

**Board Report**

File #: 2015-0586, **File Type:** Contract**Agenda Number:** 46.

**CONSTRUCTION COMMITTEE
JULY 16, 2015****SUBJECT: DESIGN SUPPORT DURING CONSTRUCTION FOR THE DIVISION 13 BUS
MAINTENANCE AND OPERATIONS FACILITY****ACTION: AUTHORIZATION FOR CONTRACT MODIFICATION AUTHORITY****RECOMMENDATION**

CONSTRUCTION COMMITTEE FORWARDED WITHOUT RECOMMENDATION approving an increase in the Contract Modification Authority (CMA) to Contract No. OP33402180 with Maintenance Design Group (MDG) in the amount of \$350,000, increasing the total CMA from \$1,350,000 to \$1,700,000 for **design support during construction for the Division 13 Bus Maintenance and Operations Facility.**

ISSUE

Difficulties encountered during construction have resulted in additional involvement by the Designer and Engineer of Record. Additional CMA is required to increase the value of the Task Order for Design Support During Construction (DSDC). MDG will also produce all as-built drawings of the new facility once construction is complete.

DISCUSSION

In November 2008, the Board approved the contract award for the design and engineering of Division 13, and which also included DSDC services. The original period of performance for the construction contract was estimated at 700 calendar days from the notice-to-proceed (NTP). Based on NTP issued May 2012, Division 13 construction was to be completed by July 2014. Construction delays caused primarily by differing site conditions and the collapse of Deck 14 in March 2014 extended the period of performance. Substantial completion is currently scheduled for September 2015. The CMA request of \$350,000 is based on the anticipated level of effort required to support the project through construction and final acceptance.

The DSDC scope of work includes the following tasks: responding to Requests for Information (RFIs); reviewing project submittals, monitoring construction progress, attending weekly project team site walks; issuing site visit reports; conducting inspections and documenting finds; producing

Record Drawings; and providing design support for Metro requested changes.

DETERMINATION OF SAFETY IMPACT

The Board action will not have an impact on established safety standards.

FINANCIAL IMPACT

Funds for the selected project is included in the FY16 budget in Cost Center 8510 under Project 202001, Account 50316. The project is scheduled to be completed in the first quarter of FY16.

Impact to Budget

Since this is a multi-year project, the Project Manager, Cost Center manager, and Executive Director, Engineering and Construction will be responsible for budgeting the cost in future fiscal years.

ALTERNATIVES CONSIDERED

The Board may choose to not approve the continuation of Design Support Services During Construction at this time. However this alternative is not recommended because the MDG team is the "Designer-" and the "Engineer-" of Record for the Division 13 Project.

NEXT STEPS

Staff will issue a Contract Modification and issue a Task Order to extend the period of performance for DSDC services through the end of construction.

ATTACHMENTS

Attachment A - Procurement Summary

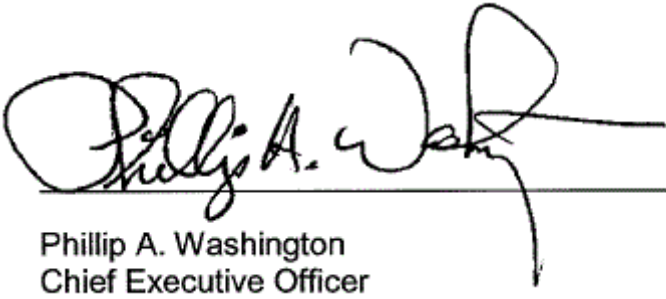
Attachment B - Contract Modification History/Change Order Log

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

ARCHITECTURE/ENGINEERING SERVICES FOR DIVISION 13

1.	Contract Number: OP33402180			
2.	Contractor: Maintenance Design Group			
3.	Work Description: Design support during construction of Division 13			
4.	The following data is current as of: June 1, 2015			
5.	Contract Status:			
	Bids/Proposals Opened:	07/10/2008	Contract Award Amount:	\$6,792,851
	Contract Awarded:	11/20/2008	Total of Modifications Approved:	\$1,317,380
	NTP:	01/05/2009	Current Contract Value:	\$8,110,231
	Original Complete Date:	12/31/2011	Current Est. Complete Date:	12/31/2015
6.	Contract Administrator: Deborah Spottsville		Telephone Number: (213) 922-1040	
7.	Project Manager: Manuel Gurrola		Telephone Number: (213) 922-8889	

A. Procurement Background

In November 2008, Contract No. OP33402180 was awarded to Maintenance Design Group, LLC, the as the most qualified firm, in the amount of \$6,792,851, for architectural and engineering design services and as-needed construction support for the Division 13 project.

Attachment B shows that eight (8) modifications have been issued to date.

B. Cost/Price Analysis

The price of any future Contract Modifications and Task Orders will be determined to be fair and reasonable based upon cost analysis, technical evaluation, fact finding, and negotiations.

An audit request has been submitted to the Metro Management Audit Services Department (MASD) to determine allowable and allocable direct and overhead rates. Task Orders and Contract Modifications are subject to retroactive adjustments to the Contract upon completion of the audit.

C. Small Business Participation

Maintenance Design Group, LLC (MDG) made a 17.27% Small Business Enterprise (SBE) commitment. MDG's current SBE participation is 15.87%, a shortfall of 1.4%. MDG gave the following reasons for the shortfall: (1) this is a Time-and-Materials task order, (2) all consultants perform specialized work; they are not able to commit a specific amount of hours for consultants to respond to Contractor's Request for Information (RFIs), and (3) the only remaining work is attending Construction Progress Meetings and conducting punch-list procedures which are not designated as SBE scope of services. DEOD will perform a final compliance review to determine if appropriate administrative sanctions are warranted.

Small Business Commitment	SBE 17.27%	Small Business Participation	SBE 15.87%
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	SBE Subcontractors	% Committed	Current Participation¹
1.	Gonzales Suarez Associates	1.37%	1.12%
2.	W2 Design	5.89%	5.51%
3.	C&J Technical Services	9.95%	9.18%
4.	Diaz-Yourman	0.07%	0.06%
	Total	17.25%	0

¹Current Participation = Total Actual Amount Paid-to-Date to Subs ÷ Total Actual Amount Paid-to-Date to Prime

D. Living Wage Service Contract Worker Policy

The Living Wage and Service Contract Worker Retention Policy is not applicable to this modification.

E. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

ATTACHMENT B

CONTRACT MODIFICATION HISTORY/CHANGE ORDER LOG

**ARCHITECTURE/ENGINEERING SERVICES FOR DIVISION 13/CONTRACT NO.
OP33402180**

Mod . No.	Description	Status	Cost
1.	Alternative Design Elements and Period of Performance Extension	Approved	\$ 445,179
2.	60% Design Submittal, Task No. 3bb	Approved	\$ 185,000
3.	Period of Performance Extension	Approved	\$ 63,718
4.	Administrative Change	Approved	\$ 0
5.	Administrative Change	Approved	\$ 0
6.	Design Support Services During Construction	Approved	\$ 100,000
7.	Design Support Services During Construction	Approved	\$ 398,060
8.	Design Support Services During Construction	Approved	\$ 125,423
Subtotal – Approved Modifications			\$ 1,317,380
Subtotal – Pending Changes/Modifications			\$ 0
Subtotal Totals: Mods. + Pending Changes/Modifications			\$ 1,317,380
Subtotal – Pending Claims			\$ 0
Total: Mods + Pending Changes/Mods + Possible Claims			\$ 1,317,380
Previous Authorized CMA			\$ 1,350,000
CMA Necessary to Execute Pending Changes/Mods + Possible Claims			\$ 350,000
Total CMA including this Action			\$ 1,700,000
CMA Remaining for Future Changes/Mods after this Action			\$ 382,620