



Board Report

File #: 2024-0397, File Type: Contract

Agenda Number: 10.

CONSTRUCTION COMMITTEE
SEPTEMBER 18, 2024

SUBJECT: CONSTRUCTION MANAGEMENT SUPPORT SERVICES (CMSS) FOR BATTERY ELECTRIC BUS CHARGER INFRASTRUCTURE

ACTION: AWARD AND EXECUTE CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a cost plus fixed fee Contract No. AE120406MC083, to Anser Advisory, to provide Construction Management Support Services for Battery Electric Bus (BEB) Charging Infrastructure Projects located at our bus operation divisions, transit centers, as well as opportunity chargers along current BEB routes for a term of 3 years at a not to exceed total contract value of \$6,012,319, subject to the resolution of any properly submitted protest(s), if any.

ISSUE

In June 2021, Metro’s Board of Directors approved a Life of Project (LOP) budget of \$50 million to commence in FY22 for Phase 1 for the charging infrastructure needed to electrify the J Line. In February 2024, Metro released an Invitation for Bid (IFB) for the lowest responsive and responsible bidder to construct the infrastructure required to install BEB charging equipment at Division 9 and the El Monte Transit Center (EMTC). This action authorizes a contract award to Anser Advisory to provide Construction Management Support Services initially for the Division 9 and EMTC project, as well as other BEB Charger Infrastructure projects during the term of the contract authorized through a Task Order, subject to the availability of funds.

BACKGROUND

In July 2017, the Metro Board of Directors approved Motion #50 by Directors Bonin, Garcetti, Najarian, Hahn, and Solis, which endorsed a Zero Emission Bus (ZEB) Strategic Plan to transition Metro’s bus fleet to zero emission by 2030, contingent on envisioned cost and performance equivalence with compressed natural gas (CNG) buses and continued advancements in charging infrastructure. In 2018, the California Air Resources Board’s (CARB) Innovative Clean Transit (ICT) regulation mandated that all transit agencies in the State operate zero emission fleets by 2040. In addition, ICT ZEB purchase requirements for large transit agencies require 25% of bus purchases to be zero emission by 2023, 50% beginning in 2026, and 100% beginning in 2029. Metro must install charging infrastructure at several locations to support full electrification of the J

Line. These locations include Division 9, EMTC, Division 18, and the Harbor Gateway Transit Center (HGTC). Construction at HGTC is nearing completion and will provide the J Line with 8 opportunity chargers. Division 18 has mobile charging equipment and is part of a solicitation package that will be advertised in early 2025. Phase 1 of Division 9 will result in the addition of 120 depot chargers and 4 opportunity chargers. In addition, the EMTC will include 4 opportunity chargers.

DISCUSSION

The CMSS will provide review support of the technical bid documents, administration, inspection services, and technical support during the bid period, and construction and close out phases of the project. The CMSS will provide skilled individuals to assist Metro with the construction management of the projects. The consultant team will reside in an integrated project field office with Metro staff and will work with the contractors, Southern California Edison (SCE), and division staff to ensure the project is delivered on time and on budget while minimizing disruption to current division bus operations. The selected proposer has the experience and competence in construction support services, design bid-build, and integrated team structures on some of the most challenging and complex projects in Los Angeles County.

The CMSS Contract is for a base term of three (3) years and will be a cost plus fixed fee contract, meaning the consultant services will be performed within the cost constraints of an Advanced Cost Agreement (ACA). The ACA will include negotiated direct labor rates, indirect cost rates, general and administrative expenses (if applicable), fixed fee, and negotiated labor hours for the level of effort to match the work. The contract will be funded on a task order basis from project budgets with consideration given to information available at the time of planning and applicable time constraints on the performance of the work. Metro Program Management shall ensure that strict project controls are in place so that Metro may closely monitor the expenditure of the contract not-to-exceed amount and schedule. No funds are obligated until negotiations for each task order are finalized within the total not-to-exceed amount approved by the Board. Further background regarding the recommended firm is included in Attachment A - Procurement Summary.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The CMSS consultant will be managed by the Program Management Office Project Manager, and it will use available project funds budgeted as professional services under project 201061 - Infrastructure J/Silver Line and shall remain within the authorized budget(s). Since this is a multi-year project, the Cost Center Manager, Project Manager(s), and Sr. Executive Officer of Vehicle Engineering and Acquisition, in coordination with the Program Management Office Project Manager, will be responsible for budgeting the costs in future years.

Impact to Budget

There are no impacts to the FY25 budget. All action under this contract will be funded within the LOP budget. Currently, \$1,000,000 is allocated in the FY25 budget under project 201061 - Infrastructure J/Silver Line, account 50316 Professional Services. The current source of funds for this action are Low Carbon Transit Operations Program (LCTOP) and Transportation Development Act (TDA).

EQUITY PLATFORM

The J Line provides bus services to Equity Focus Communities (EFC's) and serves the following ridership (Fall 2019 Silver Line Rider Survey):

- 48% below \$25K household income (42.5% below poverty line)
- 68.3% had no car available
- 74% use transit 5+ days a week
- Rider Ethnicity: Latino 58.3%; Black 15.2%; White 10.6%; Asian/Pacific Islander 9.8%; Other 6.1%

It is recognized that BEBs provide improved air quality and quieter services compared to current Renewable Natural Gas (RNG) bus fleet. Division 9 is located within an EFC and CalEnviroScreen Disadvantaged Community (DAC). 59% of communities served are designated DACs.

Program Management presented at the Transportation Business Advisory Council and attended meetings with the Small Business Community to further define the experience and background for this solicitation. Contract No. AE120406MC083 includes a twenty-seven percent (27%) goal for Small Business Enterprise (SBE), as well as a three percent (3%) Disabled Veteran Business Enterprise requirement of the Total Contract Price. Anser Advisory made a commitment of 30% SBE and a 3% DVBE commitment. DEOD will actively monitor the consultant and their subcontracting plan to ensure the awarded party will uphold their commitment to the SBE and DVBE goals during the Contract term

IMPLEMENTATION OF STRATEGIC PLAN GOALS

These recommendations support Goal #3, Enhance communities and lives through mobility and access to opportunity and 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

Upon Board approval of this recommended action, staff will execute Contract No. AE120406MC083 with Anser Advisory to provide construction management support services for the Battery Electric Bus

Charging Infrastructure Project.

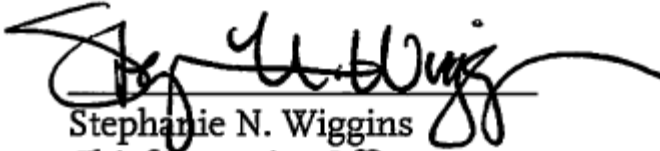
ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Michelle Quinn, Deputy Executive Officer Program Management (213) 922-3026
Shaun Miller, Deputy Executive Officer, Operations (213) 922-4952
Carolina Coppolo, Deputy Chief Vendor/Contract Management Officer (Interim),
(213) 922-4471

Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034
Tim Lindholm, Interim Chief Program Management Officer, (213) 922-7297
Nalini Ahuja, Chief Financial Officer, (213) 922-3088



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES (CMSS) FOR BATTERY
ELECTRIC BUS CHARGER INFRASTRUCTURE
CONTRACT NO. AE120406MC083**

1.	Contract Number: AE120406MC083	
2.	Recommended Vendor: Anser Advisory Consulting, LLC dba Anser Advisory	
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: February 20, 2024	
	B. Advertised/Publicized: February 20, 2024	
	C. Pre-Proposal Conference: February 27, 2024	
	D. Proposals Due: April 8, 2024	
	E. Pre-Qualification Completed: May 22, 2024	
	F. Organizational Conflict of Interest Review Completed by Ethics: April 26, 2024	
	G. Protest Period End Date: September 24, 2024	
5.	Solicitations Picked up/Downloaded: 94	Proposals Received: 4
6.	Contract Administrator: Diana Dai-Tsang	Telephone Number: (213) 418-3310
7.	Project Manager: Anthony Defrenza	Telephone Number: (213) 922-7107

A. Procurement Background

This Board Action is to approve the award of Contract No. AE120406MC083 to Anser Advisory Consulting, LLC dba Anser Advisory (Anser) to provide Construction Management Support Services (CMSS) for Battery Electric Bus (BEB) Charger Infrastructure projects for a period of performance of 3 years and authorize funding for the contract in the not-to-exceed amount of \$6,012,319. Board approval of contract awards are subject to resolution of any properly submitted protest(s), if any.

The CMSS consultant will assist Metro in the management of BEB Charger Infrastructure projects by providing construction support services for administering the design and construction contract(s) projects associated with installation of charging infrastructure to support Metro's plans to convert its existing fleet for CNG buses to battery electric buses and ensure that the construction of various projects are administered and completed in compliance with contract requirements and government regulations. The services will initially focus on supporting Metro for the construction of Division 9/EMTC Charging Infrastructure Project. Work Plans for the CMSS consultant will be negotiated annually for each project authorized through a Task Order, subject to availability of funds.

This was a qualification-based procurement performed in accordance with Metro's Procurement Policies and Procedures, and California Government Code §4525-4529.5 for Architectural and Engineering (A&E) services. Cost was not an evaluation factor. The contract type will be a Cost-Plus Fixed Fee (CPFF) type contract and is subject to available funds based on Task Order Plans. The first Task Order will cover required CM support services during the Fiscal Year (FY) 2025 for the Division 9/EMTC Charging Infrastructure Project.

Metro issued Request for Proposal (RFP) No. AE120406MC083 on February 20, 2024 that was advertised in the LA Sentinel, Asian Week, South Bay Daily Breeze, Los Angeles Daily News and La Opinion and posted on Metro's Vendor Portal.

A virtual pre-proposal conference was held on February 27, 2024 and was attended by 29 individuals representing 20 different firms. A total of 94 individuals from various firms downloaded the RFP package from Metro's Vendor Portal.

Three amendments were issued during the solicitation phase of this RFP and included the following summary updates:

- Amendment No. 1, issued on February 28, 2024, to delete and add SP-05 "Insurance Requirements."
- Amendment No. 2, issued on March 11, 2024, to revise solicitation Exhibit 14 – Staffing Plan for Division 9/EMTC.
- Amendment No. 3, issued on March 18, 2024, to revise and add Experience/Performance Questionnaire instructions; to add Cost and Fee Proposal submittal date clarification; to add "Certification of Prospective Contractor and Lower tier Participant Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion" on the listing of 1.4 CERTIFICATION FORMS.

A total of four proposals were received on April 8, 2024 from the following firms listed below in alphabetical order:

1. AECOM Technical Services, Inc. (AECOM)
2. Anser Advisory Consulting, LLC dba Anser Advisory (Anser)
3. Atlas Technical Consultants, LLC (Atlas)
4. United Engineering and Construction Management (UECM + DE)

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of Metro staff from Construction Management, Operations, and Planning was convened to conduct a comprehensive evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and associated weights set forth in the RFP:

- Experience and Capabilities of the Firms on the Proposer’s Team 30%
- Key Personnel’s Skills and Experience 35%
- Understanding and Approach to Service Delivery 35%
- Total 100%

The evaluation criteria are appropriate and consistent with criteria developed for other similar A&E procurements. Several factors were considered when developing the weights, giving the greatest importance to the Key Personnel’s Skills and Experience, and Understanding and Approach to Service Delivery.

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

Qualifications Summary of Recommended Consultant:

The PET determined that the proposal from Anser Advisory demonstrated exceptional competence and professional qualifications to perform the services required and is determined to be the most qualified proposer. Anser Advisory demonstrated, through their written proposal, extensive technical experience performing construction management support services involving the management of Zero Emissions Bus (ZEB) charging infrastructure projects and having a significant pool of personnel with expertise in meeting the requirements identified in the Scope of Services. Anser Advisory also demonstrated a thorough understanding of managing multiple deliverables with an excellent record in client satisfaction on Metro projects and similar projects around Los Angeles County.

Furthermore, this team demonstrated that it is well versed in providing the Scope of Services related to this contract and has the capabilities to provide staffing for the type of work that is required under this contract.

The scoring was based on evaluation of the written proposals received from the proposers and oral presentations. All four proposers participated in oral presentations to the PET on May 17, 2024. The results of the final scoring are shown below, in the order of their ranking:

Firm	Average Score	Factor Weight	Weighted Average Score	Rank
Anser Advisory				
Experience and Capabilities of the Firms on the Proposer's Team	88.60	30.00%	26.58	
Key Personnel's Skills and Experience	91.78	35.00%	32.12	
Understanding and Approach to Service Delivery	85.92	35.00%	30.07	
Total		100.00%	88.77	1
AECOM				
Experience and Capabilities of the Firms on the Proposer's Team	86.47	30.00%	25.94	
Key Personnel's Skills and Experience	88.49	35.00%	30.97	
Understanding and Approach to Service Delivery	83.03	35.00%	29.06	
Total		100.00%	85.97	2
Atlas				
Experience and Capabilities of the Firms on the Proposer's Team	82.44	30.00%	24.73	
Key Personnel's Skills and Experience	89.80	35.00%	31.43	

Understanding and Approach to Service Delivery	82.83	35.00%	28.99	
Total		100.00%	85.15	3
UECM + DE				
Experience and Capabilities of the Firms on the Proposer's Team	76.50	30.00%	22.95	
Key Personnel's Skills and Experience	83.49	35.00%	29.22	
Understanding and Approach to Service Delivery	77.63	35.00%	27.17	
Total		100.00%	79.34	4

C. Cost Analysis

A cost analysis of all the elements of cost, direct labor rates, indirect cost (overhead, etc.) rates and other allowable direct costs was performed in accordance with Metro's Procurement Policies and Procedures, including fact-finding, and clarifications to determine the costs are fair and reasonable. Metro negotiated indirect cost rates as provisional rates, plus a fixed fee factor to establish a fixed fee amount based on the total estimated cost of performance of the Scope of Services, during the contract term for each Task Order. Work Plans for the CMSS consultant will be negotiated annually for each project authorized through a Task Order, subject to availability of funds.

Audits will be performed, where required, for those firms on the team without a current compliant audit of their indirect cost rates, in accordance with Federal Acquisition Regulation (FAR) Part 31. In order to prevent any unnecessary delay in contract award, provisional indirect cost rates have been established subject to retroactive Contract adjustments upon completion of any necessary audits.

Contract Duration	Cost Proposal Amount	Metro ICE	NTE Funding Amount
Base Period – 3 years	\$5,260,015	\$6,986,608	\$6,012,319

During negotiations, the level of effort was increased from Anser's initial cost proposal by an additional 2,000 labor hours over the period of performance of

three (3) years. The additional level of effort is attributed to additional support needed for third party coordination for the Charge-Ready Program, which was part of the Scope of Services.

D. Background on Recommended Contractor

Anser Advisory (Anser), is a wholly owned subsidiary of Accenture LLP, a national program management, project/construction management and engineering consulting leader. Anser has more than 10 years of experience and expertise managing projects and programs for transit agencies and public clients in Los Angeles County and the larger Southern California region.

Anser was selected to provide Construction Management Support Services (CMSS) on the Division 20 Portal Widening Turnback Facility Project, the Program Management Support Services as the prime consultant for Sepulveda Transit Corridor project, and Construction Support Services Consultant for the Metro Center Street Project. Anser also provides CMSS services as a subconsultant on the I-105 Express Lanes CM/GC Project, the Regional Connector Project, and the Harbor Gateway Transit Center Electric Bus Charging Infrastructure. Their performance has been satisfactory.

Anser is located in downtown Los Angeles.

DEOD SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR BATTERY ELECTRIC
BUS CHARGER INFRASTRUCTURE / AE120406MC083**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 27% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this Task Order solicitation. Anser Advisory Consulting, LLC (Anser) met and exceeded the goal by making a 30.00% SBE and 3.00% DVBE commitment. Anser listed three SBE firms without commitments for roles which might be needed in the future.

Small Business Goal	27% SBE 3% DVBE	Small Business Commitment	30.00% SBE 3.00% DVBE
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	SBE Subcontractors	% Committed
1.	D'Leon Consulting Engineers	16.83%
2.	V&A	13.17%
3.	Suenram & Associates, Inc.	TBD
4.	Ultrasystems Environmental, Inc.	TBD
5.	PQM, Inc	TBD
	Total Commitment	30.00%

	DVBE Subcontractor	% Committed
1.	Casamar Group, LLC	3.00%
	Total Commitment	3.00%

B. Local Small Business Preference Program (LSBE)

The LSBE Preference Program does not apply to Architecture and Engineering procurements. Pursuant to state and federal law, price cannot be used as an evaluation factor.

C. Living Wage and Service Contract Worker Retention Policy Applicability

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

D. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this contract. 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).

E. 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.