

**Board Report**

File #: 2016-0746, **File Type:** Contract**Agenda Number:** 18.

**CONSTRUCTION COMMITTEE
OCTOBER 20, 2016****SUBJECT: WESTSIDE PURPLE LINE EXTENSION PROJECT - SECTION 2****ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 60 to Contract No. PS43502000 with Parsons Brinckerhoff (PB) to **provide continued design support services during construction for Section 2 of the Westside Purple Line Extension Project**, from November 2016 through June 2018, in an amount not-to-exceed \$9,551,411 increasing the total contract value from \$189,870,354 to \$199,421,765.

ISSUE

On December 31, 2014, the Federal Transit Administration (FTA) approved Metro's request for Section 2 of the Westside Purple Line Extension Project to enter the New Starts Engineering phase of the FTA Capital Investment Grant Program. With this approval, Metro has the automatic pre-award authority to incur costs for Engineering activities, demolition and other non-construction activities, such as the procurement of rails, ties, commodities, and other specialized equipment.

In addition, Metro has automatic pre-award authority to acquire real property, perform advanced utility relocations and procure rail vehicles, since the National Environmental Policy Act (NEPA) review process has been completed for the entire nine-mile Project.

In February 2015, the Board authorized the CEO to continue advanced preliminary engineering, design for advanced relocation of utilities, engineering support services during the design-build solicitation process, and design support services during the construction for Section 2 of the Westside Subway Extension Project under the services of Contract PS43502000, with PB. The design-build RFP solicitation documents were prepared as part of the C1120 Tunnels, Stations, Systems and Trackwork contract that is scheduled to be awarded by the Board in January 2017.

On August 4, 2016, Metro submitted a Full Funding Grant Agreement (FFGA) application for the Section 2 Project requesting the FTA to proceed with the necessary actions to finalize and execute

the FFGA with Metro. The FFGA is anticipated to be executed later this year and prior to the award of the C1120 contract.

This action will enable the consultant to provide critical design support during the early phases of the design build contract. Work will include review of design submittals, response to technical questions from the design builder, attendance at design taskforces and overall design support during construction. Use of PB brings a high level of consistency to design areas such as civil, structural, ventilation, electrical and other technical areas.

The recommended Board action will provide sufficient contract funding for PB services through June 2018 as the Project moves into the final design and construction stage. This approach will result in better control over the management of consultant services with the ability to budget according to the planned workload over the next two years.

The Metro Board directed the Inspector General to conduct an independent audit of the Westside Purple Line Extension Section 2, Modification No. 52. The audit included (1) an assessment of total work hours to perform advanced engineering work, (2) an evaluation of the proposed billable rates, (3) identification of management redundancies, and (4) an evaluation of the accuracy and completeness of the design drawings. The Office of Inspector General prepared a comprehensive RFP scope of work and hired a consultant firm having a team with expertise in engineering and accounting to perform the audit. The audit found that Metro's construction design firm, PB, had generally performed and delivered within budget and industry standards and delivered design work as agreed in a scope of work for items of the Modification at the different stages of design.

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 FY17 budget under Project 865522 Westside Purple Line Extension Project - Section 2, in Cost Center 8510 (Construction Project Management), and Account No. 50316 (Professional and Technical Services). Since this is a multi-year project, the Chief Program Management Officer and the Project Manager will be responsible for budgeting costs in future years.

Impact to Budget

The sources of funds for the recommended action are Federal 5309 New Starts, CMAQ, Measure R 35% and TIFIA Loan Proceeds. The approved FY17 budget is designated for the Westside Purple Line Extension Project - Section 2 and does not have an impact to operations funding sources. These funds were assumed in the Long Range Transportation Plan for the Westside Purple Line Extension 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 Board could decide to not approve the recommended Contract Modification. This is not recommended because the extension of PB's services will provide the continuity of engineering services involving qualified and knowledgeable personnel that are part of the Westside Purple Line Extension Integrated Project Management Office.

NEXT STEPS

After Board approval and execution of the Contract Modification, staff will direct the consultant to continue to provide design support services during construction for advanced utility relocations and the Design-Build C1120 Contract for Tunnels, Stations, Systems and Trackwork.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - Contract Modification/Change Order Log

Attachment C - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

WESTSIDE PURPLE LINE EXTENSION PROJECT – SECTION 2/
PS43502000

1.	Contract Number: PS43502000		
2.	Contractor: Parsons Brinkerhoff		
3.	Mod. Work Description: Design support services during construction for Section 2 of the Westside Purple Line Extension Project		
4.	Contract Work Description: Design support services during construction		
5.	The following data is current as of: September 21, 2016		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	6/8/07	Contract Award Amount: \$3,654,061
	Notice to Proceed (NTP):	7/16/07	Total of Modifications Approved: \$186,216,293
	Original Complete Date:	9/16/08	Pending Modifications (including this action): \$9,551,411
	Current Est. Complete Date:	6/30/18	Current Contract Value (with this action): \$199,421,765
7.	Contract Administrator: Zachary Munoz		Telephone Number: (213)922-7301
8.	Project Manager: Dennis Mori		Telephone Number: (213)312-3109

A. Procurement Background

This Board Action is to approve Contract Modification No. 60 issued in support of Westside Purple Line Extension Section 2 Project to provide design support services during construction.

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

The solicitation for Contract No. PS43502000 was an Architectural & Engineering (qualification-based) procurement process. This method requires that each of the responding firm's qualifications be evaluated, and the most qualified firm selected, followed by analysis of the selected firm's cost proposal and successful negotiations to enter in to the contract with the selected firm.

In June 2007, the Board authorized award of this Contract to Parsons Brinkerhoff (PB) for alternative analysis with three options for: Draft EIS/EIR/Advanced Conceptual Engineering, Final EIS/EIR, and Preliminary Engineering in the amount of \$3,654,061. In January 2009, the Board exercised the option for Draft EIS/EIR/Advanced Conceptual Engineering. In October 2010, the Board exercised options for Final EIS/EIR and Preliminary Engineering.

In October 2011, the Board authorized PB to enter the next phase of work, design support during construction. In April 2014, the Board authorized PB to provide continued design support during construction for Section 1. In February 2015, the Board authorized PB to provide continued advanced preliminary engineering, design for advanced relocation of utilities, engineering support service during the design-build solicitation process, and design support services during construction for Section 2. In December 2015, the Board authorized PB to provide continued design support services during construction. In February 2016, the Board authorized PB to provide advanced preliminary engineering, design for advanced relocation of utility, engineering support services during solicitation processes, and design support services during construction for Section 3.

Refer to Attachment B for modifications issues to date and proposed modifications pending authorization.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon fact-finding, clarifications of the scope of work, quantitative technical analysis, independent cost estimate, and cost/price analysis. This Contract Modification includes provisional indirect rates subject to adjustment upon completion of MASD's final year-end incurred cost audit. The difference between the negotiated price and Metro's ICE is the result of the required level of effort, and corresponding rates that were determined to be required after a technical evaluation of the Contractor's proposal was performed approved by Metro's Project Management.

Proposal Amount	Metro ICE	Negotiated Amount
\$11,804,338	\$7,621,039	\$9,551,411

CONTRACT MODIFICATION/CHANGE ORDER LOG

WESTSIDE PURPLE LINE EXTENSION PROJECT/ PS43502000

Mod. No.	Description	Status	Date	Amount
1-8	Alternatives Analysis	Approved	9/1/09	\$27,515
9-20	Advanced Conceptual Engineering/Draft EIS/ EIR	Approved	9/16/10	\$18,590,710
21	Preliminary Engineering	Approved	11/1/10	\$43,632,826
22	Final EIS/EIR	Approved	11/1/10	\$4,761,377
23	Close-out Alternative Analysis	Approved	1/12/11	(\$31,300)
24	Additional Fault investigation – Transect 2	Approved	5/6/11	\$480,250
25	Risk Management Support	Approved	2/28/11	\$208,417
26	Additional Fault Investigation Transec 4	Approved	7/5/11	\$453,264
27	Century City Refined Ridership Forecast	Approved	4/13/11	\$22,985
28	Additional Rail Simulation Study	Approved	4/20/11	\$72,646
29	Revisions to Safety Security Manual	Approved	3/31/11	\$0
30	Oil Well Investigation Program	Approved	5/4/11	\$107,165
31	Additional Fault Investigation Transec 3	Approved	6/2/11	\$411,949
32	Additional Fault Investigation Transec 7	Approved	7/5/11	\$310,754
33	Historic Property Survey	Approved	5/13/11	\$46,442
34	Additional Fault Investigation Transec 6	Approved	8/9/11	\$102,054
35	Additional Station Entrance Report	Approved	8/9/11	\$119,074
36	Advance Preliminary Engineering	Approved	11/1/11	\$16,996,740
37	LADWP Utility Relocations	Approved	4/27/12	\$84,659
38	Title V1 Service Equity	Approved	4/17/12	\$51,185
39	Design Services for Exploratory Shaft	Approved	7/5/12	\$0
40	Period of Performance Extension	Approved	10/31/12	\$0
41	Bid Period Services	Approved	3/25/13	\$18,816,205
42	CANCELLED	Approved		
43	Advance Preliminary Engineering Section 2	Approved	4/22/13	\$8,836,296
44	Additional Borings	Approved	8/16/13	\$439,292
45	Additional Capacity Study	Approved	10/9/13	\$24,030
46	Ventilation Study	Approved	12/18/13	\$470,527
47	Additional AUR Work	Approved	2/11/14	\$493,563
48	Design Support Services During Construction FY 15	Approved	5/30/14	\$11,657,611
49	Period of Performance Extension	Approved	6/26/14	\$0
50	New Starts Support Section 2	Approved	8/11/14	\$357,054
51	Section 2 Station Area Planning	Approved	8/21/14	\$126,728
52	Continued Advanced Preliminary Engineering Section 2	Approved	3/30/15	\$20,820,226
53	Utility Engineer Support	Approved	12/23/14	\$358,798
54	Period of Performance Extension	Approved	12/23/14	\$0
55	Period of Performance Extension	Approved	12/23/14	\$0
56	Period of Performance Extension	Approved	12/24/14	\$0
57	Design Support Services During Construction Section 1	Approved	12/21/15	\$9,282,218

Mod. No.	Description	Status	Date	Amount
58	Advanced Preliminary Engineering, Design for Advanced Relocation of Utilities, Engineering Support Section 3	Approved	3/24/16	\$28,085,033
59	Period of Performance Extension	Approved	7/13/16	\$0
60	Design Support Services During Construction Section 2	Pending		\$9,551,411
	Modification Total:			\$186,216,293
	Original Contract:			\$3,654,061
	Total:			\$199,421,765

DEOD SUMMARY

**WESTSIDE PURPLE LINE EXTENSION PROJECT
CONTRACT NO. PS43502000**

A. Small Business Participation

Parsons Brinckerhoff, Inc. made a 23.41% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. The project is 83% complete and the current DBE participation is 24.22%, an improvement from the 2.06% DBE shortfall reported in February 2016. PB is currently exceeding their DBE commitment.

Small Business Commitment	DBE 23.41%	Small Business Participation	DBE 24.22%
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	DBE Subcontractors	Ethnicity	% Committed	Current Participation¹
1.	Intueor Consulting	Subcontinent Asian American	2.28%	1.94%
2.	Terry A. Hayes	African American	2.99%	0.26%
3.	Wagner Engineering	Non-Minority Female	5.29%	0.66%
4.	Kal Krishnan Consulting	Subcontinent Asian American	5.58%	1.11%
5.	LKG-CMC	Non-Minority Female	7.27%	0.87%
6.	Abadi Bouhier Consulting	Non-Minority Female	Added	0.98%
7.	Advantec Consulting Engineering	Asian Pacific American	Added	1.16%
8.	Atlas Teknology Group	Asian Pacific American	Added	0.10%
9.	Atwell Consulting	Non-Minority Female	Added	0.29%
10	Barrio Planners	Hispanic American	Added	1.25%
11.	Cogstone Resource	Non-Minority Female	Added	0.16%
12.	Del Richardson	African American	Added	0.20%

13.	Diana Ho	Asian Pacific American	Added	0.01%
14.	Diaz Yourman	Hispanic American	Added	0.32%
15.	D'Leon Consulting	Hispanic American	Added	2.83%
16.	E.W. Moon	African American	Added	0.52%
17.	FPA Underground	Asian Pacific American	Added	0.62%
18.	IDC Consulting	Asian Pacific American	Added	0.43%
19.	JAD & Associates	Asian Pacific American	Added	0.79%
20.	Lenax Construction	Non-Minority Female	Added	0.85%
21.	Melendrez	Non-Minority Female	Added	0.01%
22.	Raw International	African American	Added	2.32%
23.	Roy Willis	African American	Added	0.01%
24.	Safe Utility Exposure	Non-Minority Female	Added	0.99%
25.	Safeprobe	Asian Pacific American	Added	0.51%
26.	Universal Reprographics	Non-Minority Female	Added	0.41%
27.	V&A Inc.	Hispanic American	Added	0.42%
28.	W2 Design	Asian Pacific American	Added	0.43%
29.	A Cone Zone (2nd Tier w/Mactac)	Non-Minority Female	Added	0.85%
30.	AP Engineering (2nd Tier w/AMEC)	Asian Pacific American	Added	0.14%
31.	Advanced Technologies Lab. (2nd Tier w/Mactec)	Hispanic American	Added	0.16%
32.	C&L Drilling (2nd Tier w/ Mactec)	Non-Minority Female	Added	0.73%

33.	Green Clean Water (2nd Tier w/AMEC)	Asian Pacific American	Added	0.28%
34.	Jet Drilling (2nd Tier w/Mactec)	Hispanic American	Added	0.21%
35.	Martini Drilling (2nd Tier w/Mactec)	Hispanic American	Added	0.83%
36.	Parikh Consultants (2nd Tier w/AMEC)	Asian Pacific American	Added	0.57%
37.	Wiltec (2nd Tier w/Fehr & Peers)	African American	Added	0.00%
38.	J M Diaz, Inc.	Hispanic American	Added	0.00%
	Total		23.41%	24.22

¹Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

B. Project Labor Agreement/Construction Careers Policy

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

D. Living Wage Service Contract Worker Retention Policy

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