



Board Report

File #: 2017-0311, File Type: Budget

Agenda Number: 20.

CONSTRUCTION COMMITTEE JUNE 15, 2017

SUBJECT: WESTSIDE PURPLE LINE EXTENSION PROJECT - SECTION 3

ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION

RECOMMENDATION

AUTHORIZE the CEO to execute Contract Modification No. 62 to Contract No. PS43502000 with WSP USA Inc. (WSP), formerly Parsons Brinckerhoff (PB) Inc., to provide continued engineering support services during solicitation processes and design support services during construction for Section 3 of the Westside Purple Line Extension Project, from July 2017 through June 2019, in an amount not-to-exceed \$15,028,122, increasing the total contract value from \$199,649,637 to \$214,677,759.

ISSUE

On February 24, 2016, the Metro Board of Directors approved to advance the project delivery of the Westside Purple Line Extension Project - Section 3 (Century City to Westwood/VA Hospital) as part of a larger package of the Shovel Ready Program of Projects which included the advancement of other Measure R Projects. The “shovel-ready” state allowed Metro to take advantage of opportunities to advance into the Project design and construction stage to expedite project delivery.

Advancement of the Section 3 Project allowed WSP to provide continued advanced preliminary engineering, design for advanced relocation of utilities, engineering support services during solicitation processes, and design support services during construction, as staff continued to pursue local, state and federal funding sources to move the Project forward. Included within the scope of services, was a commitment by WSP to meet or exceed Disadvantage Business Enterprise (DBE) goals and adopt a formal mentor protégé program as part of enhanced business participation. Current DBE participation on the contract value of \$199,649,637 is 25.57%, which exceeds the goal by 9.2%. WSP’s current commitment for Contract Modification No. 62, Section 3 Project scope of work is 32.90%.

DISCUSSION

The advancement of the Section 3 Project preliminary engineering and the design for advanced relocation of utilities, coupled with the passage of Measure M, have allowed staff to solicit the procurements of two construction contracts - (1) Advanced Utility Relocations and (2) Tunnels. Staff has also solicited the procurement of a Construction Management Support Services (CMSS) consultant, and plans to solicit the procurement of the Stations, Trackwork, and Systems design-build contract later this year.

On April 28, 2017, the CEO requested approval, from the Federal Transit Administration (FTA), to enter into the Engineering Phase, which is one of the initial steps towards receiving a Full Funding Grant Agreement (FFGA). Prior to receiving the FFGA, the CEO will be requesting approval, from the FTA, of a Letter of No Prejudice (LONP), which will allow advancing the award of the Tunnels Contract.

The recommended Board action will provide sufficient contract funding for WSP services through June 2019, when the Project is anticipated to be transitioning into the final design and construction stage of the Stations, Trackwork, and Systems design-build contract. Approval of the recommended action will enable the designs to be advanced to a sufficient level for procurement and to provide critical design support throughout the procurement process and start of design build work for the selected contractors. Retaining the services of this consultant will also provide continuity and consistency in design.

An important lesson learned on previous projects including section 1 of the Purple Line is that an upfront investment in design pays dividends in fewer change orders and issues with unknown utilities. It also enables Metro to address stakeholder concerns prior to award of a construction contract when it is more difficult to implement changes. The recommended action is consistent with that lesson learned.

Future work will be funded on a 12 to 24 month basis, depending on the phase of the project. This approach will result in more accurate budgeting in future years, while providing better control over the management of consultant services.

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 FY18 budget under Project 865523 Westside Purple Line Extension Project - Section 3, in Cost Center 8510 (Construction Project Management), and Account No. 50316 (Professional and Technical Services). Since this is a multi-year project, the Chief Program Management Officer and the Project Manager will be responsible for budgeting costs in future years.

Impact to Budget

The sources of funds for the recommended action are Measure R 35% and Measure M 35%. The approved FY18 budget is designated for the Westside Purple Line Extension Project - Section 3 and does not have an impact to operations funding sources. These funds were assumed in the Long Range Transportation Plan 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 WSP's services will provide the continuity of engineering services involving qualified and knowledgeable personnel that are part of the Westside Purple Line Extension Integrated Project Management Office.

NEXT STEPS

After Board approval and execution of the Contract Modification, staff will direct the consultant to continue providing engineering support services during solicitation processes and design support services during construction of the Westside Purple Line Extension Project - Section 3.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - Contract Modification/Change Order Log

Attachment C - DBE Participation

Prepared by:

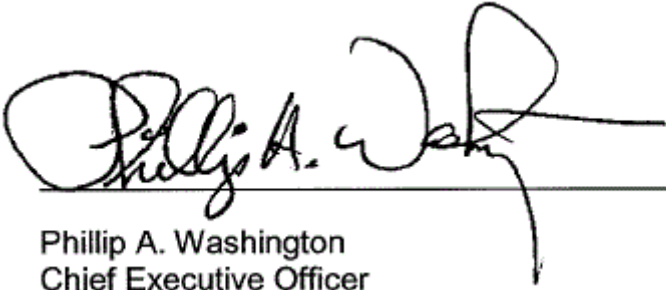
Michael McKenna, Executive Officer, Program Management (213) 312-3132

Rick Wilson, Deputy Executive Officer, Program Control (213) 312-3108

Reviewed by:

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

WESTSIDE PURPLE LINE EXTENSION PROJECT – SECTION 3
PS43502000

| | | | |
|----|---|---------|--|
| 1. | Contract Number: PS43502000 | | |
| 2. | Contractor: WSP USA Inc. | | |
| 3. | Mod. Work Description: Continue engineering support services during solicitation processes and final design, and design support services during construction for Section 3 of the Westside Purple Line Extension Project | | |
| 4. | Contract Work Description: Engineering support services during solicitation processes and final design, and design support services during construction | | |
| 5. | The following data is current as of: May 3, 2017 | | |
| 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: \$195,995,576 |
| | Original Complete Date: | 9/16/08 | Pending Modifications (including this action): \$15,028,122 |
| | Current Est. Complete Date: | 6/30/19 | Current Contract Value (with this action): \$214,677,759 |
| 7. | Contract Administrator: Zachary Munoz | | Telephone Number: (213) 922-7301 |
| 8. | Project Manager: Michael McKenna | | Telephone Number: (213) 312-3132 |

A. Procurement Background

This Board Action is to approve Contract Modification No. 62 to be issued in support of Westside Purple Line Extension Section 3 Project to provide continued engineering support services during solicitation processes, and design support services during construction.

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 and 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 Parsons Brinkerhoff WSP (recent name change to WSP USA Inc. (WSP)) 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 for the entire Westside Purple Line Project. 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 WSP to enter the next phase of work, design support during construction. In April 2014, the Board authorized WSP to provide continued design support during construction for Section 1. In February 2015, the Board authorized WSP to provide continued advanced preliminary engineering, design for advanced relocation of utilities, engineering support service during the design-build solicitation process, and design support services during construction for Section 2. In December 2015, the Board authorized WSP to provide continued design support services during construction for Section 1. In February 2016, the Board authorized WSP to provide advanced preliminary engineering, design for advanced relocation of utility, engineering support services during solicitation processes, and design support services during construction for Section 3. In October 2016, the Board authorized WSP to provide continued design support services during construction for Section 2.

Refer to Attachment B for modifications issued to date and proposed modifications pending authorization.

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 upon completion of MASD’s final year-end incurred cost audit. The difference between the negotiated price and Metro’s ICE is the result of the required level of effort, and corresponding rates that were determined to be required after a technical evaluation of the Contractor’s proposal was performed approved by Metro’s Project Management.

| Proposal Amount | Metro ICE | Negotiated Amount |
|------------------------|------------------|--------------------------|
| \$16,930,000 | \$15,647,000 | \$15,028,122 |

CONTRACT MODIFICATION/CHANGE ORDER LOG
WESTSIDE PURPLE LINE EXTENSION PROJECT/
PS43502000

| Mod. No. | Description | Status | Date Executed | Amount |
|-----------------|---|---------------|----------------------|---------------|
| 1-8 | Alternatives Analysis | Approved | 9/1/09 | \$27,515 |
| 9-20 | Advanced Conceptual Engineering/Draft EIS/ EIR | Approved | 9/16/10 | \$18,590,710 |
| 21 | Preliminary Engineering | Approved | 11/1/10 | \$43,632,826 |
| 22 | Final EIS/EIR | Approved | 11/1/10 | \$4,761,377 |
| 23 | Close-out Alternative Analysis | Approved | 1/12/11 | (\$31,300) |
| 24 | Additional Fault investigation – Transect 2 | Approved | 5/6/11 | \$480,250 |
| 25 | Risk Management Support | Approved | 2/28/11 | \$208,417 |
| 26 | Additional Fault Investigation Transec 4 | Approved | 7/5/11 | \$453,264 |
| 27 | Century City Refined Ridership Forecast | Approved | 4/13/11 | \$22,985 |
| 28 | Additional Rail Simulation Study | Approved | 4/20/11 | \$72,646 |
| 29 | Revisions to Safety Security Manual | Approved | 3/31/11 | \$0 |
| 30 | Oil Well Investigation Program | Approved | 5/4/11 | \$107,165 |
| 31 | Additional Fault Investigation Transec 3 | Approved | 6/2/11 | \$411,949 |
| 32 | Additional Fault Investigation Transec 7 | Approved | 7/5/11 | \$310,754 |
| 33 | Historic Property Survey | Approved | 5/13/11 | \$46,442 |
| 34 | Additional Fault Investigation Transec 6 | Approved | 8/9/11 | \$102,054 |
| 35 | Additional Station Entrance Report | Approved | 8/9/11 | \$119,074 |
| 36 | Advance Preliminary Engineering | Approved | 11/1/11 | \$16,996,740 |
| 37 | LADWP Utility Relocations | Approved | 4/27/12 | \$84,659 |
| 38 | Title V1 Service Equity | Approved | 4/17/12 | \$51,185 |
| 39 | Design Services for Exploratory Shaft | Approved | 7/5/12 | \$0 |
| 40 | Period of Performance Extension | Approved | 10/31/12 | \$0 |
| 41 | Bid Period Services | Approved | 3/25/13 | \$18,816,205 |
| 42 | CANCELLED | Approved | | |
| 43 | Advance Preliminary Engineering Section 2 | Approved | 4/22/13 | \$8,836,296 |
| 44 | Additional Borings | Approved | 8/16/13 | \$439,292 |
| 45 | Additional Capacity Study | Approved | 10/9/13 | \$24,030 |
| 46 | Ventilation Study | Approved | 12/18/13 | \$470,527 |
| 47 | Additional AUR Work | Approved | 2/11/14 | \$493,563 |
| 48 | Design Support Services During Construction FY 15 | Approved | 5/30/14 | \$11,657,611 |
| 49 | Period of Performance Extension | Approved | 6/26/14 | \$0 |
| 50 | New Starts Support Section 2 | Approved | 8/11/14 | \$357,054 |
| 51 | Section 2 Station Area Planning | Approved | 8/21/14 | \$126,728 |
| 52 | Continued Advanced Preliminary Engineering Section 2 | Approved | 3/30/15 | \$20,820,226 |
| 53 | Utility Engineer Support | Approved | 12/23/14 | \$358,798 |
| 54 | Period of Performance Extension | Approved | 12/23/14 | \$0 |
| 55 | Period of Performance Extension | Approved | 12/23/14 | \$0 |
| 56 | Period of Performance Extension | Approved | 12/24/14 | \$0 |
| 57 | Design Support Services During Construction Section 1 | Approved | 12/21/15 | \$9,282,218 |

| Mod. No. | Description | Status | Date | Amount |
|-----------------|--|---------------|-------------|---------------|
| 58 | Advanced Preliminary Engineering, Design for Advanced Relocation of Utilities, Engineering Support Section 3 | Approved | 3/24/16 | \$28,085,033 |
| 59 | Period of Performance Extension | Approved | 7/13/16 | \$0 |
| 60 | Design Support Services During Construction Section 2 | Approved | 11/29/16 | \$9,551,411 |
| 61 | Design Support Services During Construction Section 1 | Negotiating | | |
| 62 | Engineering Support Services During Solicitation and Design Support Services During Construction Section 3 | Pending | | \$15,028,122 |
| 63 | Re-Applying Demand Model for WPLE | Approved | 4/6/17 | \$227,872 |
| | | | | |
| | Modification Total: | | | \$195,995,576 |
| | Original Contract: | | | \$3,654,061 |
| | Total: | | | \$214,677,759 |

DEOD SUMMARY

WESTSIDE PURPLE LINE EXTENSION PROJECT – SECTION 3
PS43502000**A. Small Business Participation**

Parsons Brinckerhoff (recent name change to WSP USA Inc. (WSP)) made a 23.41% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. The project is 86% complete and the current DBE participation is 25.57%. WSP is currently exceeding their DBE commitment.

| | | | |
|----------------------------------|-------------------|-------------------------------------|-------------------|
| Small Business Commitment | DBE 23.41% | Small Business Participation | DBE 25.57% |
|----------------------------------|-------------------|-------------------------------------|-------------------|

| | DBE Subcontractors | Ethnicity | % Committed | Current Participation¹ |
|-----|--|-----------------------------|--------------------|--|
| 1. | Intueor Consulting | Subcontinent Asian American | 2.28% | 2.02% |
| 2. | Kal Krishnan Consulting | Subcontinent Asian American | 5.58% | 0.99% |
| 3. | LKG-CMC | Caucasian Female | 7.27% | 0.78% |
| 4. | Terry A. Hayes | African American Female | 2.99% | 0.24% |
| 5. | Wagner Engineering | Caucasian Female | 5.29% | 0.70% |
| 6. | A Cone Zone (2nd Tier w/AMEC) | Caucasian Female | Added | 0.83% |
| 7. | Abadi–Abadi Consulting (ABCS) | Caucasian Female | Added | 0.99% |
| 8. | Advanced Technologies Lab. (2nd Tier w/AMEC) | Hispanic American | Added | 0.16% |
| 9. | Advantec Consulting Engineering | Asian Pacific American | Added | 1.49% |
| 10. | AP Engineering (2nd Tier w/AMEC) | Asian Pacific American | Added | 0.16% |

| | | | | |
|-----|---|-------------------------------|-------|-------|
| 11. | Atlas Teknology Group | Asian Pacific American Female | Added | 0.06% |
| 12. | Atwell Consulting | Caucasian Female | Added | 0.26% |
| 13. | Barrio Planners | Hispanic American | Added | 1.34% |
| 14. | Capitol Government Contract Specialists | Hispanic American | Added | 0.06% |
| 15. | C&L Drilling (2nd Tier w/AMEC) | Caucasian Female | Added | 0.65% |
| 16. | Cogstone Resource | Caucasian Female | Added | 0.17% |
| 17. | Del Richardson | African American | Added | 0.20% |
| 18. | Diana Ho Consulting | Asian Pacific American | Added | 0.01% |
| 19. | Diaz Consultants | Hispanic American | Added | 0.32% |
| 20. | D'Leon Consulting | Hispanic American | Added | 2.92% |
| 21. | E.W. Moon | African American | Added | 0.53% |
| 22. | FPA Underground | Asian Pacific American Female | Added | 0.64% |
| 23. | Green Clean Water (2nd Tier w/AMEC) | Asian Pacific American | Added | 0.48% |
| 24. | IDC Consulting | Asian Pacific American Female | Added | 0.44% |
| 25. | J M Diaz, Inc. | Hispanic American | Added | 0.09% |
| 26. | JAD & Associates | Asian Pacific American | Added | 0.82% |
| 27. | Jet Drilling (2nd Tier w/AMEC) | Hispanic American | Added | 0.19% |
| 28. | Lenax Construction | Caucasian Female | Added | 0.83% |
| 29. | Martini Drilling (2nd Tier w/AMEC) | Hispanic American | Added | 0.92% |

| | | | | |
|-----|---|----------------------------|---------------|---------------|
| 30. | Melendrez (RELM) | Caucasian Female | Added | 0.01% |
| 31. | Parikh Consultants (2nd Tier w/AMEC) | Asian Pacific American | Added | 0.74% |
| 32. | RAW International | African American | Added | 2.41% |
| 33. | Roy Willis | African American Female | Added | 0.01% |
| 34. | Safe Utility Exposure | Caucasian Female | Added | 1.26% |
| 35. | Safeprobe | Asian Pacific American | Added | 0.63% |
| 36. | Universal Reproductions Inc. | Caucasian Female | Added | 0.40% |
| 37. | V&A Inc. | Hispanic American | Added | 0.38% |
| 38. | W2 Design | Asian Pacific American | Added | 0.44% |
| 39. | Wiltec (2 nd Tier 2/Fehr & Peers) | African American | Added | 0.00% |
| | Total | | 23.41% | 25.57% |

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

B. Project Labor Agreement/Construction Careers Policy

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

C. 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, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

D. Living Wage Service Contract Worker Retention Policy

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