

**Board Report**

File #: 2015-1597, **File Type:** Contract**Agenda Number:** 29.

**CONSTRUCTION COMMITTEE
NOVEMBER 19, 2015****SUBJECT: WESTSIDE PURPLE LINE EXTENSION PROJECT - SECTION 1****ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION****RECOMMENDATION**

AUTHORIZING the Chief Executive Officer to Execute Contract Modification No. 57 to Contract No. PS43502000 Parsons Brinkerhoff Inc. to **provide continued design support services during construction for Section 1 of the Westside Purple Line Extension Project**, from December 2015 through June 2017, in the amount not-to-exceed \$9,282,218 increasing the Total Contract Value from \$152,503,103 to \$161,785,321.

ISSUE

The Board authorized award of the PB Contract in June 2007 to provide environmental and engineering services for the nine-mile Westside Purple Line Extension Project. The Project Definition for the current nine-mile alignment, that was adopted by the Board on April 26, 2012, extends the Purple Line tunnels from the current terminus at Wilshire/Western to the Westwood/VA Hospital and includes seven underground stations. A Record of Decision for the Project was received from the Federal Transit Administration (FTA) on August 9, 2012; followed by the receipt of a Full Funding Grant Agreement (FFGA) on May 21, 2014, for the first phase (Section 1) of the Project (3.92 miles from Wilshire/Western to Wilshire/La Cienega).

Since 2007, the Board has approved Contract Modifications (Attachment B) to allow PB to continue engineering services to complete the bid documents and provide design support services during construction for three Advanced Utility Relocation (AUR) construction contracts and the Design/Build RFP solicitation documents for the tunnels, stations, systems and trackwork for the first Section (3.92 miles from Wilshire/Western to Wilshire/La Cienega) of the Project. The first of the three AUR construction contracts was successfully completed in 2014; the second reached substantial completion in October 2015; and the last AUR contract that was issued construction Notice to Proceed in January 2015, is scheduled to be completed by January 2017. The Design/Build contract which includes tunnels, stations, systems and trackwork was issued Notice to Proceed in January 2015 and is scheduled to be completed in 2023. In July 2015, the Board approved the award of the Design/Build contract for the Maintenance of Way/Non-Revenue Vehicle Repair Building that was

issued Notice to Proceed in September 2015 and is scheduled to be completed in 2017.

The PB team is co-located with Metro staff in the Integrated Project Management Office and is currently providing engineering services for both of the Westside Purple Line Extension (Sections 1 and 2) Projects. Approval of the recommended action to execute the Contract Modification for Section 1 will provide continuity of design support services during construction for the: 1) Advanced Utility Relocation contracts; 2) Design/Build Tunnels, Stations, Systems and Trackwork contract; and 3) Design/Build Maintenance-of-Way and Non-Revenue Vehicle Facility contract.

The recommended Board action will provide sufficient Contract Modification authority and funding for PB services through June 2017. This approach will result in better control over the management of consultant services with the ability to budget according to the planned workload over the next two years. It will also allow the Project to maintain knowledgeable Consultant staff that will be able to provide engineering “Lessons Learned” and opportunities to develop new consultant staff to transition to the Westside Purple Line Section 2 Project, if future funding and Contract Modifications are approved by the Board.

The Metro Board of Directors instructed the Office of the Inspector General (OIG) to conduct an independent audit of Contract No. PS-4350-2000, Westside Purple Line Extension Project - Section 2, Modification 52 (“Section 2 OIG Review”), to assess (1) total work hours to perform the proposed advanced preliminary engineering work, (2) proposed billable rates, (3) any potential management redundancies, and (4) accuracy and completeness of the preliminary engineering drawings. The expert consultant hired by OIG is conducting the review. The review is expected to be completed by them in late January/early February time frame. The OIG will report the results of this review to the Metro Board.

Section 2 OIG Review concerns a 2.6 mile segment that includes two new stations (Wilshire/Rodeo and Century City); whereas this Board report concerns a 3.9 mile segment (Section 1) that includes three new stations (Wilshire/La Brea, Wilshire/Fairfax, and Wilshire/La Cienega).

Section 2 OIG Review concerns a contract modification amount of \$20.8 million (that is within budget but not within a Board Adopted LOP), whereas this Board report is for a lesser amount of \$9.3 million and is within budget and the Board adopted LOP.

Section 2 OIG Review concerns advanced preliminary engineering, design for advanced relocation of utilities, engineering support services, design support services, whereas this Board report includes only within scope continued design support services during construction of Section 1.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards for Metro’s construction

projects.

FINANCIAL IMPACT

Funds are included in the FY16 budget for the actions under Project 865518 - Westside Purple Line Extension Project (Section 1) in Cost Center 8510 (Construction Project Management), and Account Number 50316 (Professional and Technical Services). Since this is a multi-year project, the Executive Director of Program Management and the Westside Purple Line Extension Section 1 Project Manager will be responsible for budgeting costs in future years.

Impact to Budget

The sources of funds for the recommended action are Federal 5309 New Starts, CMAQ, Measure R 35% and TIFIA Loan Proceeds. The approved FY16 budget is designated for the Westside Purple Line Extension Project and does not have an impact to operations funding sources. These funds were assumed in the LRTP for the Westside Purple Line Extension Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

ALTERNATIVES CONSIDERED

The Board could decide to not approve the recommended Contract Modification. This is not recommended because the extension of PB's services will provide the continuity of engineering services involving qualified and knowledgeable personnel who that are part of the Westside Purple Line Extension Integrated Project Management Office approach.

NEXT STEPS

After Board approval and execution of the Contract Modification, staff will direct the Consultant to continue providing design support services during construction for the Advanced Utility Relocation contracts; the Design/Build Tunnels, Stations, Systems and Trackwork contract; and Design/Build Maintenance of Way/Non-Revenue Vehicle Building contract that are currently underway.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Log
Attachment C - DEOD Summary

Prepared by:

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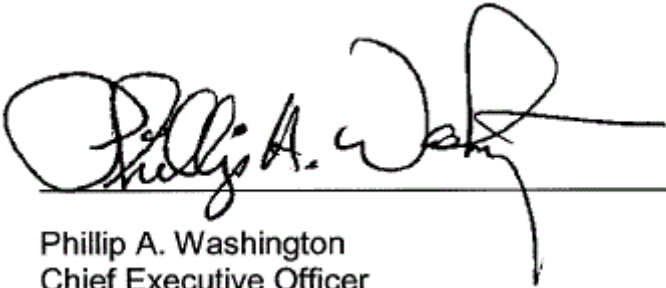
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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

Westside Purple Line Extension Project
Contract PS43502000

1.	Contract Number: PS 43502000		
2.	Contractor: Parsons Brinkerhoff (PB)		
3.	Mod. Work Description: Design Support Services During Construction and Other Tasks		
4.	Contract Work Description: Engineering Support Services		
5.	The following data is current as of: October 28, 2015		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	6/8/07	Contract Award Amount: \$3,654,061
	Notice to Proceed (NTP):	7/16/07	Total of Modifications Approved: \$148,849,042
	Original Complete Date:	9/16/08	Pending Modifications (including this action): \$9,282,218
	Current Est. Complete Date:	6/30/17	Current Contract Value (with this action): \$161,785,321
7.	Contract Administrator: Zachary Munoz		Telephone Number: (213)922-7301
8.	Project Manager: Dennis Mori		Telephone Number: (213)312-3109

A. Procurement Background

This Board Action is to approve Contract Modification No. 57 issued in support of Westside Purple Line Extension Section 1 Project providing design support services during construction and other tasks.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee.

The solicitation for Contract No. PS43502000 was an Architectural & Engineering (qualification-based) procurement process. This method requires that each of the responding firm's qualifications be evaluated, and the most qualified firm selected, followed by analysis of the selected firm's cost proposal and successful negotiations to enter in to the contract with the selected firm.

In June 2007, The Board authorized award of this Contract to PB for alternative analysis with three options for: Draft EIS/EIR/Advanced Conceptual Engineering, Final EIS/EIR, and Preliminary Engineering in the amount of \$3,654,061. In January 2009, the Board exercised the option for Draft EIS/EIR/Advanced Conceptual Engineering. In October 2010, the Board exercised options for Final EIS/EIR and Preliminary Engineering. In October 2011, the Board authorized PB to enter the next phase of work, Design Support during Final Design

and/or Construction. In April 2014, the Board authorized PB to provide continued Design Support during Final Design and/or Construction.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon Fact-Finding, Clarifications of the scope of work, Quantitative Technical Analysis, Independent Cost Estimate, and Cost/Price Analysis. This Contract Modification includes provisional indirect rates subject to adjustment when final year-end audited rates are established. The difference between the negotiated price and Metro's ICE is the result of an increased level of effort and corresponding hourly rates that was determined to be required after a technical evaluation of the Contractor's proposal was performed by Metro's Project Management.

Proposal Amount	Metro ICE	Negotiated Amount
\$11,763,158	\$8,110,826	\$9,282,218

CONTRACT MODIFICATION/CHANGE LOG

Westside Purple Line Extension Project Contract PS43502000

Mod. No.	Description	Date	Amount
1-8	Alternatives Analysis	9/1/09	\$27,515
9-20	Advanced Conceptual Engineering/Draft EIS/ EIR	9/16/10	\$18,590,710
21	Preliminary Engineering	11/1/10	\$43,632,826
22	Final EIS/EIR	11/1/10	\$4,761,377
23	Close-out Alternative Analysis	1/12/11	(\$31,300)
24	Additional Fault investigation – Transect 2	5/6/11	\$480,250
25	Risk Management Support	2/28/11	\$208,417
26	Additional Fault Investigation Transec 4	7/5/11	\$453,264
27	Century City Refined Ridership Forecast	4/13/11	\$22,985
28	Additional Rail Simulation Study	4/20/11	\$72,646
29	Revisions to Safety Security Manual	3/31/11	\$0
30	Oil Well Investigation Program	5/4/11	\$107,165
31	Additional Fault Investigation Transec 3	6/2/11	\$411,949
32	Additional Fault Investigation Transec 7	7/5/11	\$310,754
33	Historic Property Survey	5/13/11	\$46,442
34	Additional Fault Investigation Transec 6	8/9/11	\$102,054
35	Additional Station Entrance Report	8/9/11	\$119,074
36	Advance Preliminary Engineering	11/1/11	\$16,996,740
37	LADWP Utility Relocations	4/27/12	\$84,659
38	Title V1 Service Equity	4/17/12	\$51,185
39	Design Services for Exploratory Shaft	7/5/12	\$0
40	Period of Performance Extension	10/31/12	\$0
41	Bid Period Services	3/25/13	\$18,816,205
42	CANCELLED		
43	Advance Preliminary Engineering (Section 2)	4/22/13	\$8,836,296
44	Additional Borings	8/16/13	\$439,292
45	Additional Capacity Study	10/9/13	\$24,030
46	Ventilation Study	12/18/13	\$470,527
47	Additional AUR Work	2/11/14	\$493,563
48	Design Support Services During Construction FY 15	5/30/14	\$11,657,611
49	Period of Performance Extension	6/26/14	\$0
50	New Starts Support Section 2	8/11/14	\$357,054

51	Section 2 Station Area Planning	8/21/14	\$126,728
52	Continued Advanced Preliminary Engineering Section 2	3/30/15	\$20,820,226
53	Utility Engineer Support	Approved	\$358,798
54	Period of Performance Extension	12/23/14	\$0
55	Period of Performance Extension	12/23/14	\$0
56	Period of Performance Extension	12/24/14	\$0
57	Pending Board Approval		\$9,282,218
	Total:		\$158,131,260

DEOD SUMMARY

**WESTSIDE PURPLE LINE EXTENSION PROJECT
CONTRACT NO. PS43502000**

A. Small Business Participation

Parsons Brinckerhoff, Inc. made a 23.41% DALP commitment, listing five (5) DBE subcontractors, and has added 32 DBE subcontractors to date. The project is currently 85% complete. Current DALP participation is 20.54%, representing a 2.87% shortfall, an improvement from the 4% DBE shortfall reported in April 2014. DALP participation has increased by approximately 1.13%, since February 2015.

In November 2015, PB confirmed that they will meet the project DBE commitment of 23.41% in Fall 2016. PB expressed that they are accomplishing their DBE commitment by achieving 41.6% DBE participation on current Section 2 scope, and achieving 50% DBE participation on Section 2 Geotech work. The DBE participation anticipated on the current proposal for Continuation of Section 1, Design Support During Construction, along with the Section 2 DBE participation, will result in PB meeting its DBE commitment.

SMALL BUSINESS COMMITMENT	DALP 23.41%	SMALL BUSINESS PARTICIPATION	DALP 20.54%
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	DBE Subcontractor	% Committed	Current Participation¹
1.	Intueor	2.28%	1.55%
2.	Kal Krishnan Consulting	5.58%	1.22%
3.	LKG-CMC	7.27%	1.04%
4.	Terry A. Hayes	2.99%	0.31%
5.	Wagner Engineering	5.29%	0.73%
6.	Atwell Consulting	Added	0.34%
7.	Advantec	Added	0.71%
8.	Barrio Planners	Added	1.17%
9.	C&L Drilling	Added	0.74%
10.	Cogstone Resource	Added	0.17%
11.	A Cone Zone	Added	0.78%
12.	Del Richardson	Added	0.17%
13.	Diana Ho	Added	0.01%
14.	D'Leon Consulting	Added	2.33%
15.	E.W. Moon	Added	0.48%
16.	Jad & Associates	Added	0.67%
17.	Jet Drilling	Added	0.25%

18.	Lenax Construction	Added	0.88%
19.	Melendrez	Added	0.02%
20.	Raw International	Added	2.22%
21.	Roy Willis	Added	0.01%
22.	W2 Design	Added	0.37%
23.	Wiltec	Added	0.00%
24.	Universal Reprographics	Added	0.40%
25.	Martini Drilling	Added	0.52%
26.	FPA Underground	Added	0.59%
27.	Advanced Technologies	Added	0.13%
28.	IDC Consulting	Added	0.27%
29.	Abadi Bouhier Consulting	Added	0.90%
30.	V&A Inc.	Added	0.48%
31.	Safeprobe	Added	0.16%
32.	Diaz Yourman	Added	0.21%
33.	Safe Utility Exposure	Added	0.39%
34.	Green Clean Water	Added	0.03%
35.	Atlas Teknology Group	Added	0.04%
36.	Parikh Consultants	Added	0.13%
37.	AP Engineering	Added	0.12%
	Total DBE Commitment	23.41%	20.54%

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

B. Prevailing Wage Applicability

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