Metro

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
3rd Floor Board Room

Metro

Agenda - Final Revised

Thursday, November 17, 2016

11:00 AM

One Gateway Plaza, Los Angeles, CA 90012,
3rd Floor, Metro Board Room

Board of Directors - Special

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CALL TO ORDER

ROLL CALL

1. CONSIDER: 2016-0610

A. AUTHORIZING the Chief Executive Officer (CEO) to execute a nine-year cost-plus fixed fee contract plus two one-year options, Contract No. AE5818600MC072-PLE2, to Purple Line 2 CM Partners, a Joint Venture to provide **Construction Management Support Services** in an amount not-to-exceed $8,890,488 through Fiscal Year 2018, subject to resolution of protest(s), if any; and

B. ESTABLISHING Contract Modification Authority for 15% of the not-to-exceed contract award value and authorize the CEO to execute individual Contract Modifications within the Board approved Contract Modification Authority.

Sponsors: Construction Committee

Attachments: Attachment A - Procurement Summary

Attachment B - DEOD Summary

2. **CLOSED SESSION:** 2016-0907

Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(d)(1):

A. Kiewit Infrastructure West Co. f/k/a Kiewit Pacific Co. v. LACMTA, OAH Case No. A-0011-2015

B. Beverly Hills Unified School District v. LACMTA, et al, USDC, Central Dist. of CA, Case No. CV16-8390

Sponsors: Board of Directors

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.

Adjournment

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2016-0610, **File Type:** Contract **Agenda Number:** 1.

SPECIAL BOARD MEETING
NOVEMBER 17, 2016

SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 2 PROJECT CONSTRUCTION MANAGEMENT SUPPORT SERVICES

ACTION: AWARD PROFESSIONAL SERVICES CONTRACT

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer (CEO) to execute a nine-year cost-plus fixed fee contract plus two one-year options, Contract No. AE5818600MC072-PLE2, to Purple Line 2 CM Partners, a Joint Venture to provide **Construction Management Support Services** in an amount not-to-exceed $8,890,488 through Fiscal Year 2018, subject to resolution of protest(s), if any; and

B. ESTABLISHING Contract Modification Authority for 15% of the not-to-exceed contract award value and authorize the CEO to execute individual Contract Modifications within the Board approved Contract Modification Authority.

ISSUE

Construction management support services will be required to assist Metro Project staff in overseeing and managing the work through each phase of the Westside Purple Line Extension Section 2 Project from the start of pre-construction activities throughout construction; such as system testing, system activation, revenue operations and contract close-out.

The recommended Board action will provide initial funding through the end of FY18 as part of a multi-year contract with an anticipated contract value of $54,718,942. Future work will be funded on an Annual Work Program, year-to-year basis. This approach will result in more accurate budgeting for each year, while providing better control over consultant services costs. The contract would be awarded to the joint venture of Purple Line 2 CM Partners (PL2CM). PL2CM consists of AECOM and three SBE/DBE companies - Safework, Inc., Morgner Construction Management, and TEC Management Consultants.

DISCUSSION

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Westside Purple Line Extension Section 2 (WPLE 2) is a $2.5 billion project that consists of 2.59 miles of twin-bored tunnels and includes two underground stations located at Wilshire/Rodeo (City of Beverly Hills) and Century City Constellation (City of Los Angeles). Advanced utility relocation work has begun under pre-award authority that was granted by the Federal Transit Administration, prior to the execution of a Full Funding Grant Agreement that is expected in December 2016. The major construction work will be performed under Contract C1120 which includes the design and construction of tunnels, stations, systems, trackwork and utilities. Proposals for the C1120 Contract are still being evaluated by Metro Vendor/Contract Management, with contract award by the Metro Board anticipated in January 2017.

The Construction Management Support Services (CMSS) consultant will provide administration, inspection services and technical support during the final design, construction, pre-revenue operations and closeout phases of the Project. The primary role of the CMSS is to provide highly skilled and qualified individuals to assist Metro with the construction management of the Project by becoming part of a fully-integrated construction management team residing in the project field office, under direction of Metro Project Management. Staff augmentation by the CMSS consultant is necessary to efficiently provide resources and technical expertise that will vary throughout each phase of the WPLE 2 Project.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards for Metro's construction projects. The CMSS contract will provide services that support Metro's internal safety staff on the WPLE 2 Project. The scope of services for the CMSS contract includes provisions for staff members to follow the direction of the Metro construction safety policies and procedures to ensure that safety is the highest priority during oversight of all phases of construction.

FINANCIAL IMPACT

Funding for the CMSS contract is included in the FY17 budget under Project 865522 (Westside Purple Line Section 2 Project), Cost Center 8510 (Construction Project Management), and Account 50316 (Professional Services). Since this is a multiyear contract, the Chief Program Management Officer and the Project Manager will be accountable to budget the cost for future years, including the exercise of any options for future phases.

Impact to Budget

The sources of funds for the actions under Recommendations A and B are Federal 5309 New Starts, Federal CMAQ funds, Federal TIFIA Loan, Measure R funds, and Repayment of Capital Project Loan funds. The approved FY17 budget is designated for the Westside Purple Line Extension Section 2 Project and does not have an impact to operations funding sources. These funds were assumed in the LRTP for the Westside Purple Line Extension Section 2 Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

ALTERNATIVES CONSIDERED

The Metro Board may reject the recommended action and direct staff to perform all construction management tasks with in-house resources. This alternative is not practical or cost effective because Metro would have to hire a large workforce and attract high-paid expertise whose need vary throughout the life of the Project. The use of CMSS consultant staff provides flexibility of hiring staff with appropriate experience and background that are needed for specific activities and durations throughout the life of the Project.

NEXT STEPS

After the recommended Board actions are approved, staff will complete the process to award Contract No. AE5818600MC072-PLE2.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Michael McKenna, Deputy Executive Officer, Project Manager (213) 312-3132
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Reviewed by: Richard Clarke, Chief Program Management Officer
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Debra Avila, Chief, Vendor/Contract Management Officer
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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

Westside Purple Line Extension Section 2 Project
Construction Management Support Services/
AE5818600MC072-PLE2

1.	**Contract Number**: AE5818600MC072-PLE2	
2.	**Recommended Vendor**: Purple Line 2 CM Partners, a Joint Venture	
3.	**Type of Procurement (check one):** ☐ **IFB** ☐ **RFP** ☒ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: January 29, 2016	
	B. Advertised/Publicized: January 30, 2016	
	C. Pre-proposal/Pre-Bid Conference: February 10, 2016	
	D. Proposals/Bids Due: April 5, 2016	
	E. Pre-Qualification Completed: August 10, 2016	
	F. Conflict of Interest Form Submitted to Ethics: April 14, 2016	
	G. Protest Period End Date: October 26, 2016	
5.	**Solicitations Picked up/Downloaded**: 52	**Bids/Proposals Received**: 4
6.	**Contract Administrator**: Zachary Munoz	**Telephone Number**: 213-922-7301
7.	**Project Manager**: Michael McKenna	**Telephone Number**: 213-312-3132

A. Procurement Background

This Board Action is to approve Contract No. AE5818600MC072-PLE2 issued in support of Section 2 of the Westside Purple Line Extension Project. The Construction Management Support Services Consultant (CMSSC) will be required to assist Metro Project staff in overseeing and managing the work through each phase of the Westside Purple Line Extension Section 2 Project from the start of pre-construction activities throughout construction, including system testing, system activation, revenue operations and contract close-out. The primary role of the CMSSC is to provide highly skilled and qualified individuals to assist Metro with the construction management of the Project by becoming part of a fully-integrated construction management team residing in the project field office, under direction of Metro Project Management. Staff augmentation by the CMSSC is necessary to efficiently provide resources and technical expertise that will vary throughout each phase of the Project. Board approval of contract awards are subject to resolution of all properly submitted protests.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee.

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

- Amendment No. 1, issued on February 19, 2016, clarified the Letter of Invitation Supplement ;
- Amendment No. 2, issued on March 7, 2016, clarified Regulatory Requirements, DBE Instructions to Proposers, the Submittal Requirements, and Evaluation Criteria;
- Amendment No. 3, issued on March 18, 2016, clarified the proposal due date, and Scope of Work ;
- Amendment No. 4, issued on March 25, 2016, clarified the Submittal Requirements

A total of four proposals were received on April 5, 2016. Sealed cost proposals were received at the oral interview/presentations on May 17, 2016. After the recommendation of the most qualified proposer was approved by the Executive Officer, Vendor/Contract Management (Interim), the most qualified proposer's cost proposal was opened. V/CM commenced its cost analysis, enlisted the support of Audit to review the adequacy of the proposer and subconsultant overhead rates and accounting systems, and engaged in negotiations with the recommended proposer. Also, Organizational Conflict of Interest issues were addressed in a Round Table with Ethics and County Counsel for some subconsultants and resolutions were reached in accordance with Metro procedures.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro Engineering, Metro Construction Management, and from the City of Los Angeles Bureau of Engineering was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and weights

- Experience and Qualifications of Firms on the Team (35%)
- Skill and Experience of Project Personnel (30%)
- Project Understanding and Approach (35%)

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architect and Engineers procurements. Several factors were considered when developing these weights, giving the greatest importance to the Experience and Qualifications on Firms on the Team and Project Understanding and Approach.

Metro reviewed the proposed prime and subconsultant firms for potential organizational conflict of interest and determined a number of firms that proposed on this contract have also been proposed on Contract C1120, Westside Purple Line Extension Section 2 Design Build, which did not impact the evaluation and recommendation of the most qualified firm. If any of those subconsultant firms elect to pursue Contract C1120 instead of this contract, then the contractor will need to

substitute those firms with equally qualified firms and with the same small business status.

This is an Architect and Engineers, qualifications based procurement. Price cannot be used as an evaluation factor pursuant to state and federal law.

Of the four proposals received, all four were determined to be within the competitive range and are listed below in alphabetical order:

1. EPC Consultants, Inc.
2. Purple Line 2 CM Partners, a Joint Venture (PL2CM) – (AECOM Technical Services, Inc. Safework, Inc., Morgner Construction Management, and TEC Management Consultants)
3. Purple Line Partners, a Joint Venture – (PGH Wong Engineering, Inc., Stantec Consulting Services, Inc., Jenkins/Gale & Martinez, Inc., and DHS Consulting, Inc.)
4. Team PLX2, a Joint Venture – (HNTB Corporation, CH2MHill, Inc., and Kal Krishnan Consulting Services, Inc.

During the months of April and May of 2016, the PET reviewed the four technical proposals and on May 17, 2016, the evaluation committee met and interviewed the firms. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. In general each team's presentation addressed the requirements of the RFP, experience with aspects of the required tasks, and stressed each firm's commitment to the success of the project.

Qualifications Summary of Recommended Firm:

Purple Line 2 CM Partners (PL2CM) provides a team that has an exceptionally qualified combination of firms with experience working on similar Metro projects. The team offers an exceptionally qualified combination of "Key Role" individuals and a very strong combination of qualified "Specialty Technical" individuals that will be responsible for supporting Metro in its management of the construction of the Westside Purple Line Extension Section 2 Project. PL2CM demonstrated a good understanding of how to use the project schedule to keep the project on track with emphasis on the importance of the critical path and baseline schedule, as well as, offering excellent pragmatic and realistic optimization considerations to expedite project completion. In addition, the team represented an understanding of issues threatening the success of DBE's and proposed ideas and plans to help DBE's mitigate and overcome those issues.

The Proposal Evaluation Team (PET) ranked the proposals and assessed strengths, weaknesses and associated risks of each of the Proposers to determine the most qualified firm. The evaluation performed by the PET determined PL2CM as the most

qualified firm to provide the construction management support services, as provided in the RFP. What distinguished PL2CM was that they offered a team that has more extensive technical experience managing construction projects of a similar nature that strongly demonstrated the necessary experience required for all phases of this contract. PL2CM showed that it is very familiar with the project context and potential issues and mitigations, which are critical to the project's success. Therefore, the PET recommended PL2CM as the most qualified firm to provide construction management support services for Section 2 of the Westside Purple Line Extension Project.

1	Proposer/ Criteria	Average Score	Factor Weight	Weighted Average Score	Rank
2	**Purple Line 2 CM Partners, J.V.**				
3	Experience and Qualifications of Firms on the Team	84.00	35.00%	29.40	
4	Skill and Experience of Project Personnel	84.67	30.00%	25.40	
5	Project Understanding and Approach	89.67	35.00%	31.38	
6	**Total**		**100.00%**	**86.18**	**1**
7	**Purple Line Partners, J.V.**				
8	Experience and Qualifications of Firms on the Team	81.67	35.00%	28.58	
9	Skill and Experience of Project Personnel	82.67	30.00%	24.80	
10	Project Understanding and Approach	84.67	35.00%	29.63	
11	**Total**		**100.00%**	**83.01**	**2**
12	**Team PLX2, J.V.**				
13	Experience and Qualifications of Firms on the Team	82.67	35.00%	28.93	
14	Skill and Experience of Project Personnel	78.00	30.00%	23.40	
15	Project Understanding and Approach	84.00	35.00%	29.40	
16	**Total**		**100.00%**	**81.73**	**3**
17	**EPC Consultants, Inc.**				
18	Experience and Qualifications of Firms on the Team	84.00	35.00%	29.40	
19	Skill and Experience of Project Personnel	79.33	30.00%	23.80	
20	Project Understanding and Approach	80.00	35.00%	28.00	
21	**Total**		**100.00%**	**81.20**	**4**

C. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon cost analysis of labor rates, overhead rates and other costs factors were completed in accordance with Metro's Procurement Policies and Procedures. The analysis includes, among other things, a comparison with similar firms offering the same services; an analysis of rates and factors for labor, equipment, and other unit prices that comprise the billing rates upon which the consultant will base its invoices. Audit evaluated the propriety of the firms accounting system, indirect cost rates, and exclusion of unallowable costs in accordance with both the Federal Acquisition Regulation (FAR) guidelines and Generally Accepted Accounting Principles (GAAP). Metro negotiated and established provisional overhead rates plus a fixed fee based on the total estimated cost to compensate the consultant.

	Proposed	Metro ICE	Negotiated
FY '17 – FY '18	$8,890,488 (1)	$9,353,665 (2)	$8,890,488 (1)
Total Contract	$128,172,301 (3)	$54,718,942	N/A

(1) The amount of $8,890,488.00 is the negotiated amount for the 20-month period of November 2016, through June 2018. Future work will be funded on an Annual Work Program, on a year-to-year basis.
(2) Straight-line proration of Metro ICE: ($54,718,942 / 117months x 20 months = $9,353,665).
(3) Proposal amount includes value-added resources that Metro has not accepted.

D. Background on Recommended Contractor

The recommended firm, Purple Line 2 CM Partners (PL2CM), is a joint venture of AECOM Technical Services, Inc., and three certified DBE firms, Morgner Construction Management, Inc., Safework, Inc., and TEC Constructors and Engineers, Inc., in conjunction with major sub-consultant McMillen Jacobs Associates. The PL2CM team is comprised of firms that offer an accomplished construction management team that has worked together on Metro projects such as Regional Connector, Crenshaw Corridor, Gold Line Eastside Extension, and Expo 1 and 2.

AECOM and McMillen Jacobs Associates (MJ) are presented as leaders in transit tunneling and underground station construction with 400 tunnel practitioners in AECOM and 200 in MJ. The two firms combined have a declared delivery of more than $30 billion and 1,600 miles of large diameter tunnels. AECOM and MJ are described as partners for construction management of San Francisco's 1.7 mile Central Subway, constructed in challenging ground conditions under the city's most populous districts. AECOM and MJ have collaborated on other transit projects such as DC Water's Clean River Project, Ottawa Light Rail Transit, and Puerto Rico's Tren Urbano.

PL2CM provides an innovative approach with DBE firms serving as joint venture partners and in leadership roles. The PL2CM team is structured to provide DBE firms with central leadership and technical delivery roles. The organization and staff

selections demonstrate that their DBE partners will play essential roles in the project. The firm's proven success in DBE involvement and mentoring reflects an enduring commitment to the growth and success of their DBE partners and to keeping jobs and dollars in the local community.

DEOD SUMMARY

CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR PURPLE LINE EXTENSION (PLE) SECTION 2 – AE24663MC072

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 38% Disadvantaged Business Enterprise (DBE) goal for this solicitation. The Purple Line 2 CM Partners, Joint Venture made a 38.12% DBE commitment.

DEOD determined that New York Geomatics is not certified to perform survey work. Accordingly, the Purple Line 2 CM Partners, Joint Venture adjusted its DBE participation to meet its original DBE commitment.

SMALL BUSINESS GOAL	DBE 38%	SMALL BUSINESS COMMITMENT	DBE 38.12%

	DBE Subcontractors	Scope of Work	NAICS Codes	Ethnicity	% Committed
1	Morgner Construction Services, JV Partner	Construction Administration/ Management	**541611**-Management Consulting Services; **237110** - Water & Sewer Line & Related Structures (Const. Mgmt. only) **237310** - Highway, Bridge & Street Construction (Const. Mgmt. only)	Hispanic American	~~6.66%~~ 6.92%
2	Safework, Inc., JV Partner	Construction Management and Safety Oversight	**236210** - Industrial Building Construction; **237110** - Water & Sewer Line & Related Structures (Const. Mgmt. only) **237310** - Highway, Bridge & Street Construction (Const. Mgmt. only) **237990** - Other Heavy and Civil Engineering Construction **541690** - Other Scientific and	Non-Minority Female	~~6.35%~~ 8.82%

			Technical Consulting		
3	TEC Construction and Engineering, JV Partner	Construction Administration/ Management	**237310** - Highway, Bridge & Street Construction (Const. Mgmt. only) **237990** - Other Heavy and Civil Engineering Construction	African American	~~6.31%~~ 10.89%
4	Anil Verma Associates	Station Construction Management. and Engineering Services	**541330**– Engineering Services **237310** - Highway, Bridge & Street Construction (Const. Mgmt. only) **237990** - Other Heavy and Civil Engineering Construction	Subcontinent Asian American	~~8.62%~~ 8.96%
5	Dakota Communications	Public Outreach and Public Relation Communications	**541820** - Public Relations **541611**- Management Consulting	African American	~~2.43%~~ 2.53%
6	~~New York Geomatics~~	~~Surveying~~	~~**541370** – Surveying and Mapping~~	~~Hispanic American~~	~~7.75%~~
				Total DBE Commitment	**38.12%**

B. Contracting Outreach and Mentoring Plan (COMP)

To be responsive, Proposers were required to submit a DBE COMP, which included its plan to mentor a minimum of four (4) DBE firms for protégé development. The Purple Line 2 CM Partners have selected to mentor the following DBE firms: 1) Morgner Construction Services, JV Partner, 2) Safework, Inc., JV Partner, 3) TEC Construction and Engineering, JV Partner, 4) Anil Verma.

C. Project Labor Agreement/Construction Careers Policy

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

D. 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).Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

E. Living Wage Service Contract Worker Retention Policy

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