

**Board Report**

File #: 2015-0849, **File Type:** Contract**Agenda Number:** 44.

**CONSTRUCTION COMMITTEE
JULY 16, 2015****SUBJECT: DESIGN SUPPORT DURING CONSTRUCTION FOR THE PATSAOURAS PLAZA
BUSWAY STATION, CONTRACT PS093343240A****ACTION: AUTHORIZE ADDITIONAL CONTRACT MODIFICATION AUTHORITY****RECOMMENDATION**

CONSTRUCTION COMMITTEE FORWARDED WITHOUT RECOMMENDATION approving an increase in the Contract Modification Authority (CMA) to Contract No. PS0933432406A with STV Incorporated (STV) in the amount of \$250,000, increasing the total CMA from \$500,000 to \$750,000 for the **design support during construction for the Patsaouras Plaza Busway Station.**

ISSUE

Design-Build Contract No. C0970 was awarded for the construction of Patsaouras Plaza Busway Station in February 2014. The Design-Builder has required assistance to address questions related to the preliminary design. This has resulted in a higher than anticipated level of involvement by STV. Staff has used up the CMA that remained in the contract when it issued a Contract Modification for design support during construction (DSDC).

DISCUSSION

Staff came to the Board in January 2013 to authorize the Chief Executive Officer to increase the cumulative Contract Modification Authority (CMA) for Contract No. PS0933432406a to \$500,000. At the time, staff had rejected bids to construct the Patsaouras Plaza Busway Station because all bids exceeded the LOP. Staff needed STV's services to conduct value engineering and re-design the busway station; prepare the project documents for re-bidding the work; and to provide assistance, such as answering questions from prospective bidders, during the re-bid process. A Contract Modification was also issued to provide DSDC services. The design-builder has required a higher than anticipated level of effort from STV to address questions related to the preliminary design and to assist with issues that require coordination with CALTRANS.

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 202317, Account 50316.

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 STV is the only consultant capable of answering questions and addressing issues related to the preliminary design because STV developed it and assisted with the value engineering and re-design of the busway station prior to re-bidding the work.

NEXT STEPS

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

ATTACHMENTS

Attachment A - Procurement Summary

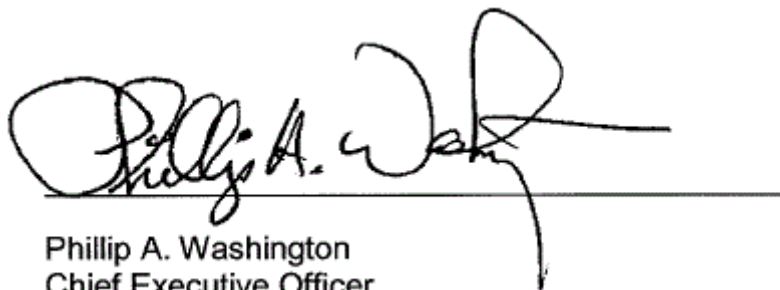
Attachment B - Contract Modification Authority (CMA)/Change Order Log

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**INCREASE CONTRACT MODIFICATION AUTHORITY (CMA)
UNION/PATSAOURAS PLAZA BUSWAY STATION ACE DESIGN SERVICES
CONTRACT NO. PS0933432406SA**

1.	Contract Number: PS0933432406A		
2.	Contractor: STV Incorporated (STV)		
3.	Work Description: Conceptual Engineering and Design		
4.	The following data is current as of: May 28, 2015		
5.	Contract Status: Active		
	Bids/Proposals Opened:	2	Contract Award Amount: \$789,067
	Contract Awarded:	10/23/2009	Total of Modifications Approved: \$361,086
	NTP:	11/24/2009	Current Contract Value: \$1,150,153
	Original Complete Date:	12/31/2010	Current Est. Complete Date: 3/31/2018
6.	Contract Administrator: Deneise Glover		Telephone Number: 213-922-7302
7.	Project Manager: Manuel Gurrola		Telephone Number: 213-922-8889

A. Procurement Background

On October 23, 2009, Contract No. PS0933432406A was awarded to STV Incorporated, the lowest responsive and responsible bidder, in the amount of \$789,067, for the conceptual engineering and design of Patsaouras Plaza Busway Station.

Attachment B shows that six (6) modifications have been issued to date to add work and shows pending requests for changes currently being reviewed for merit.

B. Cost/Price Analysis

The recommended price for any proposed Contract Modification will be determined to be fair and reasonable through fact-finding, clarifications, independent cost estimates, cost analysis, technical evaluation, and negotiations. The negotiations will yield a firm fixed price Contract Modification.

C. Small Business Participation

STV Incorporated made a Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment of 7.39%. STV’s current DBE participation is 6.19%, a shortfall of 1.2%. According to STV, the DBE amount paid-to-date on the project exceeds the amount originally committed. However, the DBE participation as a “percentage” of total project costs is less than the original estimate.

On June 18, 2015, STV provided the following reasons for this shortfall: (1) Metro has increased STV’s scope of services over the last couple of years in order to provide funds for additional support in responding to the Design-Builder’s (D-B) submittals, Request for Information (RFIs), and to participate in meetings with the D-B Contractor. That work needed to be completed by STV management staff. Thus STV’s contract limit increased but Metro did not request scope of work items for DBE services, and (2) Metro decided not to have STV’s team review the various Contractor’s Geotechnical Engineering report submittals, which would have been provided by DBE subcontractor Diaz Yourman & Associates. DEOD will perform a final compliance review to determine if appropriate administrative sanctions are warranted.

DBE Commitment	7.39%	DBE Participation	6.19%
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	DBE Subcontractors	Ethnicity	% Commitment	Current Participation¹
1.	Coast Surveying, Inc.	Hispanic American	5.18%	5.02%
2.	Diaz Yourman Associates	Hispanic American	2.21%	1.17%
	Total		7.39%	6.19%

¹Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ 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.

ATTACHMENT B

**CONTRACT MODIFICATION AUTHORITY (CMA)/CHANGE ORDER LOG
UNION/PATSAOURAS PLAZA BUSWAY STATION ACE DESIGN SERVICES
CONTRACT NO. PS0933432406A**

Modification Number	Description	Status (Approved or Pending)	Contract Value (A)	Modification Amount (B)	Board Approved CMA (C)
N/A	Initial Award	Approved	\$789,067		\$200,000
1	Exercise Options (Article VI, Contract Options 1-A & 1-B)	Approved		\$72,732	
2	Conceptual Plan for Bus Stop & Pedestrian Bridge	Approved		\$15,387	
3	Prepare Right of Way Exhibits	Approved		\$29,269	
4	Update ACE Design Plans & Specs/Provide Monuments at Denny's Property	Approved		\$45,000	
5	As-Needed Construction Support Services	Approved		\$99,337	
6	Continuing Design Engineering	Approved		\$99,361	
					\$300,000
Subtotal (Approved)				\$361,086	
	Additional CMA Request	Pending		\$250,000	
Subtotal (Pending)				\$250,000	
Subtotal (Approved and Pending)				\$611,086	
Subtotal – Approved Modifications within CMA				\$361,086	
Subtotal – All Approved Modifications				\$361,086	
Pending Changes/Modifications				\$250,000	
Total Modifications and Pending Changes				\$611,086	
Total Contract Value (Including Approved and Pending Modifications including Credits) (Original Contract \$789,067 + \$611,086)			\$1,400,153		
Board Approved cumulative CMA					\$500,000
Requested CMA (Approved and Pending, \$750,000 minus Board Approved CMA, \$500,000)					\$250,000