



## Motion Nos. M2023-98 and M2023-99

### On-Call Contracts for Critical Areas Landscape Maintenance Service

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	11/09/2023	Final action	Brooke Belman, Deputy CEO, Chief Expansion Delivery Officer Don Billen, PEPD Executive Director <b>Marti Louthier, Ecosystem Manager</b>

### Proposed action

**Motion No. M2023-98:** Authorizes the chief executive officer to execute a 5-year contract with Applied Ecology LLC to provide On-Call Critical Area Landscape Maintenance Services for Sound Transit capital projects for an authorized contract amount not to exceed \$2,043,250, plus applicable taxes.

**Motion No. M2023-99:** Authorizes the chief executive officer to execute a 5-year contract with Westgro Corporation to provide On-Call Critical Area Landscape Maintenance Services for Sound Transit capital projects for an authorized contract amount not to exceed \$2,043,250, plus applicable taxes.

### Key features summary

- The contracted scope of work will primarily include on-call services for landscape maintenance activities, planting, integrated pest management activities, and herbicide application. Other related work may be requested on an as-needed basis.
- The two contractors will each provide landscape maintenance services for critical area mitigation sites and non-critical area sites as needed. Critical areas include wetlands, streams, their buffers, and steep slopes. Work for this contract is associated with environmental permits for Link, Sounder, and Regional Express Projects. Projects serviced by this contract include but are not limited to Downtown Redmond Link Extension, East Link Extension, Federal Way Link Extension, Northgate Link Extension, Lynnwood Link Extension, Operation Maintenance Facility-East, and SR 522 Bus Rapid Transit.
- This contract will also support maintenance of critical areas located on Sound Transit owned or operated properties, or other non-critical area landscaped zones as needed to support capital projects. For example, there are many critical areas located along the Central Link Corridor in Tukwila and several parcels are owned by Sound Transit. These areas require routine landscape maintenance, and this contract action will provide two contractors that are specifically trained and have experience maintaining critical and non-critical areas.
- Sound Transit needs to conduct this work when critical area mitigation projects are constructed. Permitting agencies require 5- to 10-years of monitoring and maintenance. Typically, one to two years of landscape maintenance activities are completed by the Design-Build or Design-Bid-Build landscape contractor. After that, it is Sound Transit's responsibility to complete the remaining years of required landscape maintenance.
- Applicable taxes for each contract are currently estimated to be \$204,325.

## **Background**

Two previous on-call critical area landscape maintenance contracts have been issued since 2009 (LR 0122-09 and RTA/RP 0100-15). Construction of capital projects often results in unavoidable temporary and/or permanent impacts to critical areas. Restoration of temporarily impacted critical areas within the project corridor is required by local, state, and/or federal agencies. These areas must be monitored and maintained for a minimum of 5 years, or until the sites have successfully met the mitigation plan performance standards. Performance standards for restored critical areas typically include measuring plant growth, wildlife use, habitat features, hydrology, and percent cover of invasive species.

Additionally, Sound Transit is often required to construct compensatory wetland mitigation sites to offset permanent impacts to critical areas. These compensatory mitigation sites require 10-years of monitoring and maintenance, or until the performance standards have been met. Because this is a 5-year contract, additional contracts like this would be required to be executed in the future to meet performance standards for 10 years of monitoring.

This work occurs after the Capital project has constructed the mitigation site and the contractor's plant establishment period has been completed.

## **Procurement information**

Sound Transit advertised the Request for Proposals RTA/RP 0040-23 in July 2023 and held a public pre-proposal meeting to discuss detailed scope of work items. Four firms submitted proposals. These four firms were evaluated based on the advertised evaluation criteria, which include the following: Price; Firm Experience and History; Approach to Integrated Pest Management (IPM), Noxious Weeds, and using Green Products; Capacity, Project Organization, and Safety; Commitment to DBE and other Small Businesses and Good Faith Efforts; and Commitment to and Compliance with Equal Employment Opportunity.

After the evaluation meeting, there was a definite competitive range distinction of the top two firms. As indicated in the RFP, Sound Transit has the option to award multiple contracts. The project manager and the evaluation team decided to award contracts to Applied Ecology LLC and Westgro Corporation that each fell within the competitive range. Awarding two on-call contracts is anticipated to provide Sound Transit adequate resources for critical and non-critical area landscape maintenance requirements. Rates for each contractor, Applied Ecology LLC and Westgro Corporation, were each determined fair and reasonable, based on comparison of the competitive market rates submitted by the other two proposers for these services and comparison to the ICE. Work under each contract will be assigned by negotiated task orders that will identify specific scope of work, time for performance and agreed not to exceed amount, utilizing unit pricing provided in the solicitation, with annual escalation specified in each contract.

The requirements of the completed Diversity Analysis Worksheet by the Office of Civil Rights, Equity, and Inclusion (CREI) were represented in the solicitation and resulting contracts.

## **Fiscal information**

The landscape maintenance contracts described in this proposed action will be assigned on an as-needed basis. This is not a commitment of funds. Funding for the on-call services will come from existing Board approved capital projects and department budgets. As services will be rendered on an as-needed basis, cost distribution will be determined after the budget is verified. This action is reasonably assumed in the existing Long Range Financial Plan forecast.

## **Disadvantaged and small business participation**

### **Participation by small businesses and disadvantaged business enterprises (DBEs)**

Sound Transit promotes and encourages small business participation, which also includes disadvantaged business enterprises (DBEs). Small business and DBE goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of small businesses/DBEs available to perform such subcontracting work.

Sound Transit determined that there were few small business and DBE subcontracting opportunities based upon the work described in this contract, so small business/DBE goals were not established.

### **Time constraints**

A one-month delay in Board approval could impact starting landscape maintenance work for the 2024 season. The current Task Orders for the current contract will expire on December 31, 2023. Early weeding and landscaping work typically start in February in the Pacific Northwest. Contract negotiations are anticipated to occur in November and December which would then allow task orders to be issued in January, so work can begin in February.

### **Prior Board/Committee actions**

Motion No. M2015-120: Authorized the chief executive officer to execute a five-year on-call contract with two one-year options to extend with Applied Ecology, LLC to provide On-Call Sensitive Area Landscape Maintenance Services for Sound Transit Capital projects for a total amount not to exceed \$1,600,000.

Motion No. M2009-84: Authorized the chief executive officer to execute a one-year contract with four additional one-year options with Restoration Logistics, LLC to provide landscape maintenance services for Link, Regional Express, and Sounder wetland and stream mitigation projects in an amount not to exceed \$1,536,595.

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**Environmental review** – KH 10/19/23

**Legal review** – JSA 10/27/23



## Motion No. M2023-98

A motion of the System Expansion Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a 5-year contract with Applied Ecology LLC to provide On-Call Critical Area Landscape Maintenance Services for Sound Transit capital projects for an authorized contract amount not to exceed \$2,043,250, plus applicable taxes.

### Background

Two previous on-call critical area landscape maintenance contracts have been issued since 2009 (LR 0122-09 and RTA/RP 0100-15). Construction of capital projects often results in unavoidable temporary and/or permanent impacts to critical areas. Restoration of temporarily impacted critical areas within the project corridor is required by local, state, and/or federal agencies. These areas must be monitored and maintained for a minimum of 5 years, or until the sites have successfully met the mitigation plan performance standards. Performance standards for restored critical areas typically include measuring plant growth, wildlife use, habitat features, hydrology, and percent cover of invasive species.

Additionally, Sound Transit is often required to construct compensatory wetland mitigation sites to offset permanent impacts to critical areas. These compensatory mitigation sites require 10-years of monitoring and maintenance, or until the performance standards have been met. Because this is a 5-year contract, additional contracts like this would be required to be executed in the future to meet performance standards for 10 years of monitoring.

This work occurs after the Capital project has constructed the mitigation site and the contractor's plant establishment period has been completed.

The contracted scope of work will primarily include on-call services for landscape maintenance activities, planting, integrated pest management activities, and herbicide application. Other related work may be requested on an as-needed basis.

The two contractors will each provide landscape maintenance services for critical area mitigation sites and non-critical area sites as needed. Critical areas include wetlands, streams, their buffers, and steep slopes. Work for this contract is associated with environmental permits for Link, Sounder, and Regional Express Projects. Projects serviced by this contract include but are not limited to Downtown Redmond Link Extension, East Link Extension, Federal Way Link Extension, Northgate Link Extension, Lynnwood Link Extension, Operation Maintenance Facility-East, and SR 522 Bus Rapid Transit.

This contract will also support maintenance of critical areas located on Sound Transit owned or operated properties, or other non-critical area landscaped zones as needed to support capital projects. For example, there are many critical areas located along the Central Link Corridor in Tukwila and several parcels are owned by Sound Transit. These areas require routine landscape maintenance, and this contract action will provide two contractors that are specifically trained and have experience maintaining critical and non-critical areas.

Sound Transit needs to conduct this work when critical area mitigation projects are constructed. Permitting agencies require 5- to 10-years of monitoring and maintenance. Typically, one to two years of landscape maintenance activities are completed by the Design-Build or Design-Bid-Build landscape

contractor. After that, it is Sound Transit's responsibility to complete the remaining years of required landscape maintenance.

Applicable taxes for each contract are currently estimated to be \$204,325.

**Motion**

It is hereby moved by the System Expansion Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a 5-year contract with Applied Ecology LLC to provide On-Call Critical Area Landscape Maintenance Services for Sound Transit capital projects for an authorized contract amount not to exceed \$2,043,250, plus applicable taxes.

APPROVED by the System Expansion Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 9, 2023.

  
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Claudia Balducci  
System Expansion Committee Chair

**Attest:**

  
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Kathryn Flores  
Board Administrator