



Board Report

File #: 2024-0021, File Type: Program

Agenda Number: 7.

PLANNING AND PROGRAMMING COMMITTEE MAY 15, 2024

SUBJECT: REGIONAL RAIL ON-CALL SERVICES

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to EXECUTE:

- A. Modification No. 2 to the Regional Rail Engineering and Design On-Call Services Contract Nos. AE56750000 through AE56750004 to exercise the first one-year option term in the amount of \$2 million increasing the not-to-exceed (NTE) cumulative contract amount from \$11 million to \$13 million and extending the period of performance from August 14, 2024, to August 13, 2025;
- B. Modification No. 2 to the Regional Rail Project Management On-Call Services Contract Nos. AE5664300001, AE5664300102, AE5664300202, and AE5664300302 to exercise the first one-year option term in the amount of \$2 million increasing the NTE cumulative contract amount from \$10 million to \$12 million and extending the period of performance from August 14, 2024, to August 13, 2025; and
- C. Individual task orders for Engineering and Design On-Call services in the cumulative NTE amount of \$13 million and for Project Management On-Call services in the cumulative NTE amount of \$12 million.

ISSUE

Metro's Regional Rail unit under program management is leading Engineering and Design and Project Management service contracts set to expire on August 13, 2024. Approval of the one-year option extension would allow the department to continue to issue new task orders to assist staff efforts to promote and advance Regional Rail projects under Program Management within Los Angeles County.

BACKGROUND

The Regional Rail department under Program Management is responsible for providing technical support or leading the design and construction of regional rail projects that directly benefit external agencies, such as Southern California Regional Rail Authority (also known as Metrolink), Los Angeles-San Diego-San Luis Obispo Rail Corridor (LOSSAN), California High-Speed Rail Authority, Brightline West, BNSF Railway, and Union Pacific Railroad on Metro owned railroad right-of-way. The Regional Rail department serves as the building block for the commuter, intercity, freight, and future high-speed rail service expansion within Los Angeles County, using task orders to support the diverse scope of services for each on-call program.

It has been five years since the Metro board approved staff recommendations to award on-call contracts under the Regional Rail Engineering and Design services and Project Management services. Compared to bench contracts, where task orders are competitively procured, the on-call program has proven to be a more effective tool to accelerate the time to issue task orders. With a bench program, the task order request is issued to the pre-selected bench consultants' proposals, which are evaluated and may include interviews. A selection is made, the level of effort is reviewed and negotiated as necessary, and a consultant is selected for the task order. This bench process can take up to four months to issue a task order. Under the on-call program, the task order scope of work is issued to the pre-selected consultant on a rotation basis, the consultant submits the level of effort to be reviewed and negotiated at the established contract rates, and a consultant is selected for the task order. The on-call process can be completed within six weeks to issue each task order.

DISCUSSION

Over the last five years, Metro has generated six task orders totaling \$8.14 million under the Engineering and Design services and three task orders totaling \$735,312 under the Project Management services. The collective task orders have provided support for the High Desert Corridor, Rosecrans/Marquardt Grade Separation, Chatsworth Station ADA Improvements, Ramona Boulevard Grade Separation, Doran Street Grade Separation ATP, Los Angeles County/ USC Medical Center Infill Station, and the Brighton Double Track projects. To date, these two on-calls have doubled the contract value of the previous Regional Rail bench program over the same period. The increase in consultant support has resulted from the evolution of the Regional Rail program for LA Metro since its inception in 2009. The Regional Rail program is currently leading ten capital projects in various phases of work. Under the program management department, Regional Rail also provides oversight engineering support for seven capital projects led by Metrolink. In addition, the department is providing technical oversight to the Planning department for commuter rail, network integration related to, intercity, freight, and future high-speed rail service expansion projects within and through Los Angeles County. The executed Regional Rail task orders have advanced capital projects and technical issues supported by the Metro board and the CEO's office.

Impacts from COVID-19

On the CEO's request to suspend all non-critical work during the start of the pandemic, funding was not available for on-call task orders for two of the five years of the program's base year contract. As soon as funding became available for task orders, the Regional Rail department started to generate task orders to support the program. When considering the total contract value generated to date for the program, if funding had been available sooner, the engineering and design on-call would have hit the program ceiling limit before the expiration date of the five-year base contract. The Regional Rail

department would likely be required to take board action sooner to request additional funding or terminate the program early and restart a new solicitation for on-call services.

Engineering and Design On-Call Services

Of the five prime consultants that were awarded contracts, six task orders have been awarded. Each prime consultant team has been awarded at least one task order. Future task orders will be assigned to the remaining prime consultant teams.

Each prime consultant made at least an overall 25% SBE and 3% DVBE commitment on this contract. Based on all awarded task orders to date across all prime consultants, the overall participation is 20.53% SBE and 3.54% DVBE using expenditures to-date. Staff will continue to work with each prime consultant team to meet or exceed the overall SBE/DVBE commitments by the completion of the program.

Project Management On-Call Services

Of the four prime consultants selected for the Project Management on-call services, three task orders have been awarded. The Regional Rail unit was anticipating using this on-call to support value engineering, engineering support during construction, and construction support services for active capital projects. With limited available construction funding, the design phase work was extended due to delays addressing design standard/guideline changes from the approving agencies or value engineering design-related changes. The Regional Rail unit has addressed these design changes for all capital projects under program management and is advancing three capital projects to a shovel-ready level by FY25. Future task orders will be assigned to the remaining prime consultant teams.

Each prime consultant made at least an overall 23% SBE and 3% DVBE commitment on this contract. Based on awarded task orders to date across all prime consultants, the overall participation is 17.27% SBE and 0.00% DVBE using expenditures to-date. Staff will continue to work with each prime consultant team to meet or exceed the SBE/DVBE commitments by the completion of the program.

DETERMINATION OF SAFETY IMPACT

This board action will have no impact on safety standards for Metro or external stakeholders the Regional Rail department is supporting.

FINANCIAL IMPACT

The extension of the Regional Rail on-call contracts will have no impact on the existing FY24 budget. Funding for FY24 task orders is within the currently approved Regional Rail unit under program management's budget for cost center 2415. Each new task order in FY25 and FY26 will have an approved funding source before each task order is initiated. Funding for FY25 is assumed in the Proposed Budget. The Chief Program Management Officer will be responsible for budgeting costs in FY26.

Impact to Budget

The funding for each task order will vary based on the specific scope of work or the existing Regional Rail capital project the work will support. The current task order for the Regional Rail on-call uses California High-Speed Rail propositional 1A, California State Transit Intercity Rail program, Senate Bill 1 Active Transportation program, State Transportation Improvement Program, Section 190 program, Measure M, Measure R 20%, Measure R 3%, and other funds. These funds are not eligible to be used for Metro operations or capital expenses.

EQUITY PLATFORM

Metro Regional Rail is responsible for planning, designing, collaborating, reviewing, and/or constructing projects to promote, modify, or enhance the Regional Rail network for Los Angeles County along the Metro-owned right-of-way for the benefit of the external operators and the public. The on-call contracts are providing connections, double tracking, and grade separations for residents, workers, students, and families with improved regional public transportation solutions to access jobs, health care, education, and other economic opportunities across the Greater Los Angeles region.

The improvements supported by these on-call contracts help reduce environmental and health disparities within Los Angeles County by removing tens of thousands of metric tons of CO₂ greenhouse gases annually by removing vehicular trips off freeways. Furthermore, the current on-call service contracts are supporting small and disabled veteran businesses. The Engineering and Design on-call services contracts have an SBE/DVBE commitment of 25% and 3%. Based on contract commitments the Engineering and Design on-call services are expected to exceed the initial SBE and DVBE goals established. In the Project Management on-call service contracts have an SBE/DVBE commitment of 23% and 3%. As these contracts just started, the contract commitments for the Project Management on-call services contracts are also expected to exceed the initial SBE and DVBE goals established.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendations support Metro Regional Rail's partnership with external rail operators to improve service reliability and mobility, provide better network integration and transit connectivity through and within Los Angeles County. The on-call contracts serve to implement the following strategic plan goals:

- Goal 1.1: Expand the transportation network and increase mobility for all uses;
- Goal 1.2: Improve LA County's overall transit network and assets;
- Goal 3.3: Genuine public and community engagement to achieve better mobility outcomes for the people of LA County;
- Goal 4.1: Work with partners to build trust and make decisions that support the goals of the Strategic Plan; and
- Goal 5.1: Leverage funding and staff resources to accelerate the achievement of goals and initiatives prioritized in the Strategic Plan.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as the existing on-service contracts are set to expire by August 2024 and would not allow enough time for staff to issue new on-call solicitations and awards to support the Regional Rail department. Without approval, the Regional Rail department will not be able to issue on-call task orders for six months. The Regional Rail department under program management does not have enough technical staff to complete these additional services in-house during that period. The re-organization of the Regional Rail program resulted in a reduction of project development staff due to reassignments and reporting structures. The use of professional consulting complements the new Regional Rail program and allows for expedited project development. The additional task orders will assist active Regional Rail projects such as Doran Street Grade Separation, Rosecrans/ Marquardt Grade Separation, High Desert Multimodal Corridor, Chatsworth Station ADA Improvements, and the Brighton to Roxford Double Track project through design and construction.

NEXT STEPS

Upon Board approval, staff will execute Modification No. 2 to the Regional Rail Engineering and Design On-Call Services Contract Nos. AE56750000 through AE56750004 and Regional Rail Project Management On-Call Services Contract Nos. AE5664300001, AE5664300102, AE5664300202, and AE5664300302 to exercise the first one-year option extending the period of performance through August 13, 2025. Staff will continue working with the consultants for in-progress work and upcoming task orders to be assigned on a rotating basis. Staff will also work with DEOD to uphold the SBE and DVBE goal requirements of each program. Staff will then report back in twelve months to either request the last one-year extension or begin the procurement to award new contracts for Regional Rail on-call services.

ATTACHMENTS

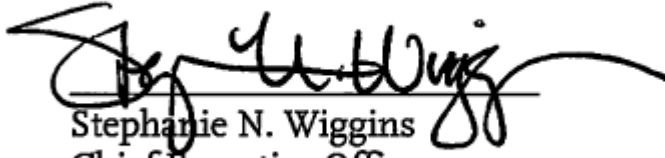
Attachment A-1 - Procurement Summary
Attachment A-2 - Procurement Summary
Attachment B-1 - Contract Modification/Change Order Log
Attachment B-2 - Contract Modification/Change Order Log
Attachment C-1 - DEOD Summary
Attachment C-2 - DEOD Summary

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Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

REGIONAL RAIL ENGINEERING AND DESIGN ON-CALL SERVICES / AE56750000
THROUGH AE56750004

1.	Contract Number: AE56750000 through AE56750004		
2.	Contractors: AECOM Technical Services Inc., HDR Engineering Inc., Mott MacDonald LLC, Pacific Railway Enterprises Inc., and RailPros, Inc.		
3.	Mod. Work Description: Exercise first one-year option.		
4.	Contract Work Description Provide engineering and design on-call advisory services.		
5.	The following data is current as of: 4/4/24		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	5/23/19	Contract Award Amount:
			Not-to-Exceed (NTE) \$11,000,000
	Notice to Proceed (NTP):	N/A	Total of Modifications Approved:
			\$0
	Original Complete Date:	8/13/24	Pending Modifications (including this action):
			\$2,000,000
	Current Est. Complete Date:	8/13/24	Current Contract Value (with this action):
			NTE \$13,000,000
7.	Contract Administrator: Samira Baghdikian		Telephone Number: (213) 922-1033
8.	Project Manager: Brian Balderrama		Telephone Numbers: (213) 418-3177

A. Procurement Background

This Board Action is to approve Modification No. 2 to the Regional Rail Engineering and Design On-Call Services Contract Nos. AE56750000 through AE56750004 to exercise the first one-year option extending the period of performance from August 14, 2024 to August 12, 2025. This Contract Modification will increase the NTE cumulative contract amount by \$2,000,000 from \$11,000,000 to \$13,000,000.

These Contract Modifications will be processed in accordance with Metro's Acquisition Policy and the contract type is task order firm fixed unit rate.

On May 23, 2019, the Board approved the award of five task order based on-call Contract Nos. AE56750000 through AE56750004 for Regional Rail Engineering and Design On-Call Services in the cumulative NTE amount of \$11,000,000.

One modification has been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Cost Analysis

Work will be performed through the issuance of separate task orders. Proposals submitted for each task order will be subjected to cost analysis, technical analysis, fact finding, and negotiations to determine the fairness and reasonableness of price.

PROCUREMENT SUMMARY

REGIONAL RAIL PROJECT MANAGEMENT ON-CALL SERVICES / AE5664300001,
AE5664300102, AE5664300202 AND AE5664300302

1.	Contract Number: AE5664300001, AE5664300102, AE5664300202, and AE5664300302		
2.	Contractors: AECOM Technical Services Inc., Arcadis US Inc. (Arcadis/RailPros), Stantec Consulting Inc. and WSP USA Inc.		
3.	Mod. Work Description: Exercise first one-year option		
4.	Contract Work Description Provide project management on-call services.		
5.	The following data is current as of: 4/4/24		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	5/23/19	Contract Award Amount:
			Not-to-Exceed (NTE) \$10,000,000
	Notice to Proceed (NTP):	N/A	Total of Modifications Approved:
			\$0
	Original Complete Date:	8/13/24	Pending Modifications (including this action):
			\$2,000,000
	Current Est. Complete Date:	8/13/24	Current Contract Value (with this action):
			NTE \$12,000,000
7.	Contract Administrator: Samira Baghdikian		Telephone Number: (213) 922-1033
8.	Project Manager: Brian Balderrama		Telephone Numbers: (213) 418-3177

A. Procurement Background

This Board Action is to approve Modification No. 2 to the Regional Rail Project Management On-Call Services Contract Nos. AE5664300001, AE5664300102, AE5664300202, and AE5664300302 to exercise the first one-year option extending the period of performance from August 14, 2024 through August 13, 2025. This Contract Modification will increase the NTE cumulative contract amount by \$2,000,000 from \$10,000,000 to \$12,000,000.

These Contract Modifications will be processed in accordance with Metro's Acquisition Policy and the contract type is task order firm fixed unit rate.

On May 23, 2019, the Board approved the award of four task order based on-call Contract Nos. AE5664300001, AE5664300102, AE5664300202, and AE5664300302 for Regional Rail Project Management On-Call Services in the cumulative NTE amount of \$10,000,000.

One modification has been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Cost Analysis

Work will be performed through the issuance of separate task orders. Proposals submitted for each task order will be subjected to cost analysis, technical analysis, fact finding, and negotiations to determine the fairness and reasonableness of price.

CONTRACT MODIFICATION/CHANGE ORDER LOG
REGIONAL RAIL ENGINEERING AND DESIGN ON-CALL SERVICES / AE56750000
THROUGH AE56750004

Mod. No.	Description	Status (approved or pending)	Date	Amount
1	SP-19 Ordering (Indefinite Delivery/Quantity Contracts) deleted and added Exhibit I - Supplemental Ordering Process.	Approved	11/7/19	\$0
2	Exercise first one-year option extending period of performance through 8/13/25.	Pending	Pending	\$2,000,000
	Modification Total:			\$2,000,000
	Original Contract:		5/23/19	NTE \$11,000,000
	Total:			NTE \$13,000,000

CONTRACT MODIFICATION/CHANGE ORDER LOG

**REGIONAL RAIL PROJECT MANAGEMENT ON-CALL SERVICES / AE5664300001,
AE5664300102, AE5664300202 AND AE5664300302**

Mod. No.	Description	Status (approved or pending)	Date	Amount
1	SP-19 Ordering (Indefinite Delivery/Quantity Contracts) deleted and added Exhibit I - Supplemental Ordering Process.	Approved	11/7/19	\$0
2	Exercise first one-year option extending period of performance through 8/13/25.	Pending	Pending	\$2,000,000
	Modification Total:			\$2,000,000
	Original Contract:		5/23/19	NTE \$10,000,000
	Total:			NTE \$12,000,000

DEOD SUMMARY

REGIONAL RAIL ENGINEERING AND DESIGN ON-CALL SERVICES / AE56750000
THROUGH AE56750004**A. Small Business Participation**

To date six (6) Task Orders (TO) have been awarded to five (5) primes on the Engineering and Design On-Call Services task order contracts. Overall SBE and DVBE achievement in meeting the SBE/DVBE commitments is based on the aggregate value of all task orders awarded to each prime consultant. The current overall SBE and DVBE participation collectively, across all prime consultants is 20.53% SBE and 3.54% DVBE.

1. AECOM Technical Services – 1 Task Order Awarded

Overall Small Business Commitment	25% SBE 3% DVBE	Overall Small Business Participation*	0.00% SBE 0.00% DVBE
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*Task Order recently awarded; no payment information reported to-date

2. HDR Engineering – 1 Task Order Awarded

Overall Small Business Commitment	25% SBE 3% DVBE	Overall Small Business Participation	18.64% SBE 3.47% DVBE
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3. Mott McDonald – 2 Task Orders Awarded

Overall Small Business Commitment	25% SBE 3% DVBE	Overall Small Business Participation	20.98% SBE 3.87% DVBE
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4. Pacific Railway Enterprises, Inc. – 1 Task Order Awarded

Overall Small Business Commitment	50% SBE 3% DVBE	Overall Small Business Participation*	0.00% SBE 0.00% DVBE
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*Task Order recently awarded; no payment information reported to-date

5. RailPros Inc. – 1 Task Order Awarded

Overall Small Business Commitment	25% SBE 3% DVBE	Overall Small Business Participation	42.74% SBE 3.81% DVBE
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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 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. 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.

DEOD SUMMARY

REGIONAL RAIL PROJECT MANAGEMENT ON-CALL SERVICES/AE5664300001,
AE564300102, AE5664300202, AND AE5664300302**A. Small Business Participation**

To date three (3) Task Orders (TO) have been awarded to three (3) primes on the Regional Rail Project Management On-Call Services task order contracts. However, one task order awarded to AECOM was subsequently cancelled. Overall SBE and DVBE achievement in meeting the SBE/DVBE commitments is based on the aggregate value of all task orders awarded to each prime consultant. The current overall SBE and DVBE participation collectively, across all prime consultants is 17.27% SBE and 0.00% DVBE.

1. AECOM Technical Services. – 1 Task Order Awarded

Overall Small Business Commitment	23% SBE 3% DVBE	Overall Small Business Participation*	0.00% SBE 0.00% DVBE
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*Task Order was cancelled

2. Arcadis/Railpros, A Joint Venture – 1 Task Order Awarded

Overall Small Business Commitment	23% SBE 3% DVBE	Overall Small Business Participation*	0.00% SBE 0.00% DVBE
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*Arcadis/Railpros indicated that the one task order awarded to date, it did not include scope for its SBE and DVBE subcontractors. However, as future task orders are awarded that include scope for its SBE and DVBE firms, the level of participation will increase.

3. Stantec Construction Services, Inc. – No Task Orders Awarded

Overall Small Business Commitment	23% SBE 3.40% DVBE	Overall Small Business Participation*	0.00% SBE 0.00% DVBE
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*No task orders have been awarded to date.

4. WSP USA, Inc. – 1 Task Order Awarded

Overall Small Business Commitment	23% SBE 3% DVBE	Overall Small Business Participation*	58.89% SBE 0.00% DVBE
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*WSP has been awarded one task order to date and did not list any DVBE participation. WSP reported that the level of DVBE participation will increase, as task orders are awarded that include the DVBE's scope of work.

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 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. 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.