City Council shall be made to utilize said funds to work on pending general-funded Tree Removal Permit applications.

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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(MEM RMK ALM RL FC)

Report reviewed by:

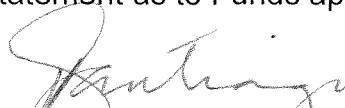
BOE (ADM) and BSS (UFD)

Report prepared by:

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Statement as to Funds approved by:


Victoria A. Santiago, Director
Office of Accounting

Date: 10/20/2015

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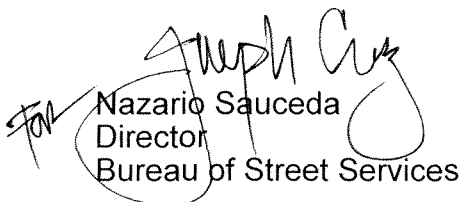
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Respectfully submitted,



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City Engineer
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