



## Board Report

File #: 2017-0255, File Type: Contract

Agenda Number: 25

### EXECUTIVE MANAGEMENT COMMITTEE MAY 18, 2017

**SUBJECT: LABOR COMPLIANCE MONITORING BENCH**

**ACTION: APPROVE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE:

- A. the Chief Executive Officer to execute Modification No. 2 to the **Labor Compliance Bench (the Bench) Contracts Numbers PS-21307700 A-J, for labor compliance monitoring services**, to exercise the second and third year options, extending the contract term from July 1, 2017 to June 30, 2019, increasing the total authorized not-to-exceed amount by \$4,000,000 (\$2,000,000 for each option year) from \$15,056,648 to \$19,056,648; and
- B. the Chief Executive Officer to award and execute task orders for a not-to-exceed total authorized amount of \$19,056,648.

#### **ISSUE**

On June 16, 2011, the Board of Directors authorized the Chief Executive Officer to establish a qualified list of candidates to perform labor compliance monitoring activities for Metro construction projects under RFIQ No. PS-2130-7700 to the attached list of consultants (Attachment B), for a period of five years with five, one-year options. The expiration date for the base period and first option year for the Labor Compliance Monitoring Bench is June 30, 2017.

Over the last eight years, the Labor Compliance Monitoring Bench (Bench) continues to be an effective compliance tool for Metro. The Bench Consultants monitor and enforce Public Works projects by ensuring the payment of prevailing wages; their expertise and extensive knowledge of the California Labor Code and Federal Davis Bacon and Related Acts, coupled with investigative and auditing skills, have helped to prevent wage violations and in other cases, collect back wages due to workers.

Board authorization is requested to exercise the second and third year options. The approval of this action is required to continue monitoring labor compliance services to ensure that workers on Metro's projects are being paid the correct prevailing wage rates.

## **DISCUSSION**

The California Labor Code and Davis Bacon and Related Acts require Metro to ensure that all construction workers employed to work on Metro funded construction projects are compensated according to the state and federal prevailing wage laws and regulations. The Consultants on the labor compliance monitoring bench are responsible for evaluating, monitoring, and enforcing prevailing wage requirements on assigned construction projects. This includes maintaining all required records, providing assistance to field personnel, conducting field interviews and investigations, and any other duties in accordance with applicable laws and regulations governing public works projects.

Since the inception of the Bench, Vendor/Contract Management has issued 59 task orders (See Attachment D), totaling \$14,410,842.83. The Bench has been an effective tool, specifically on Metro's Mega, high profile projects. Metro's Small Business Enterprise (SBE) Program, Small Business Prime Program, or Disadvantaged Business Enterprise (DBE) Program are applied to the task order solicitations based on funding sources and estimated task order value. Currently, nine of the ten prime Bench consultants are certified as DBE's and SBE's and have been awarded \$12,769,912.07 of the \$14,410,842.83 awarded to date (approximately 89% of the total awarded value).

As new capital projects are approved by the Board, the funds for labor compliance monitoring are included in the approved life-of-project budgets for each capital project. The not-to-exceed amounts cover the project's construction and professional service contracts (new and continued) identified during the FY18 budget process. The not-to-exceed amount does not cover Measure M and/or Mega projects; those will be brought to the Board for consideration and approval individually.

The Bench has been successful in providing DBE/SBE opportunities, meeting established goals, maintaining effective monitoring based on state and federal regulations and ensuring that workers on Metro's project are being paid the correct prevailing wage rates.

## **DETERMINATION OF SAFETY IMPACT**

The approval of this recommended action will not have any direct impact on the safety of our customers and employees.

## **FINANCIAL IMPACT**

Labor Compliance funding for capital projects have been included in the life of project (LOP) budget for new projects from inception.

### Impact to Budget

A not-to-exceed amount of \$2,000,000.00 has been budgeted for FY18 for new task orders. Funding for this contract will parallel the funding sources for various major construction projects to be charged during the life of this contract. This may include a mixture of Federal, State, and local sources, some of which are eligible for bus and rail operations and/or capital.

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**ALTERNATIVES CONSIDERED**

1. One alternative is to perform the duties using Metro staff by adding additional FTEs. A minimum of 4 FTEs are forecasted to perform prevailing wage monitoring. The cost for this option is estimated at \$724,583.04 per year. This alternative is not recommended because the volume of capital construction work is constantly changing making this activity subject to peak periods alternating with periods of low activity.
2. Another alternative is to utilize existing DEOD Labor and Retention Programs Unit staff to provide labor compliance monitoring on the currently active task orders, in addition to their current workload. This alternative is not recommended due to the delay in service and compliance monitoring efforts that this would cause.

**NEXT STEPS**

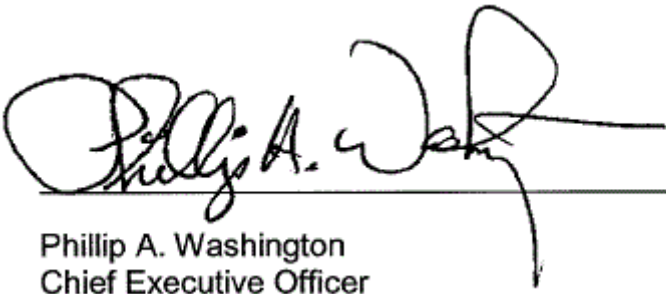
- Upon approval by the Board, staff will execute amendments to the bench contracts and continue to award individual task orders for prevailing wage compliance monitoring, using budgeted funds identified for FY18.
- Staff will continue to provide oversight on the active task orders that will remain under the existing bench contracts.
- Staff will begin the procurement process to issue a new solicitation for Labor Compliance Monitoring Services. The process for the new solicitation will begin in the first quarter of FY19.

**ATTACHMENTS**

- A. Procurement Summary
- B. List of Consultants
- C. Contract Modification/Change Order Log
- D. List of Project Task Orders & Paid-to-Date Values
- E. DEOD Summary

Prepared by: Miguel Cabral, Executive Officer  
Diversity & Economic Opportunity (213) 922-2232

Reviewed by: Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## LABOR COMPLIANCE MONITORING BENCH / PS21307700 A-J

1.	<b>Contract Number:</b> PS21307700 A-J		
2.	<b>Contractor:</b> Multiple Firms (Labor Compliance Bench Firms)		
3.	<b>Mod. Work Description:</b> Exercise Options Year 2 and Year 3		
4.	<b>Contract Work Description:</b> Conduct labor compliance monitoring services for all construction projects that require contractor to pay prevailing wages under California State Labor Code.		
5.	<b>The following data is current as of:</b> April 13, 2017		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	June 16, 2011	<b>Contract Award Amount:</b> \$13,478,064
	<b>Notice to Proceed (NTP):</b>	June 16, 2011	<b>Total of Modifications Approved:</b> \$1,578,584
	<b>Original Complete Date:</b>	June 30, 2017	<b>Pending Modifications (including this action):</b> \$4,000,000
	<b>Current Est. Complete Date:</b>	June 30, 2019	<b>Current Contract Value (with this action):</b> \$19,056,648
7.	<b>Contract Administrator:</b> Barbara A. Gatewood		<b>Telephone Number:</b> (213) 922-7317
8.	<b>Project Manager:</b> Wendy White		<b>Telephone Number:</b> (213) 922-2648

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 2, issued in support of exercising option years two and three, which extends the contract term from July 1, 2017 to June 30, 2019 for the Labor Compliance Bench (the Bench) contract numbers PS21307700 A-J, to perform labor compliance monitoring services.

This Contract Modification and future Task Orders will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

On June 16, 2011, the Board of Directors authorized the Chief Executive Officer to establish a qualified list of candidates to perform labor compliance monitoring activities for Metro construction projects under RFIQ No. PS-2130-7700 to the attached list of consultants (Attachment B), for a period of five years with five, one year options. The expiration date for the current labor Compliance Monitoring Bench is June 30, 2017.

**B. Cost/Price Analysis**

The recommended increase in funding for this action has been determined to be fair and reasonable based on fact finding and negotiations in accordance with Metro's Acquisition Policy. All future task orders and modifications will be determined to be fair and reasonable in accordance with Metro's Acquisition Policy at the time of issuance and award.

**ATTACHMENT B**

**LIST OF CONSULTANTS**

**LABOR COMPLIANCE MONITORING BENCH / PS21307700 A-J**

<b>AVANT GARDE, INC.</b>
<b>CASAMAR GROUP</b>
<b>GAIL CHARLES CONSULTING</b>
<b>METRO COMPLIANCE SERVICES</b>
<b>OPPORTUNITY MARKETING GROUP</b>
<b>PADILLA &amp; ASSOCIATES</b>
<b>PARSONS</b>
<b>PERCEPTIVE ENTERPRISES, INC.</b>
<b>THE "G" CREW</b>
<b>THE SOLIS GROUP</b>

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## LABOR COMPLIANCE MONITORING BENCH / PS21307700 A-J

<b>Mod No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Exercise Option No. 1 of the Labor Compliance Monitoring Bench from June 30, 2016 to June 30, 2017	Approved	06/23/2016	\$1,578,584
2	Exercise Options 2 & 3 increasing contract authorization and extending period of performance	Pending	05/25/2017	\$4,000,000
	<b>Modification Total:</b>			<b>\$5,578,584</b>
	<b>Original Contract:</b>			<b>\$13,478,064</b>
	<b>Total:</b>			<b>\$19,056,648</b>

## ATTACHMENT D

**LABOR COMPLIANCE BENCH MONITORING  
LIFE OF PROJECT & PAID TO DATE VALUES**

A	B	C	D	E	F	F
	Task Order #	Contract Number	Project Description	LC Bench Consultant	Life of Task Order Total Amount	Amount Paid to Date
1	6	C0-940	Division 3 Master Plan	Avant Garde	\$ 14,856.00	\$ 14,856.00
2	9	OP-3344-2103	Trash & Vegetation Removal	Avant Garde	\$ 39,319.00	\$ 39,319.00
3	18	C0-983	I-405 Soundwall Package 5&7	Avant Garde	\$ 105,898.00	\$ 105,898.00
4	22	C-1016	Lighting Upgrade @ Maintenance Building	Avant Garde	\$ 4,350.00	\$ 4,350.00
5	24	C-1022	Bus Stop Amenity Improvements @ Locations Along Slauson Ave.	Avant Garde	\$ 2,285.00	\$ 2,285.00
6	38	C-1037R	Bus Div. Generators (Div. 1, 7 & 8 w/options @ Div. 3)	Avant Garde	\$ 18,701.00	\$ 18,701.00
7	49R	C-1056	Westside Subway Ext. Advance Utility Relocation (LaCienga Station)	Avant Garde	\$ 62,680.00	\$ 62,680.00
				<b>Avant Garde Subtotals:</b>	\$ 248,089.00	\$ 248,089.00
8	2	C0-943	Metro Orange Line Extension	Casamar Group	\$ 151,825.80	\$ 151,825.80
9	46	C-1043	Universal City Pedestrian Bridge	Casamar Group	\$ 50,562.23	\$ 50,562.23
10	39	OP-8380-3019	Division 13 CNG Fueling Facility D/B	Casamar Group	\$ 16,042.50	\$ 16,042.50
11	58	C-1086	Metro Blue Line Pedestrian and Swing Gates Installation	Casamar Group	\$ 25,500.00	\$ 4,203.90
				<b>Casamar Group Subtotals:</b>	\$ 243,930.53	\$ 222,634.43
12	40	C-0981	Regional Connector Advance Utilities Relocation	Gail Charles Consulting Services (GCCS)	\$ 30,847.65	\$ 30,847.65
				<b>GCCS Subtotals:</b>	\$ 30,847.65	\$ 30,847.65
13	14	C-1000	Div.2 Cyclone Replacement	Metro Compliance Services, JV (MCS)	\$ 7,064.25	\$ 7,064.25
14	48R	C-1045	Westside Subway Extension Section 1 Design/Build	MCS	\$ 3,952,560.03	\$ 371,634.96
15	3	C0-958	El Monte Transit Center	MCS	\$ 130,144.80	\$ 130,144.80
16	44	C-1067	Pavement Replacement @ Divison 8	MCS	\$ 10,601.73	\$ 10,601.73
17	41	C-1020	MRL Union Station West Entrance Skylight Ventilation Modification	MCS	\$ 7,180.03	\$ 7,180.03
18	34	C-1038R	Vault House Relocation Div. 2, 8, 10 & 15 (Phase 1)	MCS	\$ 8,626.00	\$ 8,626.00
19	35	C-1058	Division 9 Transportation Building Addition and Renovation	MCS	\$ 44,558.00	\$ 44,558.00
20	57	C-1101R	Sound Enclosures at Slauson & Manchester Busway Stations	MCS	\$ 15,720.33	\$ -
				<b>MCS Subtotals:</b>	\$ 4,176,455.17	\$ 579,809.77
21	11	C0-990	Crenshaw Advanced Utilities Project	Padilla & Associates	\$ 22,698.95	\$ 22,698.95
22	12	C0-985R	Lankershim Depot Rehabilitation	Padilla & Associates	\$ 4,846.52	\$ 4,846.52
23	13	C0-986	Harbor Transit Video Surveillance	Padilla & Associates	\$ 3,970.67	\$ 3,970.67



**LABOR COMPLIANCE BENCH MONITORING  
LIFE OF PROJECT & PAID TO DATE VALUES**

A	B	C	D	E	F	F
	Task Order #	Contract Number	Project Description	LC Bench Consultant	Life of Task Order Total Amount	Amount Paid to Date
24	27	C-1042	Re-Roofing @ Div. 10 Tranp. Bldg.	Padilla & Associates	\$ 8,000.00	\$ 8,000.00
25	31	C-1048	Westside Subway Extension Project - Advanced Utility Relocations (La Brea Station)	Padilla & Associates	\$ 19,028.02	\$ 19,028.02
26	33	C0-973A	Sound Wall Package 6 & 8	Padilla & Associates	\$ 19,869.07	\$ 19,869.07
27	47	C0-991	Division 16 Southwestern Yard Design/ Build	Padilla & Associates	\$ 772,575.87	\$ 248,149.40
				<b>Padilla &amp; Associates Subtotals:</b>	\$ 850,989.10	\$ 326,562.63
28	1	C0-882	I-405 Sepulveda Pass Widening Project	Parsons	\$ 1,640,930.76	\$ 1,640,930.76
				<b>Parsons Subtotals:</b>	\$ 1,640,930.76	\$ 1,640,930.76
29	4	C0-938	In Ground Hoist Replacement	Perceptive Enterprises, Inc.	\$ 12,750.00	\$ 12,750.00
30	7	OP-3344-2480	Red Line Civic Center Station Escalator Replacement	Perceptive Enterprises, Inc.	\$ 40,795.00	\$ 40,795.00
31	19	C0-963	D/B Metro Green Line Storage Bldg @ Division 22	Perceptive Enterprises, Inc.	\$ 9,553.47	\$ 9,553.47
32	20	C0-999R	Division 10 Pavement Replacement (Employee Parking)	Perceptive Enterprises, Inc.	\$ 4,584.98	\$ 4,584.98
33	23	C-1017	Landscape Improvements	Perceptive Enterprises, Inc.	\$ 4,145.11	\$ 4,145.11
34	30	C0-998R	Pasadena Goldline Repairs D/B	Perceptive Enterprises, Inc.	\$ 34,097.71	\$ 34,097.71
35	45	C-0980	Regional Connector Transit Corridor	Perceptive Enterprises, Inc.	\$ 2,915,465.43	\$ 901,740.15
36	42	C-1013R	MOL to MRL North Hollywood Station West Entrance	Perceptive Enterprises, Inc.	\$ 63,651.64	\$ 63,651.64
37	50	C-1122	Pavement Replacement at Division 15	Perceptive Enterprises, Inc.	\$ 5,938.56	\$ 5,938.56
38	52	C-1131	Pavement Replacement at Division 8	Perceptive Enterprises, Inc.	\$ 8,907.84	\$ 7,237.62
39	53	C-1073	Pershing Square Canopy Addition and Escalator	Perceptive Enterprises, Inc.	\$ 44,869.12	\$ 20,708.83
40	54	C-1110	Patsaouras Plaza Privately Owned Vehicle and Storm Drain Repair (Design Build)	Perceptive Enterprises, Inc.	\$ 12,701.92	\$ 12,701.92
41	55	C-17118	Environmental Graphics at Harbor Gateway Transit Center and Harbor Freeway Stations	Perceptive Enterprises, Inc.	\$ 9,416.80	\$ -
				<b>Perceptive Enterprises, Inc. Subtotals:</b>	\$ 3,166,877.58	\$ 1,117,904.99
42	5	C0-975	Harbor Transit Improvements	The "G" Crew	\$ 21,209.00	\$ 21,209.00
43	8	OP-3344-2235	Anti-Graffiti Film	The "G" Crew	\$ 32,218.41	\$ 32,218.41
44	10	OP-3344-2634	Roll-Up Door Maintenance	The "G" Crew	\$ 79,812.27	\$ 79,812.27
45	16	OP-8380-2788R	Automated Portable Toilet	The "G" Crew	\$ 10,423.60	\$ 10,423.60
46	17	C0-974	Div.13 Bus Maint. & Oper. Facility	The "G" Crew	\$ 122,502.56	\$ 122,502.56
47	21	C-1015R	Division 1 Cyclone Replacement	The "G" Crew	\$ 5,512.83	\$ 5,512.83

**LABOR COMPLIANCE BENCH MONITORING  
LIFE OF PROJECT & PAID TO DATE VALUES**

A	B	C	D	E	F	F
	Task Order #	Contract Number	Project Description	LC Bench Consultant	Life of Task Order Total Amount	Amount Paid to Date
48	25	C-1026	Pavement Replacement @ Blue Line	The "G" Crew	\$ 15,282.31	\$ 15,282.31
49	26	C-1033	Pavement Replacement @ Blue Line Artesia Station Bus Terminal & Terminal 26	The "G" Crew	\$ 5,512.83	\$ 5,512.83
50	28	C-1051	Radiant Heater Replacement @Div. 7 (Incl. Amend. #1)	The "G" Crew	\$ 5,974.17	\$ 5,974.17
51	29	C-1031	Div. 9 & 18 Water Recycling System	The "G" Crew	\$ 5,974.17	\$ 5,974.17
52	36	C-1046	Vault House Relocation @ Div. 1,5,9 & 18 (Phase 1)	The "G" Crew	\$ 17,686.61	\$ 17,686.61
53	37	C-1030R	Div 8, 10 & 15 Metal Bin Canopies & Building Awnings (Phase 1)	The "G" Crew	\$ 17,686.61	\$ 17,686.61
54	43	PS-12-6430-306R	Gateway Building Carpet Replacement	The "G" Crew	\$ 23,994.96	\$ 23,994.96
55	51	C-1124	Hollywood-Vine Bike Hub	The "G" Crew	\$ 8,670.65	\$ 8,670.65
56	56	C-1126	Floor Coating System at Division 3,5,7,8,10 Maintenance Buildings	The "G" Crew	\$ 9,777.73	\$ 5,140.00
				The "G" Crew Subtotals:	\$ 382,238.71	\$ 377,600.98
57	15	C-1018	Div. 3 Maintenance Pit Waste Oil	The Solis Group	\$ 5,039.30	\$ 5,039.30
58	32	C0-988	Crenshaw / LAX	The Solis Group	\$ 3,646,745.00	\$ 1,572,753.46
59	59	C-1123	Hoist Replacement at Divisions 8 & 18	The Solis Group	\$ 18,700.03	\$ 1,934.31
				The Solis Group Sutotals:	\$ 3,670,484.33	\$ 1,579,727.07
GRAY INDICATES CLOSED TASK ORDERS				<b>Totals</b>	\$ 14,410,842.83	\$ 6,124,107.28
				<b>SBE Total</b>	\$ 12,769,912.07	

## DEOD SUMMARY

## LABOR COMPLIANCE MONITORING BENCH / PS-21307700 A-J

**A. Small Business Participation**

The Diversity & Economic Opportunity Department established a 35% goal for this Task Order/Bench contract for the participation of Disadvantaged Business Enterprise (DBE), and Small Business Enterprise (SBE) certified firms.

Small business participation is based on the funding source, which determines the applicable Disadvantaged Business Enterprise (DBE), or Small Business Enterprise (SBE) Programs for each task order award. DBE and SBE participation is based on the aggregate value of all task orders issued.

There are nine DBE/SBE Primes on the Bench (eight of which have current participation of 100%). Parsons Constructors, Inc., the only non-DBE/SBE Prime, is exceeding its commitment with current DBE participation of 47.92%. One firm has not received task awards to date.

	DBE/SBE Primes & Subcontractors	Current Participation	
		DBE	SBE
<b>1</b>	<b>Padilla &amp; Associates (DBE/SBE Prime)</b>	<b>100%</b>	<b>0%</b>
	<b>TOTAL</b>	<b>100%</b>	<b>0%</b>
<b>2</b>	<b>Parsons Constructors, Inc. (non-DBE/SBE Prime)</b>		
	DBE Subcontractors		
	CVL Consulting	47.92%	0%
	The G crew	0	0%
	<b>TOTAL</b>	<b>47.92%</b>	<b>0%</b>
<b>3</b>	<b>The Solis Group (DBE/SBE Prime)</b>	<b>94.6%</b>	<b>0%</b>
	CS & Associates (CS&A)	5.4%	0%
	<b>TOTAL</b>	<b>100%</b>	<b>0%</b>
<b>4</b>	<b>Perceptive Enterprises (DBE/SBE Prime)</b>	<b>95.6%</b>	<b>0%</b>
	Gail Charles Consulting Services	4.4%	0%
	GCAP Services	0%	0%
	Diana Ho Consulting Services	0%	0%
	<b>TOTAL</b>	<b>100%</b>	<b>0%</b>
<b>5</b>	<b>Metro Compliance Services (DBE/SBE Prime)</b>	<b>100%</b>	<b>100%</b>
	<b>TOTAL</b>	<b>100%</b>	<b>100%</b>

<b>6</b>	<b>Avant Garde (DBE/SBE Prime)</b>	<b>100%</b>	<b>100%</b>
	<b>TOTAL</b>	<b>100%</b>	<b>100%</b>
<b>7</b>	<b>Casamar Group, LLC (DBE/SBE Prime)</b>	<b>100%</b>	<b>100%</b>
	<b>TOTAL</b>	<b>100%</b>	<b>100%</b>
<b>8</b>	<b>The G Crew (DBE/SBE Prime)</b>	<b>100%</b>	<b>100%</b>
	<b>TOTAL</b>	<b>100%</b>	<b>100%</b>
<b>9</b>	<b>Gail Charles Consulting Serv (DBE/SBE Prime)</b>	<b>100%</b>	<b>100%</b>
<b>10</b>	<b>Opportunity Marketing Services (DBE/SBE Prime)</b>	<b>0%</b>	<b>0%</b>
	E.W. Moon, Inc.	0%	0%
	Administration Rescue, Inc.	0%	0%
	Vahishta, Inc.	0%	0%
	<b>TOTAL</b>	<b>0%</b>	<b>0%</b>

**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 is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.