

**Board Report**

File #: 2016-0334, **File Type:** Contract**Agenda Number:** 20.

**CONSTRUCTION COMMITTEE
MAY 19, 2016****SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT****ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION****RECOMMENDATION**

AUTHORIZE the CEO to execute Contract Modification No. 24 to Contract No. E0119 with the **Connector Partnership Joint Venture (CPJV) Inc. to continue providing Design Support Services during Construction through FY17 for the Regional Connector Transit Corridor Project** (Project), in the amount of \$5,565,000 increasing the total contract value from \$62,742,374 to \$68,307,374. This action does not increase Life of Project Budget.

ISSUE

Metro's Project Management staff requires continuation of services to provide Design Support Services during Construction to review the design-builder's final design and ensure compliance with Metro's technical requirements, and other technical services during construction. Execution of the recommended Contract Modification No. 24 will provide continuity of the design support services during the final design phase and construction of the Project, as well as continued third-party coordination with the City, County, stakeholders and property owners.

The recommended Board action will provide sufficient contract funding for CPJV services through June 30, 2017. Future work will be funded on a year-to-year basis. This approach will result in more accurate budgeting for each year, while providing better control over consultant services.

DISCUSSION

On October 28, 2010, the Board authorized the CEO to negotiate and execute Contract E0119, Advanced Conceptual Engineering (ACE) and Preliminary Engineering (PE) for the Regional Connector Transit Corridor Project, with an initial not-to-exceed amount of \$21,500,000, and options for Design Support during Construction and System Activation Support. The executed contract is a cost-plus fixed fee contract with provisions for Board approval of the contract value every fiscal year by Contract Modification. Accordingly, this report requests approval of annual funding for FY17.

The ACE phase (Phase I) encompassed all design activities and products (including all necessary data collection, coordination, and design studies) to fully document environmental impacts, respond to comments from FTA in the Administrative Draft EIS/EIR, and to develop a detailed cost estimate

sufficient for advancement to later stages of project delivery. The PE phase (Phase II) established the design of the basic structural, mechanical, electrical, communication systems, trackwork, automatic train control, traction power, overhead contact system, fare collection, and other systemwide interfaces. At the completion of PE, CPJV prepared contract documents for the design/build contracting delivery method.

The Board approved the project definition for the Regional Connector Transit Corridor Project on April 26, 2012. As a result of CPJV's work on the Project, Metro received a Record of Decision from the Federal Transit Administration (FTA) on June 29, 2012, and the Full Funding Grant Agreement (FFGA) on February 20, 2014.

In 2015, in accordance with CPJV's scope of work for Phase III, the Board authorized the CEO to exercise Contract Modification No. 22 for CPJV to continue to provide design support services during construction of the Regional Connector Transit Corridor.

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 requested through the FY17 Proposed budget for this action under Project 860228 - Regional Connector Transit Corridor in Cost Center 8510 (Construction Project Management), in Account 50316 (Professional and Technical Services). Since this is a multi-year project, the Executive Director of Program Management and the Project Manager will be accountable for budgeting costs for future years.

Board approval of the recommendation does not impact the life of project budget for the Regional Connector Transit Corridor Project.

Impact to Budget

The sources of funds are Federal 5309 New Starts and TIFIA Loan Proceeds. These funds are designated for the Regional Connector Transit Corridor Project and do not have an impact to operations. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the Project.

ALTERNATIVES CONSIDERED

The Board could decide not to approve the recommended Contract Modification. This is not recommended because there are major elements of design support services work that are required to support this design-build project, and Metro does not currently have sufficient staff with the required expertise to ensure a timely review of the design-build contractor's Final Design and to provide engineering support directly to Metro during construction. Since CPJV developed the

technical requirements for the design-build contract, staff recommends that CPJV continue the design support services that are essential to successfully delivering the project on schedule and within budget.

NEXT STEPS

After Board approval and execution of the contract modification, staff will direct the consultant to continue providing design support services for the Regional Connector Transit Corridor Project through FY17.

ATTACHMENTS

- Attachment A - Procurement Summary
- Attachment B - Contract Modification Authority (CMA) Summary
- Attachment C - DEOD Summary

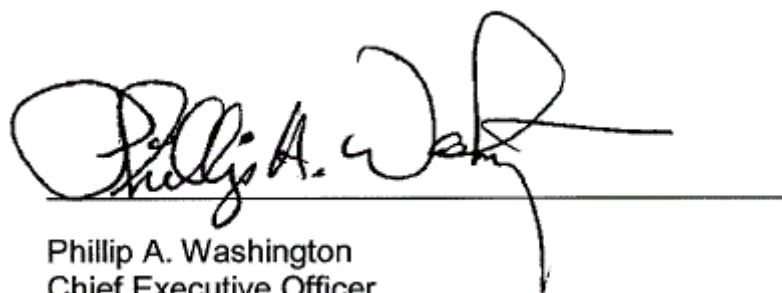
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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**ADVANCED CONCEPTUAL ENGINEERING AND
PRELIMINARY ENGINEERING FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT / CONTRACTE0119
MODIFICATION NO. 24**

| | | | |
|----|--|---------|---|
| 1. | Contract Number: E0119 | | |
| 2. | Contractor: Connector Partnership Joint Venture (CPJV) | | |
| 3. | Mod. Work Description: Provide FY17 design support services during construction for Contract No. C0980 for the Regional Connector Transit Corridor Project. | | |
| 4. | Contract Work Description: Advanced Conceptual Engineering, Preliminary Engineering, and Design Support During Construction for the Regional Connector Transit Corridor Project | | |
| 5. | The following data is current as of: March 30, 2016 | | |
| 6. | Contract Completion Status | | Financial Status |
| | Contract Awarded: | 12/2/10 | Contract Award Amount: \$21,500,000 |
| | Notice to Proceed (NTP): | 12/3/10 | Total of Modifications Approved: \$41,242,374 |
| | Original Complete Date: | 3/2018 | Pending Modifications (including this action): \$5,565,000 |
| | Current Est. Complete Date: | 3/2020 | Current Contract Value (with this action): \$68,307,374 |
| 7. | Contract Administrator: Joe O'Donnell | | Telephone Number: 213-922-7231 |
| 8. | Project Manager: Girish Roy | | Telephone Number: 213-893-7119 |

A. Procurement Background

This Board Action is to approve Contract Modification No. 24 issued in support of Design Support during Construction for the Regional Connector Transit Corridor Project.

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

Contract No. E0119 was awarded through an A&E (qualification-based) procurement process. On October 28, 2010, the Metro Board authorized the Chief Executive Officer to negotiate and award a cost-plus fixed fee contract (No. E0119), for Regional Connector Transit Corridor Advanced Conceptual Engineering/Preliminary Engineering to Connector Partnership Joint Venture, for an amount not to exceed \$21.5 million to perform Phase I, Advanced Conceptual Engineering and Phase II,

Preliminary Engineering. On December 2, 2010, Metro awarded a contract for \$21,500,000 for a period of 14 months.

Since that time, 23 modifications have been issued to implement additional scope tasks in support of the Regional Connector Transit Corridor Project. Refer to Attachment B – Contract Modification/Change Order Log. Staff anticipates that Connector Partnership Joint Venture services will be required through March 2020.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon fact-finding, clarifications, and cost analysis, taking into consideration an independent cost estimate (ICE), technical evaluation, and negotiations, pending a completed audit of the consultant’s provisional indirect rates. The most current fiscal year data was requested from the consultant, and is expected to be provided shortly. Upon receipt of this data, an audit request will be submitted to Metro’s Management Audit Support Department, and any audit findings will result in an equitable adjustment to the Contract. An audit of the contract’s indirect rates is required each year to establish final indirect rates for each year.

| Proposal Amount | Metro ICE | Negotiated Amount |
|------------------------|------------------|--------------------------|
| \$5,822,295 | \$5,323,000 | \$5,565,000 |

CONTRACT MODIFICATION/CHANGE LOG

**ADVANCED CONCEPTUAL ENGINEERING AND
PRELIMINARY ENGINEERING FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT/E0119**

| Mod. no. | Description | Status (approved or pending) | Date | Amount |
|-----------------|---|-------------------------------------|-------------|---------------------|
| 1 | Risk Management Support | Approved | 3/14/11 | \$203,059 |
| 2 | Revisions to Technical Scope of Services | Approved | 7/29/11 | \$0 |
| 3 | Additional Geotechnical Borings | Approved | 3/21/11 | \$256,215 |
| 4 | Upgrade Division 20 Generator & Tie-In | Approved | 12/13/11 | \$108,937 |
| 5 | Increased Level of Effort for Design Services | Approved | 12/13/11 | \$444,742 |
| 6 | Increased Level of Cost Estimating | Approved | 12/13/11 | \$299,241 |
| 7 | Additional Specification Preparation Efforts | Approved | 12/27/11 | \$219,707 |
| 8 | Constructability Design Changes | Approved | 12/27/11 | \$139,197 |
| 9 | Flower Street Landscape Design | Approved | 1/4/12 | \$138,696 |
| 10 | No Cost Extension | Approved | 2/9/12 | \$0 |
| 11 | Advanced Preliminary Engineering | Approved | 3/1/12 | \$8,796,669 |
| 12 | 2 nd & Broadway Second Entrance Design | Approved | 4/25/12 | \$367,771 |
| 13 | Advanced Utility Final Design | Approved | 6/6/12 | \$455,474 |
| 14 | Cost Savings Station Designs | Approved | 8/27/12 | \$470,612 |
| 15 | No Cost APE Extension | Approved | 11/1/12 | \$0 |
| 16 | Additional Geotechnical Services | Approved | 12/8/12 | \$53,767 |
| 17 | Bid Period Services | Approved | 12/4/12 | \$0 |
| 18 | No Cost APE Extension | Approved | 12/1/12 | \$0 |
| 19 | Bid Period Services | Approved | 1/3/13 | \$5,828,270 |
| 20 | Bid Period Services / Design Support Services During Construction (Phase III) | Approved | 7/1/13 | \$7,852,815 |
| 21 | Design Support Services During Construction (FY15) | Approved | 7/1/14 | \$7,323,608 |
| 22 | Design Support Services During Construction (FY16) | Approved | 7/31/15 | \$8,283,594 |
| 23 | No Cost Extension | Approved | 6/30/15 | \$0 |
| 24 | Design Support Services During Construction (FY15) | Pending | | \$5,565,000 |
| | Modification Total: | | | \$46,807,374 |
| | Original Contract: | | | \$21,500,000 |
| | Total: | | | \$68,307,374 |

DEOD SUMMARY

**ADVANCED CONCEPTUAL ENGINEERING AND
PRELIMINARY ENGINEERING FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT (E0119)**

A. Small Business Participation

The Connector Partnership, Joint Venture (CPJV) made a 35.01% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. The current DBE participation is 28.29%, a shortfall of 6.72%. The project is 86.39% complete. According to CPJV, they are not meeting their DBE commitment due to Metro generated schedule delays and scope changes, which reduced work for DBE firms. CPJV confirms they are actively seeking additional DBE participation to provide necessary support services. Nine (9) DBE firms were added to CPJV’s team. CPJV confirmed they are committed to increase DBE utilization, and will continue to seek opportunities to add DBEs. It is not expected that CPJV will meet their 35.01% DBE commitment.

| | | | |
|----------------------------------|--------------------|-------------------------------------|-------------------|
| Small Business Commitment | DALP 35.01% | Small Business Participation | DBE 28.29% |
|----------------------------------|--------------------|-------------------------------------|-------------------|

| | DBE Subcontractors | Ethnicity | % Committed | Current Participation¹ |
|-----|--|-----------------------------|--------------------|--|
| 1. | Barrio Planners | Hispanic American | 4.17% | 3.18% |
| 2. | BA, Inc | African American | 3.43% | 5.18% |
| 3. | Dakota Communications | African American | 1.67% | 0.80% |
| 4. | D’Leon Engineers | Hispanic American | 2.35% | 1.50% |
| 5. | E2 Consulting Engineers | Subcontinent Asian American | 1.68% | 3.16% |
| 6. | Intueor Consulting, Inc. | Asian Pacific American | 3.34% | 3.03% |
| 7. | LKG-CMC, Inc. | Caucasian Female | 1.19% | 2.71% |
| 8. | A Cone Zone | Caucasian Female | 3.51% | 0.26% |
| 9. | Advanced Technologies Lab ² | Hispanic American | 0.00% | 0.04% |
| 10. | AP Engineering & Testing ² | Asian Pacific American | 0.00% | 0.02% |
| 11. | C&L Drilling | Caucasian Female | 1.50% | 0.00% |
| 12. | Jet Drilling | Hispanic American | 2.71% | 0.19% |
| 13. | Martini Drilling ² | Hispanic American | 0.00% | 0.03% |
| 14. | Tri-County Drilling ² | Caucasian Female | 0.00% | 0.43% |
| 15. | Murakawa Communications | Asian Pacific American | 0.63% | 0.00% |

| | | | | |
|-----|---|-----------------------------|---------------|---------------|
| 16. | Ted Tokio Tanaka Architects | Asian Pacific American | 5.01% | 3.39% |
| 17. | Tierra West Advisors, Inc. | Asian Pacific American | 0.76% | 0.54% |
| 18. | Wagner Engineering & survey | Caucasian Female | 1.79% | 1.19% |
| 19. | Raw International, Inc. | African American | 1.02% | 1.23% |
| 20. | Roy Willis & Associates | African American | 0.25% | 0.02% |
| 21. | Universal Reprographics, Inc. | Caucasian Female | 0.00% | 0.76% |
| 22. | Kal Krishnan Consulting Services ² | Subcontinent Asian American | 0.00% | 0.02% |
| 23. | Lenax Construction Services ² | Caucasian Female | 0.00% | 0.36% |
| 24. | Sapphos Environmental, Inc. ² | Hispanic American | 0.00% | 0.12% |
| 25. | Calvin R. Abe, Inc. ² | African American | 0.00% | 0.02% |
| 26. | VCA Engineering, Inc. ² | Caucasian Female | 0.00% | 0.11% |
| | | Total | 35.01% | 28.29% |

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

²DBE Subcontractors added after contract award.

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. 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). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection and other support trades.

D. Project Labor Agreement / Construction Careers Policy

Metro's PLA/CCP does not apply to this contract.