

**STAFF REPORT FOR CALENDAR ITEM NO.: 8.2
FOR THE MEETING OF: January 12, 2017**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorize the Executive Director to execute Amendment No. 7 to Professional Services Agreement No. 12-04-SEIS-000 for Supplemental Environmental Impact Statement/ Environmental Impact Report (SEIS/EIR) Services (Agreement) between the Transbay Joint Powers Authority (TJPA) and AECOM Technical Services (AECOM) to extend the term of the Agreement to November 26, 2017, to complete the final tasks in the scope with no additional compensation.

EXPLANATION:

Contract History

In November 2012, the TJPA Board of Directors authorized the Executive Director to award the Agreement to AECOM to prepare an SEIS/EIR for the Transbay Program. The Agreement was for a maximum compensation of \$1,300,000 and a term not to exceed two years, with the option to extend the term for two additional years.

To date, six amendments to the Agreement have been executed. Amendment No. 1 (June 2014) expanded the scope of services related to distribution of the Notice of Preparation (NOP) and increased the compensation by \$12,800, bringing the Agreement's total not-to-exceed value to \$1,312,800. Amendment No. 2 (November 2014) extended the term of the Agreement by one year without changing the scope, price, or deliverables. Amendment No. 3 (February 2015) added scope to address additional analysis requested by participating agencies and \$54,400 in associated additional compensation, bringing the Agreement's total not-to-exceed value to \$1,367,200. Amendment No. 4 (November 2015) extended the term of the Agreement an additional year without changing the scope, price, or deliverables. Amendment No. 5 added scope to address the expanded distribution of the Notice of Availability (NOA), accelerate publication, and add public presentations, and increased associated compensation by \$21,281 for a total not-to-exceed Agreement value of \$1,388,481. Amendment No. 6 (November 2016) added scope to address additional tasks for publication, distribution, and noticing support as well as accommodate additional assistance with the preparation of the mitigation monitoring and reporting program, extended the term of the Agreement by 73 days (to February 6, 2017), and increased compensation by \$41,519 for a total not-to-exceed Agreement value of \$1,430,000. Amendments 1, 3, 5 and 6 were approved by the TJPA Executive Director under TJPA Procurement Policy. Amendments 2 and 4 were approved by the TJPA Board, and this further extension of time also requires Board approval under the TJPA Procurement Policy.

SEIS/EIR

The SEIS/EIR is augmenting and updating the March 2004 Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project (Transbay Program) Final Environmental Impact Statement/ Environmental Impact Report and addressing refinements to the Program's Phase 2 elements. These refinements include changes to the Downtown Rail Extension tunnel curvature and the extension of rail levels of the Transit Center to accommodate high-speed rail requirements and other changes or new information.

The SEIS/EIR has evaluated potential new or increased environmental impacts that may result from changes to Phase 2, changes in circumstances, and new information, as required by the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The TJPA is the lead agency for the purposes of compliance with CEQA. The Federal Transit Administration (FTA) is the lead federal agency for the purposes of compliance with NEPA, and the Federal Railroad Administration is a cooperating agency, pursuant to 40 CFR Section 1501.6. The outcome of the supplemental environmental analysis will be CEQA and NEPA clearance for changes to Phase 2, which will involve certification of the SEIS/EIR and adoption of a Notice of Determination by the TJPA, and adoption of a Record of Decision by the FTA.

Work Completed to Date

Since November 2012, AECOM has, among other work, consulted with the TJPA to issue the NOP, refined the purpose and need for the SEIS/EIR, analyzed effects to the physical and socioeconomic environments, and completed multiple administrative drafts of the SEIS/EIR.

The NOP for the SEIS/EIR was published by the State Clearinghouse on April 30, 2013. After completing technical reports and significant coordination with the FTA and other stakeholders, AECOM completed the Draft SEIS/EIR and provided it to the State Clearinghouse on December 21, 2015. The Draft SEIS/EIR was published in the Federal Register on December 28, 2015. An NOA was published in the San Francisco Examiner and mailed to approximately 6,000 owners and occupants within the project vicinity. The Draft SEIS/EIR was made available to the public at the San Francisco Main and MTC-ABAG libraries, online, and through the ARC plan room.

AECOM presented the Draft SEIS/EIR to the TJPA Citizens Advisory Committee (CAC) on January 12, 2016, and held a public comment session on February 10, 2016, prior to the end of the 60-day public comment period on February 29. AECOM worked with staff and the FTA to provide additional analysis and responses to comments; this work involved technical coordination with Caltrain, the California High-Speed Rail Authority, and the FTA. AECOM also completed additional analysis regarding effects to cultural resources in compliance with both CEQA and NEPA regulations for a Section 106 compliance review by the FTA and the State Historic Preservation Office, and supported the FTA in its tribal consultation.

AECOM is completing work on the Final SEIS/EIR. An update was presented to the CAC on November 7, 2016, and staff anticipates that the Final SEIS/EIR will be presented to the TJPA Board of Directors early in 2017. However, staff expects to require AECOM's services over the next year, beyond the term of the Agreement, to complete final administrative tasks, including preparing a Notice of Determination and closing out project task items.

RECOMMENDATION:

Staff recommends that the Board of Directors authorize the Executive Director to amend Professional Services Agreement No. 12-04-SEIS-000 for Supplemental Environmental Impact Statement/Environmental Impact (SEIS/EIR) Report Services with AECOM Technical Services to extend the term of the Agreement to November 26, 2017, with no change to the scope or maximum compensation under the Agreement.

ENCLOSURES:

1. Resolution
2. Amendment No. 7

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, On November 19, 2012, in Resolution No. 12-032, the Transbay Joint Powers Authority (TJPA) Board of Directors authorized the Executive Director to execute a professional services agreement (Agreement) with AECOM Technical Services (AECOM) to prepare a Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) for the Transbay Transit Center Program for a maximum compensation of \$1,300,000 and a term not to exceed two years, with the option to extend the Agreement for two years; and

WHEREAS, Since November 2012, six amendments to the Agreement have been executed, expanding the scope of services of the Agreement to address additional analysis requested by participating agencies and accommodate additional tasks for publication, distribution, noticing, public meetings, and preparation of a mitigation monitoring and reporting program; increasing the compensation to a total-not-to exceed value of \$1,430,000; and extending the term of the Agreement to February 2017; and

WHEREAS, AECOM has, among other work, consulted with the TJPA to issue a Notice of Preparation, refined the purpose and need for the SEIS/EIR, analyzed effects to the physical and socioeconomic environments, and completed multiple administrative drafts of the SEIS/EIR, including technical reports and significant coordination with the Federal Transit Administration and other stakeholders; and

WHEREAS, AECOM is completing work on the Final SEIS/EIR, and staff anticipates that the Final SEIS/EIR will be presented to the TJPA Board of Directors early in 2017; and

WHEREAS, The TJPA expects to continue to require the AECOM's services over the next year, beyond the term of the Agreement, to complete final administrative tasks, including preparing a Notice of Determination and closing out project task items, and recommends extending the term of the Agreement without increasing the maximum compensation under the Agreement; and

WHEREAS, Such change to the term requires a seventh amendment to the Agreement, but does not change the scope, price, or deliverables under the Agreement; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the Executive Director to execute Amendment No. 7 to the Agreement with AECOM Technical Services to modify the Agreement to extend the term of the Agreement to November 26, 2017, without increasing the scope of services or maximum compensation under the Agreement.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of January 12, 2017.

Secretary, Transbay Joint Powers Authority

**Agreement Amendment No. 7
Professional Services Agreement between
the Transbay Joint Powers Authority
and AECOM Technical Services**

THIS Amendment No. 7 to the Professional Services Agreement to furnish Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) services dated November 19, 2012 (Agreement) is entered into as of the 12th day of January 2017 in San Francisco, California, by and between **AECOM Technical Services** (Contractor), and the **Transbay Joint Powers Authority** (TJPA).

Recitals

The TJPA and Contractor desire to extend the term of the Agreement without changing the scope, price, or deliverables under the Agreement. The TJPA and Contractor agree to amend Section 2 of the Agreement in its entirety to read as follows:

Terms and Conditions

2. Term of Agreement

Subject to Section 1, the term of this Agreement shall be extended to November 26, 2017.

There are no additional costs associated with this revision.

All other provisions of the Agreement shall remain in full force and effect.

TRANSBAY JOINT POWERS AUTHORITY

**CONTRACTOR
AECOM Technical Services**

Mark Zabaneh
Executive Director

Transbay Joint Powers Authority
Board of Directors
Resolution No.: _____
Adopted: _____

Attest:

Secretary, TJPA Board

Approved as to Form by:

TJPA Legal Counsel

Rod Jeung
Principal/Project Director
AECOM Technical Services, Inc.
300 California Street, Suite 600
San Francisco, CA 94104

Date

Tax Identification Number: 952661922