



Board Report

File #: 2021-0572, File Type: Contract

Agenda Number: 30.

CONSTRUCTION COMMITTEE OCTOBER 21, 2021

SUBJECT: CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR CAPITAL PROJECTS

ACTION: AWARD AND EXECUTE CONTRACT FOR CONSTRUCTION MANAGEMENT SUPPORT SERVICES

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD AND EXECUTE a three-year cost plus fixed fee contract, Contract No. AE76301MC081 with Zephyr Rail, to provide Construction Management Support Services for Capital Projects, in an amount not-to-exceed \$3,519,211.94 for the three-year base period, plus two (2) one-year options if deemed appropriate, subject to resolution of any properly submitted protest(s); and
- B. EXECUTE individual Task Orders within the Board approved not-to-exceed amount.

ISSUE

The Los Angeles County Metropolitan Transportation Authority (Metro) requires professional services from a qualified Construction Management Support Services (CMSS) firm to support the design review, construction management, and administration of construction contracts for various Metro capital projects and adjacent/joint development projects to ensure compliance with Metro's safety and security policies, contract requirements, and government regulations.

Construction management support services will be provided for final design, pre-construction activities, administration of construction, and contract close out. In general, projects supported by this CMSS will include smaller construction projects at bus and rail facilities, Metro right-of-way, and adjacent/joint development projects. A few examples of Metro projects this contract may support are: small capital project construction oversight / safety inspections at Metro Operating Divisions such as repair/replacement of bus washes, bus bays or replacement of large equipment; and adjacent project inspection and safety for construction related activities adjacent to the alignment that may have an impact on operations such as work on private property that is within a certain distance from our OCS Lines along the L (Gold) Line. Additionally, this contract supports constructability and pre-construction activities for projects in the planning phase that are in the process of transitioning to Program Management.

BACKGROUND

Metro's construction management support services philosophy envisions that the primary role of the CMSS is to provide highly skilled and qualified individuals to assist and support Metro in the construction management and administration of construction projects. This role also entails ensuring that the construction of projects is completed with a high level of quality and safety. The CMSS staff are fully integrated into the construction project team with Metro staff. CMSS staff have the specialized technical and administrative expertise to assist and support project delivery and implementation and to perform the necessary project reporting requirements and control procedures established by Metro. In the performance of work, CMSS staff adhere to and comply with all Metro policies and procedures.

DISCUSSION

On June 2, 2021, requests for proposals were issued for CMSS services to assist Metro in managing the construction of capital projects and adjacent/joint development projects. The CMSS contract is a cost-plus fixed fee contract for a term of three (3) years with two one-year options. If the Board approves staff to exercise the additional option years in the CMSS contract, rates for the option years will be negotiated prior to the end of the base contract period. Option 1 will be to extend the CMSS services and option 2 will be for contract closeout.

Since the CMSS contract is a cost-plus fixed fee contract, consultant services will be performed using Annual Work Plans (AWP). Each AWP will include negotiated direct labor, overhead rates, general and administrative expenses, fee, and negotiated hours for the level of effort to match the work. The AWPs will be funded from the existing project budgets and take into consideration all information available at the time of planning plus applicable time constraints on the performance of the work.

Metro shall ensure that strict project controls are in place prior to approving each AWP to closely monitor the CMSS's budget and AWP schedules. No funds will be obligated until the AWP is approved against each particular capital project or adjacent/joint development project.

Metro staff will begin onboarding of CMSS consultants immediately following contract execution.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an adverse impact on safety standards for Metro.

FINANCIAL IMPACT

The funding for this contract is included under various capital project or adjacent/joint development project numbers within cost center 8510, Construction Management. AWP's under this contract will be funded within life of-project (LOP) budgets or the approved annual budgets for each individual capital project or adjacent/joint development project. As such, approval of this action will not increase

the LOP budgets or approved annual budgets of any individual capital project or adjacent/joint development project. Since this is a multi-year contract, respective project managers, the cost center manager, and Chief Program Management Officer will be accountable for budgeting the contract cost in future years, including any options exercised.

Impact to Budget

There are no impacts to the FY22 budget. All action under this contract will be funded within the LOP budget or the approved annual budget for each individual capital project or adjacent/joint development project

EQUITY PLATFORM

Proper safety and inspection construction management support services reduce the potential impact for interruption to service which would negatively affect our ridership. Further, this contract is being awarded to a company that qualifies as a Small Business within the Small Business Enterprise Program. To ensure maximum opportunity for participation on this contract, Metro staff performed extensive outreach to the small business community, including those within the Disadvantaged Veterans Business Enterprise and the Small Business Enterprise programs. The solicitation was advertised through periodicals of general circulation, posted on Metro's Vendor Portal, and an e-mail notice to small businesses with applicable NAICS codes. The Construction Management Team presented at TBAC and attended meetings with the Small Business Community to further define the experience and background for this solicitation. The Proposal Evaluation Team was comprised of department personnel that were age, race, and gender diverse. DEOD established a goal of 27% SBE and 3% DVBE. The selected firm committed to achieving a 69% SBE goal and 5% DVBE (Attachment B). f

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project is consistent with the following Metro Vision 2028 Goals and Objectives:

Goal 1: Providing high-quality mobility options that enable people to spend less time traveling.

Goal 3: Enhance communities and lives through mobility and access to opportunity.

Goal 4: Transform LA County through regional collaboration and national leadership.

ALTERNATIVES CONSIDERED

The Board may reject the recommendations. Staff does not recommend this, as rejection will require an extensive hiring effort to provide permanent staff to fill the required positions, several of which are anticipated to be temporary. This would not be cost effective and could cause delays, since many of the CMSS staff are only required on a periodic basis for peak workloads and specific tasks over the life of the project.

NEXT STEPS

After Board approval of this CMSS Contract, the Contracting Officer will award Contract No. AE76301MC081 in accordance with Metro Procurement Policies and Procedures.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

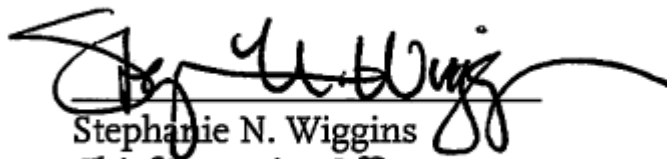
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Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES - CAPITAL PROJECTS
CONTRACT NUMBER AE76301MC081**

1.	Contract Number: RFP No. AE76301MC081	
2.	Recommended Vendor: Zephyr Rail	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: June 2, 2021	
	B. Advertised/Publicized: June 2, 2021	
	C. Pre-Proposal Conference: June 16, 2021	
	D. Proposals Due: July 9, 2021	
	E. Pre-Qualification Completed: August 20, 2021	
	F. Conflict of Interest Form Submitted to Ethics: July 22, 2021	
	G. Protest Period End Date: October 25, 2021	
5.	Solicitations Picked up/Downloaded: 244	Proposals Received: 6
6.	Contract Administrator: Wonder Van Twist	Telephone Number: 213-922-7325
7.	Project Manager: Brad Owen	Telephone Number: 213-418-3143

A. Procurement Background

This Board Action is to approve the award of Contract No. AE76301MC081, Construction Management Support Services- Capital Projects, that will support Metro in the performance of Metro's responsibilities for multiple Capital Projects; subject to the resolution of protest(s), if any. The resultant Contract, will be state/locally funded and is subject to fiscal year funding.

The Scope of Services (SOS) of the Construction Management Support Services is to support the design reviews, construction management, and administration of the construction contract(s) and to ensure that the construction of various projects are administered and completed in compliance with contract requirements and government regulations. Additionally, this contract supports constructability and pre-construction activities for projects in the planning phase that are in the process of transitioning to Program Management.

The Request for Proposals (RFP) was an Architecture and Engineer (A&E), qualifications-based procurement process performed in accordance with Los Angeles County Metropolitan Transportation Authority (Metro) Procurement Policies and Procedures, and California Government Code §4525-4529.5 for Architectural and Engineering services. The contract type is a Cost-Plus Fixed Fee (CPFF) for a term of three (3) years plus two (2) one (1)- year options. A virtual pre-proposal conference was held on June 16, 2021 in accordance with the California Governor Executive Order N-33-20 related to COVID-19. Two hundred forty-four (244) individuals from various firms picked up or downloaded the RFP Package.

Three amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on June 10, 2021, revised the Letter of Invitation, added titles to 1.2 Proposal Content, 1.3 Proposal Forms, 1.4 Certification Forms, 1.5 SBE/DVBE Forms, & 1.6 Other Requirements of the Submittal Requirements, and revised the weighting percentages of the Evaluation Criteria.
- Amendment No. 2, issued on June 24, 2021, added details to 1.1 General Format and 1.2 Proposal Forms of the Submittal Requirements.
- Amendment No. 3, issued on July 8, 2021, revised 1.2 Proposal Content of the Submittal Requirements, Special Provision (SP-05), Insurance Requirements and Exhibit 5- Proposal Letter

A total of six (6) proposals were received on July 9, 2021, from the following firms, in alphabetical order:

1. D R Consultants & Designers, Inc.
2. MARRS Services, Inc.
3. RT Engineering & Associates, Inc.
4. SRL Enterprises, LLC.
5. Vanir Construction Management, Inc.
6. Zephyr UAS, Inc. dba Zephyr Rail

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro Program Management was convened and conducted a comprehensive evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and the associated weightings:

- Experience and Capabilities of Firms on the Team..... (15%)
- Experience and Capabilities of the Key Personnel (25%)
- Effectiveness of Management Plan..... (25%)
- Project Understanding and Approach..... (35%)

Total 100%

The evaluation criteria are appropriate and consistent with criteria developed for other A&E procurements. Several factors were considered when developing the

weightings, giving the greatest importance to the Project Understanding and Approach.

This is an A&E, qualifications-based procurement; therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

During the month of July 2021, the PET evaluated the six (6) written proposals. Of the six (6) proposals received, two were determined to be non-responsive, therefore, both were excluded from further consideration. From July 27, 2021 through July 30, 2021, Metro held a virtual Oral Presentations with the following four (4) proposing firms.

1. D R Consultants & Designers, Inc.
2. MARRS Services, Inc.
3. RT Engineering & Associates, Inc.
4. Zephyr Rail

The proposing firms had the opportunity to present their key personnel as well as respond to the PET’s questions. In general, each proposer’s presentation addressed the requirements of the RFP, experience with all aspects of the required and anticipated tasks and stressed each proposer’s commitment to the success of the contract. Each proposing team was asked questions relative to each firm’s previous experience performing work of a similar nature to the SOS presented in the RFP. Sealed cost proposals were received from the four (4) proposers at the time of oral presentations.

The Proposal Evaluation Team (PET) ranked the four (4) proposals and assessed the major strengths, weaknesses and associated risks of each of the proposers to determine the most qualified firm. The final scoring was based on evaluation of the written proposals, as supported by oral presentations, and clarifications received from the Proposers. The results of the final scoring are shown below:

Firm	Average Score	Factor Weight	Weighted Average Score	Rank
Zephyr Rail				
Experience and Capabilities of Firms on the Team	91.13	15%	13.67	
Experience and Capabilities of the Key Personnel	90.32	25%	22.58	

Effectiveness of Management Plan	91.68	25%	22.92	
Project Understanding and Approach	89.71	35%	31.40	
Total		100.00%	90.57	1
MARRS Services, Inc.				
Experience and Capabilities of Firms on the Team	87.80	15%	13.17	
Experience and Capabilities of the Key Personnel	87.68	25%	21.92	
Effectiveness of Management Plan	83.68	25%	20.92	
Project Understanding and Approach	83.51	35%	29.23	
Total		100.00%	85.24	2
RT Engineering & Associates, Inc.				
Experience and Capabilities of Firms on the Team	81.13	15%	12.17	
Experience and Capabilities of the Key Personnel	82.00	25%	20.50	
Effectiveness of Management Plan	76.00	25%	19.00	
Project Understanding and Approach	79.63	35%	27.87	

Total		100.00%	79.54	3
D R Consultants & Designers, Inc.				
Experience and Capabilities of Firms on the Team	72.20	15%	10.83	
Experience and Capabilities of the Key Personnel	78.00	25%	19.50	
Effectiveness of Management Plan	78.32	25%	19.58	
Project Understanding and Approach	69.57	35%	24.35	
Total		100.00%	74.26	4

* Weighted scores are rounded to the nearest second decimal point.

C. Cost/Price Analysis

Metro completed negotiations and determined that the recommended estimated costs are fair and reasonable based on a cost analysis of labor rates, indirect rates and other direct costs in accordance with Metro's Procurement Policies and Procedures. Metro completed negotiations and established indirect cost rates and as appropriate provisional indirect (overhead) rates, plus a fixed fee factor to establish a fixed fee amount based on the total estimated cost for contract work orders / task orders, during the contract term to compensate the consultant.

Proposer: Zephyr Rail			
Contract Duration	Proposal Amount	Metro ICE	NTE Funding Amount
Base Period – 3 Years	\$3,519,211.94 ⁽¹⁾	\$3,457,200.00 ⁽²⁾	\$3,519,211.94
Option Year 1 and 2			

(1) The proposal amount is based on the Metro established staffing plan. The Consultant's overall costs include direct labor, overhead, other direct costs, subconsultant costs and fixed fees.

(2) The amount \$3,457,200.00 is the Independent Cost Estimate (ICE) for 3-year base Period of the Contract. Cost proposals were based on the Proposers' rates for the provided level of effort of 18,718 hours in the Staffing Plan.

The CMSS Staffing plan was established based on the SOS developed for the Contract. The estimated costs are based on the anticipated level of effort developed

for each year that will be required to perform the SOS by the Consultant and sub-consultants.

D. Background on Recommended Contractor

The recommended firm, Zephyr Rail, is located in the city of Orange, California and was established in 2015. They hold certifications as a certified Disadvantaged Business Enterprise (DBE) and Small Business Enterprises (SBE). Zephyr Rail's staff has an excellent understanding of the Los Angeles and local cities, agencies and Metro requirements, personnel and practices. They have extensive experience and skills in construction management and engineering design services and are performing similar scope of services as a subconsultant for ongoing Metro projects on the Division 20 Portal Widening Turnback, East San Fernando Valley LRT Project and the Antelope Valley Line Improvements Environmental Assessment and Technical Studies.

DEOD SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR CAPITAL
PROJECTS / AE76301MC081**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 27% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this Task Order Contract. Zephyr Rail, an SBE Prime, exceeded the goal by making a 69% SBE commitment and a 5% DVBE commitment.

In response to a specific Task Order request with a defined scope of work, the prime consultant will be required to identify SBE/DVBE subcontractor(s) to perform work activity and the actual dollar value commitments for that Task Order. Overall SBE/DVBE achievement in meeting the commitments will be determined based on cumulative SBE/DVBE participation of all Task Orders awarded.

Small Business Goal	27% SBE 3% DVBE	Small Business Commitment	69% SBE 5% DVBE
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	SBE Subcontractors	% Committed
1.	Zephyr Rail (SBE Prime)	TBD
2.	AIX Consulting, Inc.	TBD
3.	GCM Consulting, Inc.	TBD
4.	Ramos Consulting Services	TBD
Total SBE Commitment		69%

	DVBE Subcontractors	% Committed
1.	Conaway Geomatics, Inc.	TBD
2.	NSI Engineering, Inc.	TBD
Total DVBE Commitment		5%

B. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is not applicable to the contract.

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.