

**Board Report**

File #: 2015-0957, **File Type:** Contract**Agenda Number:** 48.

**CONSTRUCTION COMMITTEE
JULY 16, 2015****SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT****ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION****RECOMMENDATION**

CONSTRUCTION COMMITTEE FORWARDED WITHOUT RECOMMENDATION authorizing the CEO to execute Contract Modification No. 22 to Contract No. E0119 with The Connector Partnership Joint Venture (CPJV) Inc. to continue providing **Design Support Services During Construction through FY16 for the Regional Connector Transit Corridor Project**, in the amount of \$8,283,594, increasing the total contract value from \$54,770,985 to \$63,054,579. This action does not increase Life of Project Budget.

BACKGROUND

On October 28, 2010, the Board authorized the CEO to negotiate and execute Contract E0119, Advanced Conceptual Engineering (ACE) and Preliminary Engineering (PE) for The Regional Connector Transit Corridor Project, with an initial not-to-exceed amount of \$21,500,000, and options for Design Support During Construction and System Activation Support. The executed contract is a cost-plus, fixed fee contract with provisions for Board approval of the contract value every fiscal year by Contract Modification. Accordingly, this report requests approval of annual funding for FY16.

The ACE phase (Phase I) encompassed all design activities and products (including all necessary data collection, coordination, and design studies) to fully document environmental impacts, respond to comments from FTA in the Administrative Draft EIS/EIR, and to develop a detailed cost estimate sufficient for advancement to later stages of project delivery. The PE phase (Phase II) established the design of the basic structural, mechanical, electrical, communication systems, trackwork, automatic train control, traction power, third rail contact system, fare collection, and other systemwide interfaces. At the completion of PE, CPJV prepared contract documents for the design/build contracting delivery method.

The Board approved the project definition for the Regional Connector Transit Corridor Project on April 26, 2012. As a result of CPJV's work on the Project, Metro received a Record of Decision from the Federal Transit Administration (FTA) on June 29, 2012, and the Full Funding Grant Agreement

(FFGA) on February 20, 2014.

In 2013, in accordance with CPJV's scope of work for Phase III, the Board authorized the CEO to exercise Contract Modification No. 20 for CPJV to provide design support services related to advanced utility relocations (Metro Contract C0981R and third party construction contracts), and to the procurement phase of the Design/Build Contract (Contract C0980) during FY14. Contract C0981R was awarded on January 13, 2014, and the award of the Design-Build Contract No. C0980 was approved by the Board on April 24, 2014.

ISSUE

Metro's Project Management staff requires continuation of services to provide Design Support Services during Construction to review the design-builder's final design and ensure compliance with Metro's technical requirements, and other technical services during construction. Execution of the recommended Contract Modification No. 22 will provide continuity of the design support services during the final design phase and construction of the Project, as well as continued third-party coordination with the City, County, stakeholders and property owners.

The recommended Board action will provide sufficient contract funding for CPJV services through June 30, 2016. Future work will be funded on a year-to-year basis. This approach will result in more accurate budgeting for each year, while providing better control over consultant services.

In a parallel process under a separate board report, staff is recommending a total of 37 new non-contract Metro positions for FY 16 by converting 32 new Construction Management Support Services (CMSS)/Consultant positions. Three of the 32 CMSS/Consultant positions proposed for conversion to new Metro non-contract positions fall under the CPJV's scope of work under Contract Modification 22. If the Board approves the new non-contract Metro E&C positions, a reduction of up to \$594,346 may be deducted from Contract Modification 22 for these three new non-contract Metro positions provided that these Metro positions are in place at the Regional Connector Transit Corridor project on July 1, 2015. Otherwise, a prorated rate of \$16,510 per month (per position) may be deducted from Contract Modification 22 for every CMSS/consultant position that is converted to new non-contract Metro position and placed on the project.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards for Metro's construction projects.

FINANCIAL IMPACT

Funds are included in the FY16 budget for this action under Project 860228 - Regional Connector Transit Corridor in Cost Center 8510 (Construction Project Management), and Account Number 50316 (Professional and Technical Services). Because this is a multi-year project, the Executive Director of Engineering and Construction and the Project Manager will be accountable for budgeting costs for future years.

Impact to Budget

The sources of funds for this report's Recommendation are Federal 5309 New Starts, and TIFIA Loan Proceeds. The approved FY15 budget is designated for the Regional Connector Transit Corridor Project and does not have an impact to operations funding sources. These funds are part of the Life-of-Project (LOP) Budget for the Regional Connector Transit Corridor Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the Project.

ALTERNATIVES CONSIDERED

The Board could decide not to approve the recommended contract modification. This is not recommended because there are major elements of design support services work that are required to support this design-build project, and Metro does not currently have sufficient staff with the required expertise to ensure a timely review of the design-build contractor's Final Design. Since CPJV developed the technical requirements for the design-build contract, it is staff's recommendation that CPJV's services are essential in providing continuity of the work in order to successfully deliver the project on schedule and within budget.

NEXT STEPS

1. After Board approval and execution of the contract modification, staff will direct the consultant to continue providing design support services for the Regional Connector Transit Corridor project through FY15.
2. Staff will report back by December 2015 on the actual number of non-contract Metro positions hired and placed on the project with the corresponding reduction in the contract value.

ATTACHMENTS

- A. Procurement Summary
- B. Contract Modification Authority (CMA) Summary

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**ADVANCED CONCEPTUAL ENGINEERING AND
PRELIMINARY ENGINEERING FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT (E0119)
MODIFICATION NO. 22**

1.	Contract Number: E0119		
2.	Contractor: Connector Partnership Joint Venture (CPJV)		
3.	Mod. Work Description: Provide FY16 design support services during construction for Contract Nos. C0981R and No. C0980 for the Regional Connector Transit Corridor Project.		
4.	Contract Work Description: Advanced Conceptual Engineering and Preliminary Engineering for the Regional Connector Transit Corridor Project		
5.	The following data is current as of: May 15, 2015		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	12/2/10	Contract Award Amount: \$21,500,000
	Notice to Proceed (NTP):	12/3/10	Total of Modifications Approved: \$33,270,985
	Original Complete Date:	3/2018	Pending Modifications (including this action): \$8,283,594
	Current Est. Complete Date:	3/2020	Current Contract Value (with this action): \$63,054,579
7.	Contract Administrator: Joe O'Donnell		Telephone Number: 213-922-7231
8.	Project Manager: Girish Roy		Telephone Number: 213-893-7119

A. Procurement Background

This Board Action is to approve Modification No. 22 issued in support of Design Support during construction for the Regional Connector Transit Corridor Project.

This contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee.

Contract No. E0119 was awarded through an A&E (qualification-based) procurement process.

On October 28, 2010, the Metro Board authorized the Chief Executive Officer to negotiate and award a cost-plus fixed fee contract (No. E0119), for Regional

Connector Transit Corridor Advanced Conceptual Engineering/Preliminary Engineering to Connector Partnership, for an amount not to exceed \$21,500,000 to perform Phase I, Advanced Conceptual Engineering and Phase II, Preliminary Engineering. On December 2, 2010, Metro awarded a contract for \$21,500,000 for a period of fourteen months

Since that time, twenty-one modifications have been issued to implement additional scope tasks in support of the Regional Connector Transit Corridor Project. Refer to Attachment B – Contract Modification/Change Order Log. Staff anticipates that Connector Partnership Joint Venture services will be required through March 2020.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon fact-finding, clarifications, and cost analysis, taking into consideration an independent cost estimate (ICE), technical evaluation, and negotiations, pending a completed audit of the consultant’s provisional overhead rates. The most current fiscal year data was requested from the consultant, and is expected to be provided shortly. Upon receipt of this data, an audit request will be submitted to MASD and any findings resulting in an increase or decrease to the contract amount will be incorporated via a Contract Modification.

Proposal Amount	Metro ICE	Negotiated Amount
\$8,313,342	\$7,889,138	\$8,283,594

C. Small Business Participation

CPJV made a Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment of 35.01%. The project is 88% complete and the current DALP participation is 28.49%. Although CPJV is not meeting their DALP commitment, they confirmed that they are actively seeking DBE firms to provide necessary structural and other engineering services, and will replace a position currently held by one of their employees. CPJV confirmed that with the projected cost they will achieve a DBE commitment of 35.5% in FY16. To date, CPJV has listed eight (8) additional DBE subcontractors, and is strongly encouraged to continue to make ongoing efforts to meet or exceed their 35.01% DBE commitment.

DALP COMMITMENT	35.01%	DALP PARTICIPATION	28.49%
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	DBE Subcontractors	Ethnicity	% Commitment	Current Participation¹
1.	Barrio Planners	Hispanic American	4.18%	3.44%
2.	BA, Inc	African American	3.44%	5.73%
3.	Dakota Communications	African American	1.67%	0.49%
4.	D'Leon Engineers	Hispanic American	2.35%	1.76%
5.	E2 Consulting Engineers, Inc.	Subcontinent Asian American	1.68%	3.29%
6.	Intueor Consulting, Inc.	Asian Pacific American	3.34%	2.73%
7.	LKG-CMC, Inc.	Caucasian	1.19%	2.17%
8.	A Cone Zone	Caucasian	3.51%	0.31%
9.	Advanced Technologies Lab ²	Hispanic American	0.00%	0.04%
10.	AP Engineering & Testing ²	Asian Pacific American	0.00%	0.03%
11.	C&L Drilling	Caucasian	1.50%	0.00%
12.	Jet Drilling	Hispanic American	2.71%	0.22%
13.	Martini Drilling ²	Hispanic American	0.00%	0.03%
14.	Tri-County Drilling ²	Caucasian	0.00%	0.50%
15.	Murakawa Communications	Asian Pacific American	0.63%	0.00%
16.	Ted Tokio Tanaka Architects	Asian Pacific American	5.01%	3.36%
17.	Tierra West Advisors, Inc.	Asian Pacific American	0.76%	0.64%
18.	Wagner Engineering & survey	Caucasian	1.79%	1.31%
19.	Raw International, Inc.	African American	1.02%	1.44%
20.	Roy Willis & Associates	African American	0.25%	0.02%
21.	Universal Reprographics, Inc. ²	Caucasian	0.00%	0.68%
22.	Kal Krishnan Consulting Services ²	Subcontinent Asian American	0.00%	0.02%
23.	Lenax Construction Services ²	Caucasian	0.00%	0.22%
24.	Sapphos Environmental ²	Hispanic American	0.00%	0.05%
Total Commitment			0	0

¹Current Participation = Total Actual Amount Paid-to-Date to Subs Total Actual Amount Paid-to-Date to Prime.

²DBE Subcontractors added after contract award.

D. Living Wage and Service Contract Worker Retention Policy Applicability

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

CONTRACT MODIFICATION/CHANGE LOG

**ADVANCED CONCEPTUAL ENGINEERING AND
PRELIMINARY ENGINEERING FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT/E0119**

Mod. no.	Description	Date	Amount
N/A	Initial Award	12/3/10	\$21,500,000
1	Risk Management Support	3/14/11	\$203,059
2	Revisions to Technical Scope of Services	7/29/11	\$0
3	Additional Geotechnical Borings	3/21/11	\$256,215
4	Upgrade Division 20 Generator & Tie-In	12/13/11	\$108,937
5	Increased Level of Effort for Design Services	12/13/11	\$444,742
6	Increased Level of Cost Estimating	12/13/11	\$299,241
7	Additional Specification Preparation Efforts	12/27/11	\$219,707
8	Constructability Design Changes	12/27/11	\$139,197
9	Flower Street Landscape Design	1/4/12	\$138,696
10	No Cost Extension	2/9/12	\$0
11	Advanced Preliminary Engineering	3/1/12	\$8,796,669
12	2 nd & Broadway Second Entrance Design	4/25/12	\$367,771
13	Advanced Utility Final Design	6/6/12	\$455,474
14	Cost Savings Station Designs	8/27/12	\$470,612
15	No Cost APE Extension	11/1/12	\$0
16	Additional Geotechnical Services	12/8/12	\$365,972
17	Bid Period Services	12/4/12	\$0
18	No Cost APE Extension	12/1/12	\$0
19	Bid Period Services	1/3/13	\$5,828,270
20	Bid Period Services / Design Support Services During Construction (Phase III)	7/1/13	\$7,852,815
21	Design Support Services During Construction (FY15)	7/1/14	\$7,323,608
22	Design Support Services During Construction (FY16)	Pending	\$8,283,594
23	No Cost Period of Performance Extension to August 31, 2015		\$0
	Total:		\$63,054,579