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Agenda - Final

Thursday, November 17, 2022

11:00 AM

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Construction Committee

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Janice Hahn, Vice Chair

Mike Bonin

Jacquelyn Dupont-Walker

Sheila Kuehl

Gloria Roberts (Interim), non-voting member

Stephanie Wiggins, Chief Executive Officer

METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES
(ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for one (1) minute per item, or at the discretion of the Chair. A request to address the Board must be submitted electronically using the tablets available in the Board Room lobby. Individuals requesting to speak will be allowed to speak for a total of three (3) minutes per meeting on agenda items in one minute increments per item. For individuals requiring translation service, time allowed will be doubled. The Board shall reserve the right to limit redundant or repetitive comment.

The public may also address the Board on non agenda items within the subject matter jurisdiction of the Board during the public comment period, which will be held at the beginning and/or end of each meeting. Each person will be allowed to speak for one (1) minute during this Public Comment period or at the discretion of the Chair. Speakers will be called according to the order in which their requests are submitted. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

Notwithstanding the foregoing, and in accordance with the Brown Act, this agenda does not provide an opportunity for members of the public to address the Board on any Consent Calendar agenda item that has already been considered by a Committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the Committee on the item, before or during the Committee's consideration of the item, and which has not been substantially changed since the Committee heard the item.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

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REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

- a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
- c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. Any other unlawful interference with the due and orderly course of said meeting.

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Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet. Every meeting of the MTA Board of Directors is recorded and is available at www.metro.net or on CD's and as MP3's for a nominal charge.

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The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

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x2 *Español (Spanish)*

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The Committee Meeting begins at 11:00 AM Pacific Time on November 17, 2022; you may join the call 5 minutes prior to the start of the meeting.

Dial-in: 888-251-2949 and enter
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Public comment will be taken as the Board takes up each item. To give public comment on an item, enter #2 (pound-two) when prompted. Please note that the live video feed lags about 30 seconds behind the actual meeting. There is no lag on the public comment dial-in line.

Instrucciones para comentarios publicos en vivo:

Los comentarios publicos en vivo solo se pueden dar por telefono.

La Reunion de la Junta comienza a las 11:00 AM, hora del Pacifico, el 17 de Noviembre de 2022. Puedes unirme a la llamada 5 minutos antes del comienso de la junta.

Marque: 888-251-2949 y ingrese el codigo
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Written public comments must be received by 5PM the day before the meeting.
Please include the Item # in your comment and your position of "FOR," "AGAINST," "GENERAL COMMENT," or "ITEM NEEDS MORE CONSIDERATION."

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Board Administration

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Los Angeles, CA 90012

CALL TO ORDER**ROLL CALL**

APPROVE Consent Calendar Items: 27 and 28.

Consent Calendar items are approved by one vote unless held by a Director for discussion and separate action.

CONSENT CALENDAR**27. SUBJECT: CEQA/NEPA AND ENVIRONMENTAL COMPLIANCE SERVICES**[2022-0637](#)**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD and EXECUTE Contract No. PS77530 for CEQA/NEPA and Environmental Compliance Services with ICF Jones & Stokes, Inc. for a five (5) year contract inclusive of three (3) base years with an initial amount not-to-exceed \$14,166,384.73; with two one-year options for a not-to-exceed amount of \$1,924,174.53 and \$1,760,892.27 respectively, for a total not-to-exceed amount of \$17,851,451.53; subject to the resolution of any properly submitted protest; and
- B. AWARD and EXECUTE individual Contract Work Orders and Task Orders within the total approved not-to-exceed funding limit of \$14,166,384.70.

Attachments: [Attachment A - Procurement Summary](#)
[Attachment B - DEOD Summary](#)
[Attachment C - CEQA/NEPA Compliance Contract Costs Estimates](#)

28. SUBJECT: SOUNDWALL PACKAGE 10 HIGHWAY PROJECT[2022-0640](#)**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AMEND the Life of Project Budget (LOP) for Soundwall Package 10 Highway Project (Project) by \$21,682,694 from \$50,862,000 to \$72,544,694, using the fund sources from the soundwall program as summarized in Attachment A consistent with the provisions of the Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment B); and
- B. AUTHORIZE the Chief Executive Officer to negotiate and execute project

related agreements, including contract modifications, up to the authorized Life-of-Project budget.

Attachments: [Attachment A - Funding and Expenditure Plan](#)
[Attachment B - Soundwall Package 10 Measure R & M UCMP](#)

NON-CONSENT

29. SUBJECT: FUND ADMINISTRATOR FOR METRO PILOT BUSINESS [2022-0696](#)
INTERRUPTION FUND (BIF)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to Execute Modification No. 8 to the Business Interruption Fund (BIF) Administration Services Contract No. PS56079000 with Pacific Coast Regional Small Business Development Corporation (PCR) in the amount of \$798,631 increasing the contract value from \$3,405,161 to \$4,203,792 to continue to serve as the fund administrator for Metro's Pilot BIF and extend the period of performance from May 1, 2023 to October 31, 2023.

Attachments: [Attachment A - Procurement Summary](#)
[Attachment B - Contract Modification Change Order Log](#)
[Attachment C - DEOD Summary](#)

SUBJECT: GENERAL PUBLIC COMMENT [2022-0777](#)

RECEIVE General Public Comment

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

Adjournment



Board Report

File #: 2022-0637, File Type: Contract

Agenda Number: 27.

CONSTRUCTION COMMITTEE NOVEMBER 17, 2022

SUBJECT: CEQA/NEPA AND ENVIRONMENTAL COMPLIANCE SERVICES

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD and EXECUTE Contract No. PS77530 for CEQA/NEPA and Environmental Compliance Services with ICF Jones & Stokes, Inc. for a five (5) year contract inclusive of three (3) base years with an initial amount not-to-exceed \$14,166,384.73; with two one-year options for a not-to-exceed amount of \$1,924,174.53 and \$1,760,892.27 respectively, for a total not-to-exceed amount of \$17,851,451.53; subject to the resolution of any properly submitted protest; and
- B. AWARD and EXECUTE individual Contract Work Orders and Task Orders within the total approved not-to-exceed funding limit of \$14,166,384.70.

ISSUE

Under federal, state, and local law and to avoid fines, civil or criminal liability, Metro is required to evaluate and comply with environmental laws, statutes and /or regulatory compliance for nearly every capital project and all projects undertaken by Metro. This contract is a critical component for planning, managing, and mitigating known and unknown environmental risks and regulatory compliance during the execution of Capital Construction and transit projects. The contract provides technical expertise and specialty licenses required to execute this type of work. Furthermore, this contract plays a critical role in keeping projects on schedule and keeping the agency compliant with regulatory requirements.

BACKGROUND

A critical component of executing our Capital projects and transit projects requires Metro to continually evaluate, survey, mitigate, and monitor environmental requirements. We need to simultaneously act towards regulatory compliance under federal, state, and local law. Metro must adhere to all environmental laws including the National Environmental Policy Act (NEPA) and the

California Environmental Quality Act (CEQA) to avoid fines, and civil or criminal liability.

The scope of work identified in this services contract is specifically for support of Metro's projects including operations, transit, and Capital Construction programs.

The passing of Measure M and continuation of Measure R projects in recent years has further increased the number of Capital projects developed. Metro staff does not have the internal resources to do all environmental regulatory and construction compliance support work in-house.

DISCUSSION

The contract will be used to assist Metro projects with the development and review of environmental documents, technical surveys and reports, and field monitoring compliance. The contract also includes environmental compliance services for Metro owned properties and Capital projects. Additional contract requirements include permit assistance, Native American consultation, and Section 106 consultation.

The scope of services in this contract is primarily for the support for Metro's environmental compliance including numerous transit capital projects and Mega projects. This contract includes the preparation of studies, surveys, investigations, modeling, predictions, data analyses and reporting related to the categories of impact, or as required by conditions identified during the planning, development, and design stages of a project and/or during the construction, operation, or close-out phases of a project. The work also includes the engineering and design of mitigation measures necessary to comply with the above listed requirements.

The support provided by previous environmental services and construction support contracts has historically saved projects money and avoided additional months of delays due to our ability to rapidly respond to unforeseen environmental issues encountered during project planning, permitting, and construction.

To accomplish these tasks, the consultant will provide the necessary staff, sub-consultants, equipment, software, supplies, and services. The consultant shall employ or subcontract as necessary with diverse environmental professionals such as professional engineers, registered geologists, project managers, stormwater professionals (QSD/QSP), biologists, archeologists, architectural historians, and other experienced and certified staff.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an adverse impact on safety standards for Metro. It will increase safety as environmental compliance related projects and programs are implemented to increase the health and safety of our staff and community.

FINANCIAL IMPACT

This contract is for three years with two one-year options for a total of five years as an Indefinite

Delivery/Indefinite Quantity (IDIQ) contract. No Metro funds are obligated until a Contract Work Order (CWO) is issued by a Metro authorized Contracting Officer against a valid project budget. No expenditures are authorized until a Task Order is awarded by a Metro authorized Contracting Officer for a specific package of work within the CWO. In other words, all task orders are to be individually negotiated and level of effort fully defined prior to the authorization of any project specific funds. The Chief Program Management Officer, EO Environmental Services Division, and Project Managers are responsible for providing appropriate budgets and following the Task Order award process protocols during the execution of each Task Order. Execution of work under those Task Orders can continue beyond the contract end date as specified in the contract.

Obligations and executions made within the total Contract Amount will be against specific project budgets which were authorized as part of FY23 budget adoption. Specific funding for this contract will parallel the eligible project funding source(s). The Chiefs of the business units and Project Managers overseeing these projects will be responsible for providing appropriate budgets in the future.

The Diversity and Economic Opportunity Department (DEOD) will establish a Disadvantaged Business Enterprise (DBE), or Small Business Enterprise (SBE), and the Disabled Veteran Business Enterprise (DVBE) goal for each Task Order.

Impact to Budget

The source of funds for this contract is provided within the Life of Project (LOP) budget or annual appropriation of the respective Capital projects shown in Attachment C. Funding sources for these Capital projects are approved as part of the project LOP or through the annual budget adoption. No additional funds are required upon approval of this contract award. Some projects are eligible for bus and rail capital funds hence appropriate task orders will be funded accordingly.

EQUITY PLATFORM

Metro is scheduled to provide an estimated 42 miles of new transit systems within the County of LA limits with a significant amount located in Metro's 2022 Equity Focus Communities (EFCs) areas which will serve those most in need of public and active transit services. Environmental compliance assists the disproportionate burden disadvantaged communities may bear by analyzing and mitigating potential impacts from population and housing impacts, traffic and transportation, air quality, energy, greenhouse gas emissions, public services, parks and recreation and hazards mitigations and monitoring. This contract would allow projects to prepare to be responsive, minimizing potential negative impacts while the community can benefit from the services the greater project will provide.

To ensure maximum opportunity for participation on this contract, this solicitation was advertised through diverse periodicals, including LA Sentinel, Asian Week, Los Angeles Daily News, and La Opinión, posted on Metro's Vendor Portal, and an e-mail notice to small businesses with applicable NAICS codes. This decision prioritizes the use of small and disadvantaged businesses by bringing all 20 environmental specialties, each requiring technical expertise, under a single contract and includes

mentorship opportunities provided by the prime contractor.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This consultant contract supports Strategic Goal 2 by optimizing the delivery and performance of Metro's transportation system by incorporating environmental compliance through environmental services activities to reduce impacts to the environment and increase system efficiency.

ALTERNATIVES CONSIDERED

If the Contract is not awarded, staff's ability to provide technical and environmental compliance support for construction services for many of our Capital projects will be limited. Consequently, Metro would not be able to immediately address potential and existing environmental liabilities.

In the Capital projects supported by this contract, Metro could experience increased liability for contractor claims for the delay to schedule completion milestones or risk of fines due to violations from regulatory agencies.

As another alternative, Metro could perform all the environmental regulatory and environmental compliance-related services in-house. However, to do so, Metro would need to hire additional staff with expertise in many different subjects, such as engineers, biologists, archeologists, environmental planners, and similar staff. Metro would incur more short-term capital and long-term costs to do the work internally than employing consultants.

Alternately, staff may solicit and award individual contracts for each environmental task on an as-needed basis. Staff does not recommend this alternative. Individually procuring these Task Orders have associated inconsistencies and likely greater cumulative administrative and execution costs and inefficiencies.

NEXT STEPS

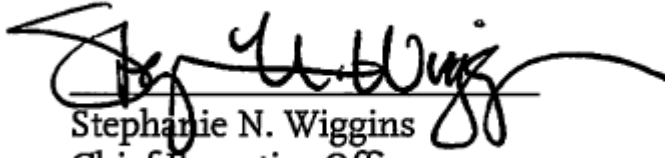
After Board approval, staff will execute the conformed contract and proceed with issuing Contract Work Orders and Task Orders.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary
Attachment C - CEQA/NEPA Compliance Contract Costs Estimates

Prepared by: Robert Pak, Principal Environmental Specialist
Environmental Services (213) 660-6895
Tom Kefalas, EO, Environmental Services (213) 418-3370
Debra Avila, Deputy Chief Vendor/Contract Management Officer, (213) 418-3051

Reviewed by Bryan Pennington, Chief Program Management Officer,
(213) 922-7449



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

**CEQA/NEPA & ENVIRONMENTAL COMPLIANCE SERVICES
CONTRACT NUMBER PS77530**

1.	Contract Number: RFP No. PS77530	
2.	Recommended Vendor: ICF Jones & Stokes, Inc.	
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 : November 3, 2021	
	B. Advertised/Publicized: November 3, 2021	
	C. Pre-Proposal Conference: November 16, 2021	
	D. Proposals Due: March 10, 2022	
	E. Pre-Qualification Completed: May 19, 2022	
	F. Conflict of Interest Form Submitted to Ethics: March 16, 2022	
	G. Protest Period End Date: October 31, 2022	
5.	Solicitations Picked up/Downloaded: 134	Proposals Received: 5
6.	Assistant Contract Administrator: Stephen Tsang	Telephone Number: 213-922-7125
7.	Project Manager: Robert Pak	Telephone Number: 213-922-2206

A. Procurement Background

This Board Action is to approve Contract No. PS77530, CEQA/NEPA & Environmental Compliance Services, that will support Metro in the performance of Metro's responsibilities for the multiple Capital Projects. The resultant Contract will be Federal, state and locally funded and is subject to fiscal year funding.

Board approval of contract awards are subject to resolution of any properly submitted protest.

The Scope of Services (SOS) of the CEQA/NEPA & Environmental Compliance Services is to plan, organize, and perform environmental compliance under the general direction of Metro staff and in cooperation with professional consulting firms, general construction contractors, and other contractors commissioned by Metro. As part of the specific work tasks, the Contractor may be required to coordinate with regulatory agencies as requested by Metro. Architect and Engineering professional services involving survey, assessment, engineering, monitoring at any given Metro site are to be identified and carried out.

The Request for Proposal (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. The RFP was issued on November 3, 2021. A virtual pre-

proposal conference was held on November 16, 2021, in accordance with the California Governor Executive Order N-33-20 related to COVID-19. One hundred Thirty-four (134) individuals from various firms picked up or downloaded the RFP Package.

Seven (7) Amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on November 19, 2021, to add SBE/DVBE Submittal Requirements.
- Amendment No. 2, issued on December 28, 2021, to Extend the Proposal Submission Date from Jan 5, 2022, to February 10, 2022.
- Amendment No. 3, issued on February 1, 2022, to Extend the Proposal Submission Date from February 10, 2022, to March 10, 2022.
- Amendment No. 4, issued on February 5, 2022, to add Diversity & Economic Opportunity Department SBE/DVBE requirements.
- Amendment No. 5, issued on April 7, 2022, to remove Exhibit D-Diversity and Economic Opportunity Department Contract Compliance Manual (RC-FTA) Section 400 - Contract compliance Monitoring - §403.A.4 and Amendment 4 - COMP Program – Protégé Pre-Assessment Form.
- Amendment No. 6, issued on April 8, 2022, to delete DEOD COMP requirement entirely.
- Amendment No. 7, issued on April 13, 2022, to inform all Proposers to submit their Revised Proposals, if any, at 2:00pm on Monday, April 18, 2022.

A total of five (5) proposals were received on March 10, 2022, from the following firms, in alphabetical order:

1. Burns & McDonnell Engineering Co. Inc.
2. ICF Jones & Stokes, Inc.
3. Impact Sciences, Inc.
4. Kleinfelder, Inc.
5. Michael Baker International, Inc.

B. Evaluation of Proposals

A diverse Proposal Evaluation Team (PET) consisting of staff from Mobility Corridor Team 2 and Environment Compliance 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..... (20%)
- Skill and Capability of Individuals on the Team..... (25%)
- Effectiveness of Management Plan..... (25%)

- Project Understanding and Approach..... (30%)

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 with federal funding; therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

During the month of April 2022, the PET evaluated the five (5) written proposals. From April 5, 2022, through April 7, 2022, Metro held a virtual Oral Presentations with all five (5) proposing firms.

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 to stress 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 five (5) proposers at the time of oral presentations.

The Proposal Evaluation Team (PET) ranked the five (5) proposals and assessed 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
ICF Jones & Stokes, Inc.				
Experience and Capabilities of Firms on the Team	94.15	20%	18.83	
Skill and Capability of Individuals on the Team	95.68	25%	23.92	

Effectiveness of Management Plan	94.68	25%	23.67	
Project Understanding and Approach	94.23	30%	28.27	
Total		100.00%	94.69	1
Kleinfelder, Inc.				
Experience and Capabilities of Firms on the Team	92.00	20%	18.40	
Skill and Capability of Individuals on the Team	93.68	25%	23.42	
Effectiveness of Management Plan	95.00	25%	23.75	
Project Understanding and Approach	92.67	30%	27.80	
Total		100.00%	93.37	2
Michael Baker International, Inc.				
Experience and Capabilities of Firms on the Team	91.75	20%	18.35	
Skill and Capability of Individuals on the Team	93.08	25%	23.27	
Effectiveness of Management Plan	91.68	25%	22.92	

Project Understanding and Approach	91.90	30%	27.57	
Total		100.00%	92.11	3
Burns & McDonnell Engineering Co. Inc.				
Experience and Capabilities of Firms on the Team	91.35	20%	18.27	
Skill and Capability of Individuals on the Team	90.72	25%	22.68	
Effectiveness of Management Plan	92.60	25%	23.15	
Project Understanding and Approach	88.33	30%	26.50	
Total		100.00%	90.60	4
Impact Sciences, Inc.				
Experience and Capabilities of Firms on the Team	87.90	20%	17.58	
Experience and Capabilities of the Key Personnel	89.12	25%	22.28	
Effectiveness of Management Plan	91.68	25%	22.92	
Project Understanding and Approach	91.67	30%	27.50	
Total		100.00%	90.28	5

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

C. Cost/Price Analysis

A cost analysis of the elements of cost including labor rates, indirect rates, and other direct costs was completed in accordance with Metro's Procurement Policies and Procedures, including fact-finding, clarifications and cost analysis and the cost elements were determined to be fair and reasonable. Metro negotiated and established direct cost rates and provisional indirect cost 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 for each Task Order, during the contract term.

Audits will be completed, where required, for those firms without a current applicable audit of their indirect cost rates, other factors, and exclusion of unallowable costs, 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. In accordance with FTA Circular 4220.1.f, if an audit has been performed by any other cognizant agency within the last twelve-month period, Metro will receive and accept that audit report for the above purposes rather than perform another audit.

Proposer: ICF Jones & Stokes, Inc.			
Contract Duration	Proposal Amount	Metro ICE	NTE Funding Amount
Base Period – 3 Years	(1)	\$14,166,384.73 (2)	\$14,166,384.73
Option Year 1	(1)	\$1,924,174.53 (2)	\$1,924,174.53
Option Year 2	(1)	\$1,760,892.27 (2)	\$1,760,892.27

- (1) This is a Cost-Plus Fixed Fee (CPFF) Contract with no definable level of effort for the Scope of Services at the time of proposal due date. In order for Metro to perform the cost analysis, Proposers submitted a cost proposal with staff to fulfill the Scope of Services. Only Direct Labor Hourly Rates, Indirect Cost Rates, Other Direct Costs and Subconsultant rates were requested in the RFP. As a result, only the rates were validated. Direct Labor Hourly Rates were supported by payroll data validated by Metro; compliant audits in accordance with Federal Acquisition Regulation (FAR) Part 31 were submitted by the Proposer to confirm Indirect Cost Rates. Other Direct Costs and Fixed Fee amount were negotiated and determined to be fair and reasonable.
- (2) The Independent Cost Estimate (ICE) for the 3- base years is \$14,166,384.73 and for Option Year 1 \$1,924,174.53 and Year 2 \$1,760,892.27 for a total amount of \$17,851,451.53. The total contract amount will be the aggregate value of all Task Orders negotiated during the period performance of the contract.

D. Background on Recommended Contractor

The recommended firm, ICF Jones & Stokes, Inc., is located in Los Angeles County, City of Los Angeles, California and was established in 2015. ICF, the parent

company, is headquartered in Fairfax, Virginia. ICF Jones & Stokes Inc. provides management, policy consulting and implementation services in government, energy, environment, infrastructure, transportation, public safety and security, consumer and financial in the United States and Internationally. ICF initially focused on federal government consulting contracts in energy and the environment and expanded its commercial work in subsequent years. The company has delivered CEQA/NEPA Environment Services and Support since 2017. They are an industry leader in environmental documentation, construction monitoring and compliance solutions. They routinely author industry-wide reference guides while delivering innovative, implementable, and defensible environmental solutions to their clients. ICF has a proven track record of delivering a range of task orders for Metro and other large transportation agencies. ICF Jones & Stokes' have performed similar scope of services for ongoing Metro Projects like the current CEQA/NEPA Environmental Services and Support, East San Fernando Valley Transit Corridor Project EIS/EIR, Division 20 Portal Widening & Turnback Facility and more.

DEOD SUMMARY

CEQA/NEPA AND ENVIRONMENTAL COMPLIANCE SERVICES/PS77530

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) will determine a Disadvantaged Business Enterprise (DBE), Small Business Enterprise (SBE), and the Disabled Veteran Business Enterprise (DVBE) goal for this multiple-funding source, single award contract, prior to the issuance of each task order for energy and climate services. Proposers were encouraged to form teams that include DBE, SBE, and DVBE firms to perform the scopes of work identified without schedules or specific dollar commitments prior to establishment of this contract.

For each task order, a DBE or SBE/DVBE goal will be recommended based on scopes of work and estimated dollar value for a task order that is federally and/or state/locally funded. ICF Jones & Stokes, Inc. will be required to meet or exceed the DBE contract-specific goal or demonstrate good faith efforts to do so. ICF Jones & Stokes, Inc. will be required to meet or exceed the SBE/DVBE contract-specific goal to be eligible for task order award.

Prime: ICF Jones & Stokes, Inc.

	Subcontractors	Ethnicity	DBE	SBE	DVBE
1.	Akima Consulting, LLC	Female Caucasian	X	X	
2.	Arellano Associates	Hispanic American	X	X	
3.	Civil Works Engineers	Female Caucasian		X	
4.	Cross-Spectrum Acoustics	African American	X	X	
5.	Duke Cultural Resources	Hispanic American	X	X	
6.	Environmental Review Partners	African American	X	X	X
7.	Galvin Preservation Associates	Female Caucasian	X	X	
8.	GlobalASR Consulting	Asian Pacific American	X	X	
9.	JTL Consultants	Female Caucasian	X	X	
10.	Katherine Padilla & Associates	Hispanic American	X	X	
11.	M. S. Hatch Consulting	Female Caucasian	X	X	
12.	Material Culture Consulting	Female Caucasian	X	X	
13.	PanGIS, Inc.	Female Caucasian	X	X	
14.	PARIKH Consultants	Asian Pacific American	X	X	
15.	Polytechnique Environmental	Asian Pacific American	X	X	
16.	Terry A. Hayes Associates	African American	X	X	
17.	TransLink Consulting	Asian Pacific American	X	X	
18.	Translutions	Asian Pacific American	X	X	
19.	Trifiletti Consulting	Hispanic American	X	X	
20.	Value Sustainability	African American	X	X	
21.	Wire Media	Female Caucasian	X	X	

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. 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).

D. Project Labor Agreement/Construction Careers Policy

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

ATTACHMENT C

LA METRO

PS77530-CEQA/NEPA and Environmental Compliance Services Five-Year Forecast

Date: October 10, 2022

Future Projects	Year 1	Year 2	Year 3	Year 4	Year 5	Total Total Estimated Contract Value
	Total Estimated Contract Value	Total Estimated Contract Value	Total Estimated Contract Value	Total Estimated Contract Value	Total Estimated Contract Value	
Contractor Consultancy Only						
Programs						
Real Estate-Joint Development Environmental Document Support	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$250,000.00
Environmental Field Monitoring Program	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$1,000,000.00
Environmental Planning Support Program	\$150,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$750,000.00
Metro Soundwall Program	\$125,000.00	\$125,000.00	\$125,000.00	\$125,000.00	\$125,000.00	\$625,000.00
Union Station Capital Project Program	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00	\$1,000,000.00
Projects						
Purple Line Extension-Section 1	\$50,000.00	\$50,000.00	\$50,000.00	\$15,000.00	\$5,000.00	\$170,000.00
Purple Line Extension-Section 2	\$50,000.00	\$50,000.00	\$50,000.00	\$15,000.00	\$5,000.00	\$170,000.00
Purple Line Extension-Section 3	\$1,590,000.00	\$1,200,000.00	\$800,000.00	\$195,000.00	\$75,000.00	\$3,860,000.00
Rail to Rail Corridor	\$75,000.00	\$50,000.00	\$25,000.00	\$5,000.00	\$0.00	\$155,000.00
Metro Orange Line Improvements	\$100,000.00	\$100,000.00	\$60,000.00	\$20,000.00	\$10,000.00	\$290,000.00
Airport Metro Connector	\$175,000.00	\$100,000.00	\$100,000.00	\$10,000.00	\$5,000.00	\$390,000.00
Metro Link Union Station	\$50,000.00	\$25,000.00	\$25,000.00	\$15,000.00	\$5,000.00	\$120,000.00
Metro Emergency Security Operations Center	\$75,000.00	\$25,000.00	\$25,000.00	\$5,000.00	\$0.00	\$130,000.00
East San Fernando Valley Transit Corridor	\$300,000.00	\$175,000.00	\$250,000.00	\$75,000.00	\$55,066.00	\$855,066.00
West Santa Ana Branch Transit Corridor	\$125,000.00	\$100,000.00	\$100,000.00	\$50,000.00	\$25,000.00	\$400,000.00
Rosecrans/Marquardt Grade Separation	\$100,000.00	\$25,000.00	\$25,000.00	\$5,000.00	\$0.00	\$155,000.00
LAUS Forecourt	\$425,000.00	\$350,384.00	\$200,000.00	\$150,000.00	\$0.00	\$1,125,384.00
Sepulveda Pass	\$2,000,000.00	\$625,000.00	\$150,000.00	\$50,000.00	\$35,000.00	\$2,860,000.00
Gold Line Extension Phase 2B	\$50,000.00	\$25,000.00	\$25,000.00	\$10,000.00	\$10,000.00	\$120,000.00
Green Line Extension	\$75,000.00	\$50,000.00	\$15,000.00	\$5,000.00	\$10,000.00	\$155,000.00
Eastside Extension Corridor Phase 2	\$25,000.00	\$50,000.00	\$20,000.00	\$10,000.00	\$5,000.00	\$110,000.00
Crenshaw Northern Extension	\$25,000.00	\$25,000.00	\$25,000.00	\$10,000.00	\$10,000.00	\$95,000.00
North Hollywood to Pasadena BRT	\$100,000.00	\$100,000.00	\$75,000.00	\$20,000.00	\$15,000.00	\$310,000.00
North San Fernando Valley BRT Improvements	\$75,000.00	\$75,000.00	\$25,000.00	\$20,000.00	\$25,000.00	\$220,000.00
Vermont Transit Corridor	\$25,000.00	\$50,000.00	\$15,000.00	\$10,000.00	\$10,000.00	\$110,000.00
Lincoln BRT Corridor	\$10,000.00	\$25,000.00	\$15,000.00	\$25,000.00	\$10,000.00	\$85,000.00
SR 91-East and West Bound	\$0.00	\$100,000.00	\$500,000.00	\$500,000.00	\$500,000.00	\$1,600,000.00
I-5 Capital Enhancements	\$0.00	\$291,000.00	\$250,000.00	\$200,000.00	\$0.00	\$741,000.00
Overall ROM	\$6,225,000.00	\$4,391,384.00	\$3,550,000.00	\$2,145,000.00	\$1,540,066.00	\$17,851,450.00

Notes:

Project costs assumed to include any escalation



Board Report

File #: 2022-0640, **File Type:** Informational Report

Agenda Number: 5.

CONSTRUCTION COMMITTEE NOVEMBER 17, 2022

SUBJECT: SOUNDWALL PACKAGE 10 HIGHWAY PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AMEND the Life of Project Budget (LOP) for Soundwall Package 10 Highway Project (Project) by \$21,682,694 from \$50,862,000 to \$72,544,694, using the fund sources from the soundwall program as summarized in Attachment A consistent with the provisions of the Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment B); and
- B. AUTHORIZE the Chief Executive Officer to negotiate and execute project related agreements, including contract modifications, up to the authorized Life-of-Project budget.

ISSUE

Staff is seeking the Board's approval to Amend the LOP for the Project that was established in 2015 and assumed a construction budget of \$34,165,000 (inclusive of ROW activities); construction costs have escalated since the LOP was established in 2015 and certain project components and scope have been added since then. Additionally, staff seeks the Board's approval to execute project-related agreements, including contract modifications within the Life of Project budget.

BACKGROUND

This project consists of constructing soundwalls along I-210 freeway from west of Marengo Avenue Overcrossing to Wilson Avenue in the City of Pasadena, constructing soundwalls from Baldwin Avenue to Santa Anita Avenue in the City of Arcadia, and constructing soundwalls on SR-134 East of Cahuenga Blvd near Arcola Street.

Caltrans completed the Package 10 PS&E and Right of Way work in 2012 with the standards in effect at that time and delivered the PS&E to Metro. Caltrans had also secured many of the Temporary Construction Easements (TCEs) for the Project. Although the project was anticipated to be advertised

shortly after LOP was established, there were multiple factors which delayed the Project:

Project Delivery Selection

The Project was nominated to be included in the Accelerated Regional Transportation Improvements (ARTI) project. The construction of the Project was on hold while the evaluation process for ARTI was being conducted. After a lengthy process, ARTI was determined to be infeasible as a bundle of projects and Soundwall Package 10 was advanced as a standalone project with changes, including updating the PS&E to 2015 standards and specifications, adding new soundwall segments that were not identified in the original project scope, extending TCEs that expired, and obtaining new TCEs.

Redesign from Lessons Learned on Adjacent Project

Package 4 soundwalls between Santa Anita Ave in Arcadia and California Ave in Monrovia were completed in November 2013. Due to adverse geological conditions at the project site, foundations for the soundwalls needed to be redesigned from piles to spread footing, thereby increasing the cost of the project for additional design, technical support services and time adjustment for construction delays resulting in a 29% increase in construction costs. The location of Package 10 Project is adjacent to the Package 4 project. Due to similarities in terrain conditions between Packages 4 and 10, Caltrans revised the design of the foundations for Package 10 to avoid the delays and change orders in construction. Final design (100% PS&E) was completed by Caltrans in December of 2020 and RTL was achieved in July of 2021 in conjunction with the application for the HIP funds that were submitted to FHWA in partnership with Caltrans.

Source of Federal Funds

In July 2021, Metro pursued federal HIP funds to supplement the construction cost of the Project, the total available HIP funds for the project are \$48,649,000. Eligible costs include construction capital as well as construction engineering. The funds authorization request was approved in September 2021 at which time Metro was able to begin the procurement process for the construction contract

DISCUSSION

The proposed increase in the LOP budget for this project is based on total project costs incurred including Metro labor and non-labor costs for PA&ED, PS&E, Utilities, ROW support, the forecasted construction cost and support, and required contingencies. The current LOP budget was approved by the Board in May 2015, prior to the current Program Management policy of establishing project LOP's upon receipt of construction bids. The current LOP does not accurately reflect the current cost of construction as well as the scope changes that have occurred since the LOP was established.

Right of Way Cost Increase

The original TCEs will be expiring in FY 2023. It is required that TCEs be extended to FY 2026 to accommodate the construction duration and account for any Project deficiencies encountered during construction. The extension of TCEs will increase the original Right of Way cost established in the current LOP budget.

Construction Cost Increase

The Project Invitation for Bid was released on June 6, 2022 and 5 bids were received on August 30, 2022. The bids are currently being evaluated for responsiveness and responsibility.

C.A. Rasmussen	\$48,890,254.70
Powell Constructors	\$49,091,986.85
Ortiz Enterprises	\$56,161,960.20
Security Paving	\$60,596,660.00.
Skanska	\$63,895,900.00
Metro Independent Cost Estimate	\$42,324,121.00

The current LOP assumed a construction budget of \$34,165,000 (inclusive of ROW activities); construction costs have escalated since the LOP was established in 2015 and the redesign of the soundwall footings and additional location of a soundwall on the 134 freeway in Toluca Lake are not accounted for.

Contingency

Design-bid-build projects typically carry a 10 to 15 percent contingency because the design is carried out to 100%. For this Project, staff has allocated a 15% percent contingency due to the following risk factors that could result in cost increases and schedule delays:

- Project is located in an area with a cobble top layer in the alluvial fan of the San Gabriel Mountains which could result in geotechnical issues not known at the time of design. Spread footings will need to be utilized and there is a high likelihood of latent sub-surface features, including buried human-made objects and differing site conditions.
- Current market conditions following extreme Covid-19 volatility, resulting in supply-chain issues, material shortage and procurement delays of long-lead item.
- Throughout the year there are events organized by local jurisdictions, such as the Rose Bowl parade, that have a high likelihood of impacting traffic, road closures and construction sequencing.
- Construction activities in the City of Pasadena right of way will require City's inspection and concurrence which could cause delays in construction, plant establishment, and Project close-out.

Construction Support

In addition to the increased contingency, staff are recommending additional budget for oversight and support. Given lessons learned on past collaborative highway efforts between Metro and Caltrans, staff have allocated roughly 20% percent construction oversight for the Project. This cost is inclusive of a Caltrans mandated Owner controlled quality oversight program that is not typical of Metro projects. This program is designed to reduce rework, reduce rejected work, minimize schedule delays, and ensure timely and complete Caltrans final acceptance of the Project.

DETERMINATION OF SAFETY IMPACT

The recommended Board action will have no detrimental safety impact.

FINANCIAL IMPACT

Allocation of HIP funds for the project releases approximately \$27.0 million of previously planned Measure R 20% and Prop C 25% funds. These funds will be available for current and future highway projects. These funds are not eligible for bus and rail operation expenses. This is a multiyear project; the Project Manager and the Chief Program Management Officer are responsible for future budgets.

Impact to Budget

The anticipated expenditure of \$6.7 million is included in FY2023 adopted budget for this project hence no additional budget is required.

EQUITY PLATFORM

The project is designed to reduce freeway noise affecting communities that were adversely impacted by the construction of the freeway. The soundwall program is a response to the noise complaints by residents. Soundwall 10 traverses along the 210 Freeway between Pasadena and Arcadia. The westernmost portion of the soundwall project is anticipated to benefit seven Equity Focus Communities (EFC) concentrated in the City of Pasadena.

Metro awarded a Construction Support Services Contract in 2021, for this and other projects. The selected firm was an SBE Firm who committed to achieving a 64.06% SBE goal and a 3.95% DVBE goal. This commitment exceeded the DEOD recommended goal of 27% SBE and 3% DVBE. It is anticipated that Metro will award the construction contract after the bids have been evaluated and the construction contract has a 22% DBE goal. To ensure maximum opportunity for participation on this Project, Metro staff performed extensive outreach to the small business community, including those within the Disadvantaged Veterans Business Enterprise and the Small Business Enterprise programs for each procurement. The solicitations were advertised through periodicals of general circulation, posted on Metro's Vendor Portal, and e-mail notices to small business with applicable NAICS codes.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project supports the following strategic goals:

Goal 1: Providing high-quality mobility options and improve transit efficiency;

Goals 4 and 5: Transforming LA County through regional collaboration with Caltrans and the corridor cities by contributing funds and providing resources to assist Caltrans in completion of these projects

ALTERNATIVES CONSIDERED

The Board may choose not to approve this staff recommendation. This alternative is not recommended as Metro would be unable to provide funding to complete the Project according to the current schedule.

NEXT STEPS

Upon Board approval, the LOP budget will be amended accordingly per the Recommendation.

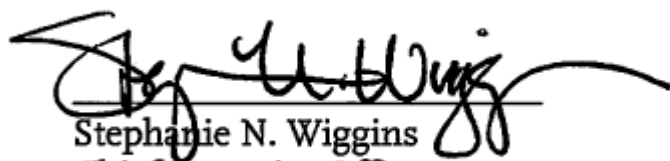
ATTACHMENTS

Attachment A - Funding and Expenditure Plan

Attachment B - Soundwall Package 10 Measure R & Measure M Unified Cost Management Policy

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Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT "A"
EXPENDITURE and FUNDING PLAN
SOUNDWALL PACKAGE 10 HIGHWAY PROJECT Cash Flow and Sources of Funds

USES OF FUNDS

	Thru FY23	FY24	FY25	FY26	FY27	Total
PA&ED	\$ 680,241					\$ 680,241
PS&E	\$ 1,965,453					\$ 1,965,453
Construction Support	\$ 1,700,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 9,700,000
Right of Way	\$ 2,347,000	\$ 147,000	\$ 375,000	\$ 375,000	\$ 375,000	\$ 3,619,000
Construction Capital	\$ 3,000,000	\$ 15,000,000	\$ 18,000,000	\$ 8,004,000	\$ 5,196,000	\$ 49,200,000
Unallocated Contingency	\$ 450,000	\$ 2,250,000	\$ 2,700,000	\$ 1,200,600	\$ 779,400	\$ 7,380,000
Total Project Estimate	\$ 10,142,694	\$ 19,397,000	\$ 23,075,000	\$ 11,579,600	\$ 8,350,400	\$ 72,544,694

SOURCES OF FUNDS

Federal Revenue

HIP	\$ 3,000,000	\$ 15,000,000	\$ 18,000,000	\$ 8,004,000	\$ 4,645,000	\$ 48,649,000
Federal Revenue Subtotal	\$ 3,000,000	\$ 15,000,000	\$ 18,000,000	\$ 8,004,000	\$ 4,645,000	\$ 48,649,000

Local Revenue

Measure R 20% / Prop C 25%	\$ 7,142,694	\$ 4,397,000	\$ 5,075,000	\$ 3,575,600	\$ 3,705,400	\$ 23,895,694
Local Revenue Subtotal	\$ 7,142,694	\$ 4,397,000	\$ 5,075,000	\$ 3,575,600	\$ 3,705,400	\$ 23,895,694

TOTAL SOURCES	\$ 10,142,694	\$ 19,397,000	\$ 23,075,000	\$ 11,579,600	\$ 8,350,400	\$ 72,544,694
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ATTACHMENT B

SOUNDWALL PACKAGE 10 HIGHWAY PROJECT

Measure R and Measure M Unified Cost Management Policy Analysis

Introduction

The Measure R and Measure M Unified Cost Management Policy (the Policy) was adopted by the Metro Board of Directors in June 2018. The precursor Measure R cost management policy was adopted in March 2011. The intent of the Policy is to inform the Metro Board of Directors regarding cost increases to Measure R and Measure M funded projects and the strategies available to close a funding gap. The Soundwall Package 10 Highway Project (Project) is subject to this policy analysis.

The life of project (LOP) budget for the Project as approved by the Board is \$50,862,000. The Project is subject to the Policy analysis now due to a proposed \$21,682,694 increase to the LOP budget. Funding for the cost increase is needed through FY 2027. This analysis recommends trade-offs required by the Policy to identify cost reductions or the funds necessary to meet the cost increase.

Measure R and Measure M Unified Cost Management Policy Summary

The adopted Policy stipulates the following: If a project cost increase occurs, the Metro Board of Directors must approve a plan of action to address the issue prior to taking any action necessary to permit the project to move to the next milestone. Increases will be measured against subsequent actions on cost estimates taken by the Metro Board of Directors, including the determination of the budget. Shortfalls will first be addressed at the project level prior to evaluation for any additional resources using these methods in this order as appropriate:

- 1) Scope reductions;
- 2) New local agency funding resources;
- 3) Value engineering;
- 4) Other cost reductions within the same transit or highway corridor;
- 5) Other cost reductions within the same subregion; and finally,
- 6) Countywide transit or highway cost reductions or other funds will be sought using pre-established priorities.

1) **Scope Reductions**

The Project received Ready to List (RTL) from Caltrans in July 2021 and was allocated \$48.6M in Highway Infrastructure Program (HIP) Funding with the current scope. Any scope reductions could jeopardize the Funds allocated and could delay the schedule. Because of this, we recommend moving to the next step.

2) New Local Agency Funding Resources

Local funding resources (i.e., specific to the affected corridor or subregion) are considered in the next step as opposed to countywide or regional sources so as not to impact the funding of other Metro Board-approved projects and programs or subregions in the County.

3) Value Engineering

The Project received bids on August 30th 2022 and are anticipated to award a Design/Bid/Build contract with a FY 2026 estimated completion for the construction contract, with plant establishment and project closeout completing in FY 2027. Any value engineering would require negotiation and agreement with the contractor that could delay the schedule. Because of this, we recommend moving to the next step.

4) Other Cost Reductions within the Same Transit or Highway Corridor, or within the Same Sub-region; 5) Countywide Cost Reductions and/or Other Funds

The Project received \$48,649,000 of HIP grant funding in September 2021 that is sufficient to pay for the increase to the LOP budget. Other cost reductions or other funds are not needed to address the Project cost increase.

Recommendation

The LOP, if approved, would increase by \$21,682,694. However, Metro received federal funding through the HIP of \$48,649,000 that is sufficient to pay for the LOP increase without offsetting cost reductions or other funding. No additional action is recommended to address the cost increase.

**Board Report**

File #: 2022-0696, **File Type:** Contract**Agenda Number:** 29.

**CONSTRUCTION COMMITTEE
NOVEMBER 17, 2022****SUBJECT: FUND ADMINISTRATOR FOR METRO PILOT BUSINESS INTERRUPTION FUND
(BIF)****ACTION: APPROVE RECOMMENDATIONS****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to Execute Modification No. 8 to the Business Interruption Fund (BIF) Administration Services Contract No. PS56079000 with Pacific Coast Regional Small Business Development Corporation (PCR) in the amount of \$798,631 increasing the contract value from \$3,405,161 to \$4,203,792 to continue to serve as the fund administrator for Metro's Pilot BIF and extend the period of performance from May 1, 2023 to October 31, 2023.

ISSUE

On February 28, 2019, the Metro Board of Directors approved the award of Metro's BIF Administration Services Contract program in the amount of \$3,348,010, inclusive of a two-year base term, plus two (2), one-year options.

Board authorization is requested to increase the second, one-year option amount by \$241,221 and extend the BIF professional services contract period of performance for six (6) months in the amount of \$557,410 to continue support of the ongoing implementation of the BIF as approved by Metro's Board of Directors.

BACKGROUND

Metro's Board of Directors authorized the Pilot Business Interruption Fund (Program) in October 2014 to provide financial assistance to small "mom and pop" businesses directly impacted by Metro's transit rail construction located along the alignment of the Crenshaw/LAX Transit Project, the Little Tokyo area of the Regional Connector, and Section 1 of the Purple Line Extension. In December 2015 Metro's Board of Directors authorized the expansion of the BIF to include "mom and pop" businesses directly impacted by unprecedented full street closures with duration greater than six continuous months, such as the 2nd/Broadway segment of the Regional Connector. In December 2016 Metro's Board of Directors authorized the expansion of the BIF to include eligible businesses along Section 2 of the Purple Line Extension and in February 2019 Metro's Board of Director's authorized the expansion of the BIF to include eligible businesses along Section 3 of the Purple Line

Extension.

Businesses eligible for assistance are those located immediately adjacent to the transit rail corridors (above) that can demonstrate a loss of revenue directly related to the period of Metro construction disruption as compared to the same time in the previous year. Businesses must also have 25 or fewer full-time employees and be in continuous operation for at least two years along their respective transit rail corridor.

DISCUSSION

Metro has continued to provide financial assistance to directly impacted eligible businesses through the contracted professional services of PCR, a Community Development Financial Institution (CDFI) and Small Business Development Center (SBDC), serving as the BIF fund administrator.

The second, one-year option contract modification and a six (6) month contract extension for professional services for the BIF allows PCR to continue to serve as the administrator for Metro's Pilot BIF. The BIF has provided financial assistance to over 430 small businesses and has awarded over \$35 million dollars in BIF grant awards. Continuation of services allows the BIF to provide uninterrupted ongoing financial assistance to the small "mom and pop" businesses impacted by the construction of the Purple Line Extension Sections 1, 2 and 3, the Little Tokyo Area of the Regional Connector and for the remaining work of the Crenshaw/LAX Transit Project as stated in the Crenshaw/LAX Punch List construction items.

The contract modification to increase the second, one-year option amount by \$241,221 takes into consideration levels of service that were not anticipated in the original contract price. Due to construction delays along the Crenshaw/LAX and Little Tokyo Regional Connector projects, an increase in the level of services is needed. Services would include administrative coverage by PCR for an additional 6-month period to support any impacts caused by Punch List construction items along the Crenshaw/LAX project alignment. Additionally, the Regional Connector is slated for substantial completion in early 2023. Per BIF program guidelines, small businesses impacted by construction have 6 months post-construction to apply for grant funding. To date, PCR has processed over 1,100 applications and over \$23 million in grants have been awarded to small businesses along the Crenshaw/LAX and Regional Connector project alignments. It is expected that small businesses will continue to apply for BIF assistance during the post-construction period. Staff is also taking into consideration the level of effort necessary to support small businesses impacted by the construction activity along PLE3. Continuation of BIF services for small businesses impacted by Metro's transit rail construction demonstrates Metro's commitment to helping small businesses sustain during construction and thrive post-construction.

PCR's contract is set to expire on April 30, 2023. A six (6) month contract extension would provide staff time to initiate a new procurement, as well as the financial security to continue services while a procurement is in process. It would also ensure that there is no disruption of BIF services for small businesses that may experience construction impacts.

Staff, in collaboration with PCR, continues to implement various outreach activities and methods to inform and educate small businesses about the BIF, provide direct support throughout the application

process and link businesses to other small business support services such as Metro's Crenshaw/LAX Transit Business Solution Center (BSC), Metro's Little Tokyo Community Relation Office and/or the Little Tokyo Small Business Solution Center co-located at Metro's Community Relations office including PCR's Small Business Development Corporation; and Metro's Eat-Shop-Play program.

DETERMINATION OF SAFETY IMPACT

The approval of the recommendations above will have no negative impact on the safety of Metro employees or passengers.

FINANCIAL IMPACT

The administrative cost for the implementation of the program is allocated from Measure R Administration funds. Funds for FY23 are currently budgeted in Cost Center 0691 Non-Departmental Procurement Project Number 100055, Project Name - Admin-Measure R Task 06.02. Furthermore, Office of Civil Rights, Racial Equity & Inclusion has the necessary funds in the adopted FY23 Budget.

Impact to Budget

Measure R Administration funds were previously identified as eligible for this expense through prior Board of Directors authorization and approval. The annual appropriation of the funding source does not impact transit operations and/or capital projects/programs.

EQUITY PLATFORM

This action will ensure Metro staff have the funding and tools required to continue the implementation of Metro's Pilot Business Interruption Fund and provide financial assistance to the small "mom and pop" businesses impacted by the construction of the Purple Line Extension Sections 1, 2 and 3, and the Little Tokyo Area of the Regional Connector and for the close-out of construction along the Crenshaw/LAX Transit Project. These construction areas traverse through Equity Focused Communities (EFCs) in South Los Angeles, Little Tokyo, and parts of the Westside of the City of LA.

This action will ensure that PCR staff will have the funding needed to exercise necessary outreach to the small business community via door-to-door outreach, community presentations and through collaborative referrals from Metro's Business Solution Center, Metro's Eat, Shop, Play program and Metro's Construction Relations department. Furthermore, PCR's outreach will continue to be inclusive of small "mom and pop" business owners from diverse backgrounds, as exemplified by BIF marketing materials provided in multiple languages. As of Q1, FY23, 69% of BIF grants were disbursed to small "mom and pop" business owners from minority backgrounds. As a result of the aforementioned outreach efforts, approximately 430 small "mom and pop" businesses have received direct financial assistance from the BIF. This contract modification will allow PCR to continue BIF services through the contract expiration date, ensuring all potentially eligible small businesses have the opportunity to apply.

The Diversity and Economic Opportunity Department (DEOD) did not recommend an SBE/DVBE goal for this procurement due to lack of subcontracting opportunities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this item aligns to Metro strategic goal 3 - enhance communities and lives through mobility and access to opportunity, and goal 5 - provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

Staff considered utilizing Metro staff to perform the fund administration services for BIF. This alternative is not recommended, because Metro does not have the required staffing availability, dedicated resources or expertise to serve as a financial administrator such as those possessed by a community development financial institution.

NEXT STEPS

Upon Board approval, staff will execute Modification No. 8 to Contract No. PS56079000 with PCR to increase the contract value and extend the period of performance from May 1, 2023 to October 31, 2023.

ATTACHMENT

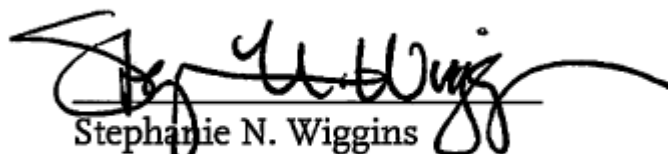
Attachment A - Procurement Summary

Attachment B - Contract Modification/Change Order Log

Attachment C - DEOD Summary

Prepared by: Eric Chun, Chief Administrative Analyst (Interim), (213) 922-7067
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Reviewed by: Nicole Englund, Chief of Staff



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

BUSINESS INTERRUPTION FUND ADMINISTRATION SERVICES/PS56079000

1.	Contract Number: PS56079000		
2.	Contractor: Pacific Coast Regional Small Business Development Corporation (PCR)		
3.	Mod. Work Description: Extend the period of performance by six (6) months.		
4.	Contract Work Description: Business Interruption Fund Administration Services		
5.	The following data is current as of : 11/02/22		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	2/28/19	Contract Award Amount: \$1,585,246
	Notice to Proceed (NTP):	3/12/19	Total of Modifications Approved: \$1,819,915
	Original Complete Date:	3/11/21	Pending Modifications (including this action): \$798,631
	Current Est. Complete Date:	4/30/24	Current Contract Value (with this action): \$4,203,792
7.	Contract Administrator: Lily Lopez		Telephone Number: (213) 922-4639
8.	Project Manager: Eric Chun		Telephone Number: (213) 922-7067

A. Procurement Background

This Board Action is to approve Contract Modification No. 8 issued to extend the period of performance from May 1, 2023 to October 31, 2023 for the continued delivery of professional services to support the ongoing Business Interruption Fund Administration Services.

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

On February 28, 2019, the Board awarded firm fixed price Contract No. PS56079000 to PCR for a two-year base period in the amount of \$1,585,246 with two, one-year options, with an optional start-up for the inclusion of future new rail lines in this pilot.

Seven modifications have been issued to date.

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

B. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), technical analysis, cost analysis, and fact finding.

Proposal Amount	Metro ICE	Modification Amount
\$798,631	\$755,486	\$798,631

Metro's ICE was based on the current level of effort and projected levels to be performed. However, Program Management determined that additional construction activity may be necessary along the Crenshaw/LAX project alignment which would require an additional level effort for 6 months. PCR's proposal covers services for these months. Therefore, the level of effort and cost proposed has been deemed adequate and proper to complete the work described.

CONTRACT MODIFICATION/CHANGE ORDER LOG

BUSINESS INTERRUPTION FUND ADMINISTRATION SERVICES/PS56079000

Mod. No.	Description	Status (approved or pending)	Date	\$ Amount
1	Reallocated unused funds from year 1 to year 2.	Approved	10/5/20	\$0
2	Additional level of effort required and extension of period of performance through 4/30/21.	Approved	3/4/21	\$100,000
3	Exercise one-year option extending POP through 4/30/22.	Approved	4/22/21	\$720,882
4	Continuation of the Work (inclusive of Operational Start Up #1).	Approved	7/23/21	\$195,788
5	Additional level of effort to continue services as construction on Crenshaw/LAX Transit Project ongoing.	Approved	12/20/21	\$152,939
6	Exercise one-year option extending POP through 4/30/23.	Approved	4/29/22	\$650,306
7	Reallocated unused funds from option year 1 to option year 2.	Approved	8/17/22	\$0
8	Extend POP through 10/31/23.	Pending	Pending	\$798,631
	Modification Total:			\$2,618,546
	Original Contract:	Approved	2/28/19	\$1,585,246
	Total:			\$4,203,792

DEOD SUMMARY**FUND ADMINISTRATOR FOR METRO PILOT BUSINESS INTERRUPTION FUND
(BIF)/PS56079000****A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not establish a Small Business Enterprise/Disabled Veterans Business Enterprises (SBE/DVBE) goal based on the lack of subcontracting opportunities. Pacific Coast Regional Small Business Development Corporation (PCR) did not make an SBE/DVBE commitment on this contract. It is expected that PCR will perform the services with its own workforces.

B. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy is not applicable to this 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. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.