

## STAFF REPORT

**SUBJECT:** Public Interest Finding (PIF) to Award a Contract for the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report (EIR)

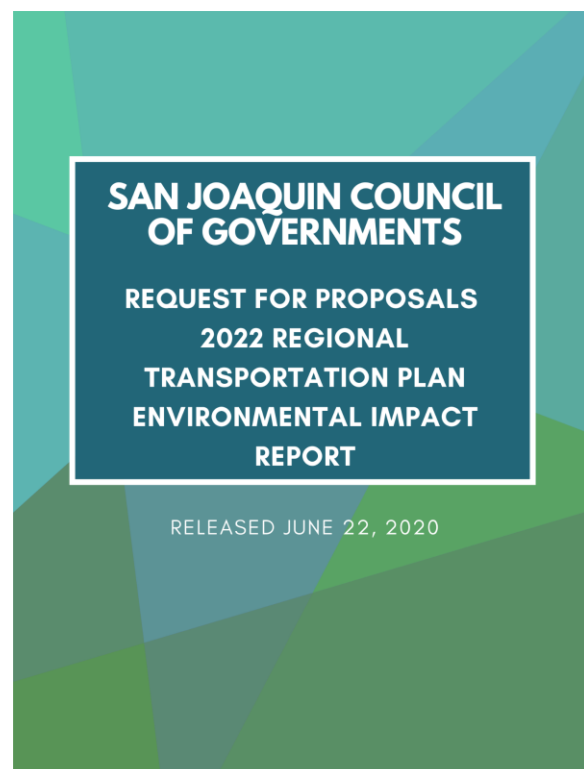
**RECOMMENDED ACTION:** 1) Approve a Public Interest Finding to Award Contract to Rincon Consultants, Inc. and 2) Authorize the Executive Director to Negotiate and Enter into a Contract for the 2022 RTP/SCS EIR for an Amount Not to Exceed \$144,959. The authorization includes the ability for the Executive Director to negotiate with Impact Sciences, the second ranked firm, should a contract not be executed.

### DISCUSSION:

### SUMMARY:

SJCOG staff recommends contracting with Rincon Consultants, Inc. for the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report (EIR). The Study will be integrated as part of 2022 Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS).

Federal regulations require a minimum of three proposals for a competitive procurement, unless there is a Public Interest Finding (PIF) that it is in the public's best interest to award a contract in lieu of restarting the process. Only two proposals were received. SJCOG staff recommends it is not in the public's interest to devote additional resources to restart the competitive bidding process again. SJCOG's



review concludes that there are reasons for the Board to make a PIF.

- 1) The process undertaken was fair and competitive, and consistent with typical procurement practices by SJCOG and other public agencies.
- 2) An additional RFP extension will detrimentally affect the schedule of the 2022 RTP/SCS and may delay the adoption of the document. The adoption of the RTP/SCS must meet a state/federal deadline.
- 3) Extending the RFP for a third time will unlikely change the outcome. Staff time has already been incurred regarding the development of the RFP, the distribution of the RFP, outreach related to the RFP, as well as the two RFP extensions. In contacting consultants who did not propose, some mentioned they made a business decision not to propose because they are working on other jobs. Others mentioned that a Program EIR for the RTP is highly specialized and the firm was not qualified.

### **RECOMMENDATION:**

SJCOG staff recommends that the SJCOG Board 1) approve the Public Interest Finding (PIF) to award contract to Rincon Consultants, Inc, and 2) authorize the Executive Director to negotiate and enter into a contract with Rincon Consultants, Inc. for the 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report (EIR) for an amount not to exceed \$144,959. The authorization includes the ability for the Executive Director to negotiate with Impact Sciences, the second ranked firm, should a contract not be executed. There are no changes to the not-to-exceed amount.

### **FISCAL IMPACT:**

The \$144,959 in funding for this project is included in the 2020-2021 Overall Work Program.

### **BACKGROUND:**

The RTP/SCS is used to guide the development of the Regional and Federal Transportation Improvement Programs (RTIP and FTIP) as well as other transportation planning documents and plans. The RTP outlines the region's goals and policies for meeting current and future mobility needs, providing a foundation for transportation decisions by local, regional, and state officials that are ultimately aimed at achieving a coordinated and balanced transportation system.

SJCOG must prepare an Environmental Impact Report (EIR) to comply with the requirements of CEQA. The EIR should inform stakeholder groups, elected decision-makers, the general public, and other local, state, and Federal agencies of the proposed actions and potential environmental effects of implementing the transportation and land-use strategies in the proposed 2022 RTP/SCS. The EIR will evaluate potential impacts of the 2022 RTP Update and must also be completed in compliance with Fixing America's Surface Transportation Act (FAST Act); Senate Bill (SB) 375; and other applicable and state federal environmental laws. The RTP/SCS EIR is prepared as a program-level document that analyzes the effects of proposed actions for all modes of transportation, as well as other issues and concerns such as transportation control measures and

demand management, and intelligent transportation systems. As a programmatic EIR, it is to be prepared at a level of detail necessary to facilitate effective tiering by lead agencies for future transportation and development projects. Lastly, the EIR will analyze project impacts on the physical environment to include land-use, air quality, transportation, visual resources, noise, greenhouse gases/climate change, energy, geology, hydrology and water resources, biological resources, cultural impacts, and cumulative impacts.

In response to the Request for Proposals (RFP), distributed on June 22, 2020, SJCOG received proposals from two qualified firms on July 17, 2020. Due to low response, the RFP was then extended to July 31, 2020, in order to receive additional proposals. Staff extended the RFP a second time to August 21, 2020. No additional proposals were received.

A review committee of SJCOG staff and one stakeholder from the City of Stockton and one stakeholder from Regional Government Services (RGS) evaluated the proposals, held a discussion to determine the most qualified consultants before a final determination was rendered.

### **Scoring Process and Consultant Selection**

The proposals and qualifications of the two firms were reviewed by the review committee, comprised of two SJCOG staff members, one stakeholder from the City of Stockton, and one stakeholder from Regional Government Services (RGS). The qualifications were reviewed and scored based on the following criteria:

<b>Proposal Criteria</b>	<b>Maximum Points Available</b>
<b>Comprehension of the Project</b>	15
<b>Thoroughness of the Proposal</b>	15
<b>Climate Change Strategy (AB 32 and SB 375 Compliance)</b>	10
<b>Meeting the RFP Objectives</b>	10
<b>Project Delivery Time</b>	10
<b>Qualifications &amp; Experience</b>	25
<b>References</b>	5
<b>Cost Efficiency</b>	10
<b>Total</b>	<b>100</b>

After the proposals were carefully reviewed by the committee, Rincon Consultants, Inc. was selected as the best suited consultant to carry out the 2022 RTP/SCS EIR tasks. Rincon was the #1 ranked firm with 93.25 points and Impact Sciences was the #2 firm with 88.625 points.

The two elements of the proposal that stood out to the review committee were the comprehension of the project and the qualifications and experience of the consultant team. As the consultant that conducted and completed the 2018 RTP/SCS EIR, Rincon Consultants, Inc. would be able to quickly start the project tasks and would need little to no onboarding. Rincon will also be teaming up with DKS Associates and VSCE to carry out tasks of the EIR. DKS Associates have also worked extensively with SJCOG in the past and will be able to best assist with technical tasks of the EIR since they have helped complete prior SJCOG RTP/SCS EIR's. Additionally, the project management team has many years established working in the San Joaquin County region and the

San Joaquin Valley as a whole. Due to the RFP extensions, the Rincon team would also likely be able to speed up project delivery tasks, if necessary, due to their familiarity with the SJCOG RTP/SCS process.

### **Public Interesting Finding**

Federal regulations require a minimum of three proposals be reviewed during a competitive bidding process. Because SJCOG received only two proposals, federal regulations allow an agency to move forward with the competitive bidding process in this circumstance if the agency can substantiate reasons to make a Public Interest Finding (PIF). A PIF establishes it is in the public's best interest to move forward with the process upon satisfaction of important criteria. SJCOG staff recommends against devoting additional resources to restart competitive bidding again for the following reasons:

- 1) The process undertaken was fair and competitive, and consistent with typical procurement practices by SJCOG and other public agencies.
- 2) An additional RFP extension will detrimentally affect the schedule of the 2022 RTP/SCS and will delay the adoption of the document. The delay in the schedule will result in legal action from the State and Federal government.
- 3) Extending the RFP for a third time would not result in a different outcome. Staff time has already been incurred regarding the development of the RFP, the distribution of the RFP, outreach related to the RFP, as well as the two RFP extensions. In contacting consultants who did not propose, some mentioned they made a business decision not to propose because they are working on other jobs; others mentioned that a Program EIR for the RTP is highly specialized and the firm was not qualified.

SJCOG concludes the SJCOG Board can consider a Public Interest Finding to award a contract.

### **NEXT STEPS:**

- SJCOG will negotiate a contract with CONSULTANT to start the project in September 2022.

### **ATTACHMENTS:**

1. The 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) Environmental Impact Report (EIR) Scope of Work

*Prepared by: Hailey Lang, Associate Regional Planner*

# ATTACHMENT A: SAMPLE WORK PLAN / SCOPE OF WORK

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The sample scope is provided for use by the proposing consultant firm. Proposers may deviate from, add, or subtract from this scope based on their understanding of the project.

## Phase 1: Kick-Off, Scoping, Setting Updates Estimated Schedule (August 2020-July 2021)

### Task 1: Kick-Off Meeting

Within one (1) week of the Notice to Proceed, SJCOG Staff will coordinate and schedule a kick-off meeting with the selected Consultant to refine schedule and project scope. Tasks in the scope of work will be assigned to responsible parties. This final scope of work will become part of the final executed contract between SJCOG and the selected consultant.

Consultant will propose a detailed flow of data and analysis between SJCOG's technical staff and consultant staff, including responsibilities for data collection, land-use and transportation modeling, mapping, and analysis. The focus will be on critical path data needed by the consultant to adhere to a proposed schedule based on adoption deadlines for the 2022 RTP/SCS and associated environmental document. The current anticipated adoption date is June 23, 2022.

At this time consultant will raise and address any specific areas of concern to be considered when preparing the EIR and propose ways to address them. This includes legal issues and unknowns regarding pending legislation or other regulatory or statutory issues.

**Deliverable #1:** Refined schedule, refined scope, tasks assigned to responsible party, proposed workflow, and meeting minutes.

### Task 2: Update to Environmental Setting

SJCOG staff will provide consultant with an editable version of the 2018 EIR for the consultant to update the Environmental setting and introductions to each topical chapter. This update should incorporate any changes to the DEIR incorporated into the Final EIR, new legislation and/or relevant court decisions, and changes in regulations or approach since the 2018 EIR. The Environmental Setting includes two components:

1. Description of the existing baseline natural, economic and social environmental setting (to include population, employment, transportation services and travel demand).
2. Description of the horizon year (2050) natural, economic and social environmental setting projections (to include population, employment, transportation services and travel demand).

**Deliverable #2:** Redlined/strikeout version of revised/refreshed portions of previous EIR.

### Task 3: EIR Scoping Process

Consultant will prepare an Initial Study and Notice of Preparation (NOP). Consultant will participate in one or two scoping meetings as determined necessary. These meetings may be in-person or virtual as circumstances warrant. Consultant will be responsible for preparing presentation materials (presentation materials, display boards, or handouts) and will be available to respond to comments during the meeting(s). SJCOG staff will respond to questions concerning the RTP.

Consultant and SJCOG staff will meet after the close of the NOP comment period to review any comments received. Consultant will prepare a list of written and oral comments and recommend how to address the comments in the EIR.

**Deliverable #3:** Scoping Meeting attendance, NOP Comments Meeting and NOP Comments Memorandum.

## Phase 2: Technical Analysis and Project Impact Analysis (August-October 2021)

### Task 4: Confirm EIR Alternatives

Consultant will provide feedback regarding the performance of the identified alternatives during the writing of the Impact Analyses for each topical chapter. If an additional or modified alternative is necessary to satisfy the requirements of CEQA, Consultant will advise SJCOG and incorporate the necessary changes.

For purposes of establishing the project budget, assume the EIR will analyze at a comparative level consistent with the requirements of CEQA, a No Project alternative and three additional alternatives. At this stage of the analysis, Consultant will prepare a brief memo advising SJCOG staff of the performance of the alternatives in terms of adequacy under CEQA.

**Deliverable #4:** EIR Alternatives Memo

### Task 5: Prepare EIR Introductory Chapters

The consultant will update the Introduction, Study Approach and Overview of the Proposed Project chapters.

**Deliverable #5:** Introduction and Study Approach Chapter, Overview of the Proposed Project Chapter for the 2022 RTP Draft EIR.

### Task 6: Impact Analysis

CONSULTANT will conduct the environmental assessment of the proposed project and alternatives to the proposed project for all environmental issue areas identified for this EIR. This task includes, but is not limited to:

- Conducting all necessary technical studies and analysis;
- Conducting all analyses for the DEIR, including but not limited to the following:

- Conducting impact assessment of the proposed project and alternatives for all environmental issue areas;
- Conducting analysis related to SB 743;
- Conducting analysis related to the Habitat Conservation Plan;
- Identifying level of significance for all environmental impacts;
- Conducting cumulative impact and growth-inducing impact evaluations;
- Identifying mitigation measures for all significant impacts (including assigning appropriate entity/lead agency responsible for carrying out the mitigations);
- Preparing all supporting graphics and GIS-based maps;
- Preparing all necessary data tables;
- Preparing all necessary appendices;
- Coordinating with the agency GIS and modeling team to develop an inventory of all appropriate land use, transportation and air quality data sets including data sources, gaps, limitations, definitions, etc., and as defined by SB 375 statute; and
- SJCOG will be responsible for the following to be integrated/utilized by the Consultant in the EIR as appropriate:
  - Travel demand modeling and transportation analysis for the project and all alternatives
  - Estimation of greenhouse gas emissions from the transportation sector for the project and all alternatives;
  - Air quality emissions from the transportation sector for the project and all alternatives; and
  - Toxic air contaminants from the transportation sector for the project and all alternatives.

For the items above, the Consultant will review all output, coordinate with SJCOG technical staff regarding results, prepare all maps and figures, and ensure CEQA compliance and document consistency.

As part of the environmental assessment, the Consultant will identify all impacts (including direct, indirect, and cumulative impacts), and develop useful and effective mitigation measure(s) for each identified impact.

The Consultant will identify significant impacts that can be mitigated, their level of significance after mitigation, and identify unavoidable significant impacts.

The Consultant will revise and update all EIR chapters, using work products from all tasks identified above as appropriate.

The Consultant will also prepare all the necessary supporting graphics (i.e., bar charts, pie charts, tables, etc.) and GIS-based maps, data tables, and technical appendices. The Consultant will be responsible for identifying and using the most up-to-date literature, maps, databases and other resources, as available and appropriate, and will document all sources. Report graphics and maps will be designed for black and white printing, however, if needed, certain graphics and maps may be designed for color printing.

SJCOG technical staff will map proposed transportation projects and land use characteristics in GIS, but Consultant will prepare final graphics and maps for the EIR. Consultant will coordinate with SJCOG technical staff when designing and creating all maps that will become report graphics in the EIR document. This coordination activity among agency staff and the Consultant is intended to identify the appropriate software, map layers, formats, file transfers, and other technical mapping and graphics details. The Consultant will provide SJCOG all finished maps in hard-copy and electronic format, along with supporting map layers, so that SJCOG can print and modify the maps, if necessary.

**Deliverable #6:** Revised EIR Part Two chapters – Impact Analyses; Revised EIR

## Phase 3: Alternatives Analysis and All Other Chapters/Section (August-November 2021)

### Task 7: Assess EIR Project Alternatives

The Consultant will assess the environmental effects of the project alternatives for all identified environmental issue areas. Consultant will design and conduct the alternatives analysis in a way that: (a) assesses the environmental effects of each alternative; (b) compares the environmental effects of the alternatives to the proposed project in an easy-to-understand matrix; (c) identifies the environmentally superior alternative; and (d) allows decision makers to potentially select and adopt any one alternative over the proposed project.

**Deliverable #7:** Draft Alternatives Analysis Chapter

### Task 8: Evaluate Significant Irreversible, Growth-Inducing and Cumulative Impacts

The Consultant will assess the impacts of all proposed alternatives in several subject areas specifically required by CEQA, including significant irreversible, growth-inducing and cumulative impacts with SJCOG's assistance on transportation-related effects. Consultant shall prepare the "Other CEQA Considerations" chapter, using work products from all tasks identified above as appropriate.

**Deliverable #8:** Draft Chapter on Other CEQA Considerations

### Task 9: Prepare Executive Summary

Consultant will prepare the Executive Summary including a summary table that lists all the impacts and mitigation measures for each resource category.

**Deliverable #9:** Executive Summary chapter

### Task 10: Prepare Administrative Draft

Consultant will integrate all completed work from above tasks into a single administrative DEIR for review by the SJCOG Project Manager and the agency project team. The administrative DEIR shall include but is not limited to, the following key elements:



- Executive Summary that explains the purpose and scope of EIR, EIR organization, study approach, RTP/SCS background, agency and public consultation effort, environmentally superior alternative, summary of impacts and mitigation, and so on;
- Introduction and Study Approach Chapter;
- Overview of the Proposed Project Chapter;
- Chapters on Environmental Assessments;
- Chapter on Alternatives Analysis;
- Chapter on Other CEQA Considerations; and
- All necessary report graphics; "front matter" (which includes title page, table of contents, list of figures and tables, etc.); and "back matter" (which includes report authors, technical appendices, etc.).

The Consultant will prepare an EIR that is legally defensible. Tables and graphs shall be used to explicitly illustrate findings. All text must be written in clear and concise prose that is easily understood by decision makers and the general public. The Consultant will provide the SJCOG Project Manager the administrative draft EIR in both Microsoft Word and PDF formats for internal review.

**Deliverable #10:** Complete Administrative Draft EIR

## Phase 4: Draft EIR(DEIR) (January 2022)

Consultant will review the agency staff comments on all prior deliverables and prepare a DEIR that fully responds to all agency staff comments and concerns.

### Task 11: Complete DEIR (electronic copy)

The Consultant will review the agency staff comments on the administrative DEIR and prepare a final DEIR that fully responds to all agency staff comments and concerns and is ready for public release. The Consultant shall submit electronically all documents referenced in the EIR in order to satisfy the requirements of CEQA Guidelines Section 15087(c)(5). The Consultant will be responsible for filing a Notice of Completion (NOC) and NOA with the State Office of Planning and Research and county clerk of San Joaquin County, including paying the cost of the filing fees (which includes county clerk processing fee, CA Department of Fish and Wildlife filing fee payment, and any other applicable filing fees).

The Consultant will file on the same day that SJCOG releases the DEIR for the 45-day public review. The Consultant will provide the SJCOG Project Manager with documentation that the NOC and DEIR have been properly filed. SJCOG will be responsible for distribution of the Notice of Availability for the DEIR to other parties as required under CEQA and publishing the public notice in an appropriate newspaper(s).

**Deliverable #11:** Draft EIR (3 printed copies, 2 stick drive copies), and electronic copies (WORD and PDF) in a format satisfactory to SJCOG and Filing Documentation with State Office of Planning and Research and the San Joaquin County Clerk's Office.

## Phase 5: Final EIR (FEIR) and Certification (February-June 2022)

### Task 12: Attend Hearings on DEIR

SJCOG will hold up to three public hearings on the Draft RTP/SCS and DEIR. The Consultant will attend the hearing or hearings and keep a record of all written and verbal comments received. The Consultant will assist SJCOG with preparing presentation materials for the public hearings as needed.

**Deliverable #12:** Attend hearings; prepare presentation materials; provide record of public comments.

### Task 13: Assess DEIR Comments

At the close of the comment period SJCOG will provide copies of all comments to the Consultant. The Consultant will be responsible for compiling, bracketing, and numbering all written and oral EIR comments and assessing requirements for responses. The Consultant will then prepare a matrix of comments by number and make recommendations regarding who should draft the response (Consultant or SJCOG staff). The Consultant will attend a meeting with SJCOG staff to discuss the comments and recommendations. SJCOG will address and prepare responses to comments on the plan, and transportation and air quality-related comments. However, the Consultant will review and provide technical comments on the draft responses to these topics to ensure CEQA compliance and document consistency.

**Deliverable #13:** Prepare comment matrix; attend comment review meeting.

### Task 14: Prepare Administrative Final EIR

The Consultant will coordinate with SJCOG regarding the preferred format for the FEIR. The Consultant shall prepare written responses to the DEIR comments, and integrate those responses prepared by others for inclusion in the Final EIR. The Consultant will recommend and make the appropriate changes to the DEIR to reflect any necessary technical corrections or revisions in response to comments. The revised text of the DEIR will be a section in the Final EIR. To the extent comments are submitted before the close of the comment period, the Consultant will begin drafting responses to those letters. SJCOG will address and prepare responses to comments on the plan, and transportation and air quality-related comments.

However, the Consultant will review and provide technical comments on the draft responses to these topics to ensure CEQA compliance and document consistency.

**Deliverable #14:** Administrative FEIR

### Task 15: Prepare Final EIR

The Consultant will review the agency staff comments and prepare a Final EIR that fully responds to all agency staff comments and concerns.

**Deliverable #15a:** Complete Final EIR (electronic copy)

The Consultant will review the SJCOG staff comments on the administrative FEIR and prepare a final Final EIR that fully responds to all agency staff comments and concerns and is ready for public release. SJCOG will be responsible for distribution of the Notice of Availability for the FEIR to other parties as required under CEQA and publishing public notice in an appropriate newspaper(s).

**Deliverable #15b:** Final EIR (x printed copies, y stick drive copies), and electronic copies (WORD and pdf) in a format satisfactory to SJCOG.

## Task 16: EIR Certification

The Consultant will draft the Mitigation Monitoring and Reporting Program (MMRP) as part of the EIR certification process. The Consultant will finalize the MMRP based on comments received from SJCOG staff. The Consultant will work closely with SJCOG legal counsel to prepare the Findings of Fact for certification of the FEIR. The Consultant will attend Plan adoption hearings to answer questions on the EIR and CEQA process. Following certification of the EIR and adoption of the plan, the Consultant will prepare and file the Notice of Determination (NOD) with the State Office of Planning and Research and the San Joaquin County Clerks, including paying the cost of the filing fees (which includes county clerk processing fee, the CA Department of Fish and Wildlife filing fee payment, and any other applicable filing fees). The Consultant will provide SJCOG with the documentation that the NOD has been filed. The filing must be completed within three days after joint certification of the Final EIR.

**Deliverable #16:** Mitigation Monitoring and Reporting Program; Attend hearings; Notice of Determination