



Board Report

File #: 2017-0610, **File Type:** Contract

Agenda Number: 35.

**CONSTRUCTION COMMITTEE
OCTOBER 19, 2017**

**SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 3
PROJECT CONSTRUCTION MANAGEMENT
SUPPORT SERVICES**

ACTION: AWARD PROFESSIONAL SERVICES CONTRACT

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to execute an eight-year and six-month cost-plus fixed fee contract plus two one-year options, Contract No. AE87192000MC073, to MPPC Partners, a Joint Venture to provide Construction Management Support Services for the Westside Purple Line Extension Section 3 Project in an amount not-to-exceed \$7,009,872 for services through Fiscal Year 2019, 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 are required to assist Metro Project staff in overseeing and managing the work through each phase of the Westside Purple Line Extension Section 3 Project from the start of pre-construction activities throughout construction, revenue operations and contract close-out.

The recommended Board action will provide initial funding through the end of FY19 as part of a multi-year Contract with an anticipated contract value on the order of \$77 million based on the current Capital Cost Estimate. 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 MPPC Partners (MPPC). MPPC consists of Mott MacDonald, LLC, PGH Wong Engineering, Inc. and two DBE firms, Cornerstone Transportation Consulting, Inc. and PMCSA Group, Inc.

DISCUSSION

Westside Purple Line Extension Section 3 (WPLE 3) is a \$3.5 billion project that consists of 2.59 miles of twin-bored tunnels and includes two underground stations located at Westwood/UCLA and the Westwood/VA Hospital.

The WPLE 3 Project is being constructed under three contracts. An Invitation for Bids was issued in May 2017 for Contract C1153, Advanced Utility Relocations at Westwood/UCLA, and the recommendation for contract award is scheduled for October 2017. For advanced utility work, Metro has pre-award authority that was granted by the Federal Transit Administration (FTA) as part of the Record of Decision that was received in August 2012. Request for Qualifications/Request for Proposals were issued in April 2017 for Contract C1151, Tunnels. A Letter of No Prejudice (LONP) was requested of the FTA in September 2017, and Metro anticipates the FTA to issue the LONP by December 31, 2017, which will allow Metro to award Contract C1151 by the planned date of March 2018. The third contract is C1152, Stations, Trackwork and Systems. The Request for Qualifications/Request for Proposals were issued in September 2017, prior to the execution of a Full Funding Grant Agreement (FFGA) that is expected to occur in December 2018. The FFGA will allow Metro to award Contract C1152 by the planned date of February 2019.

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 3 Project.

Expenditures from the CMSS contract will be initially limited to activities required to support Advanced Utility Relocations. Subsequent to receiving the LONP, construction management support activities will be increased to include support for Contract C1151. Support for Contract C1152 will be added after the FFGA is executed.

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 3 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 FY18 budget under Project 865523 (Westside

Purple Line Section 3 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 Measure R and Measure M funds. The approved FY18 budget is designated for the Westside Purple Line Extension Section 3 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 3 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. AE87192000MC073.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**WESTSIDE PURPLE LINE EXTENSION SECTION 3 PROJECT
CONSTRUCTION MANAGEMENT SUPPORT SERVICES/
AE87192000MC073**

1.	Contract Number: AE87192000MC073	
2.	Recommended Vendor: MPPC Partners, a Joint Venture	
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: April 10, 2017	
	B. Advertised/Publicized: April 7, 2017	
	C. Pre-proposal/Pre-Bid Conference: April 25, 2017	
	D. Proposals/Bids Due: May 25, 2017	
	E. Pre-Qualification Completed: August 29, 2017	
	F. Conflict of Interest Form Submitted to Ethics: June 14, 2017	
	G. Protest Period End Date: Est. 10/28/2017	
5.	Solicitations Picked up/Downloaded: 163	Bids/Proposals Received: 4
6.	Contract Administrator: Dianne Sirisut	Telephone Number: 213-922-2737
7.	Project Manager: Michael McKenna	Telephone Number: 213-312-3132

A. Procurement Background

This Board Action is to approve the award of Contract No. AE87192000MC073 issued in support of Section 3 of the Westside Purple Line Extension Project. The Construction Management Support Services (CMSS) consultant is required to assist Metro Project staff in overseeing and managing the work through each phase of the Westside Purple Line Extension Section 3 Project from the start of pre-construction activities throughout construction, system testing, system activation, revenue operations and contract close-out. The primary role of the CMSS consultant 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 the 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 Project. Board approval of the contract award is subject to resolution of all properly submitted protests.

The Request for Proposal (RFP) was issued in accordance with Metro's Acquisition Policy and Procedures and California Government Code §4525 – 4529.5 for Architects and Engineers. The contract type is a cost plus fixed fee.

Three amendments were issued during the solicitation phase of the RFP:

- Amendment No. 1, issued on May 2, 2017, clarified the Letter of Invitation Supplement, the Special Provisions, Compensation and Payment Provisions, revised the Scope of Work, DBE Instructions, Submittal Requirements, Evaluation Criteria;
- Amendment No. 2, issued on May 5, 2017, clarified the Scope of Work;
- Amendment No. 3, issued on May 17, 2017, clarified the Submittal Requirements and Proposal Letter.

A total of four proposals were received on May 25, 2017.

B. Evaluation of Proposals/Bids

A Proposal Evaluation Team (PET) consisting of staff members from Metro Construction Management and Metro Transportation Planning was convened and conducted a comprehensive technical evaluation of the proposals received.

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

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|--|----------|
| • Experience and Qualifications of the Firms on the Team | 35% |
| • Skill and Experience of Project Personnel | 30% |
| • Project Understanding and Approach | 35% |
| • Incentive Evaluation Criteria for the Voluntary Payment to Subcontractors Initiative | Bonus 5% |

The evaluation criteria were appropriate and consistent with criteria developed for other, similar Architect and Engineers (A&E) solicitations. 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.

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

All four proposals were determined to be in the competitive range and are listed below in alphabetical order:

1. MPPC Partners, a Joint Venture (MPPC), made up of Mott MacDonald, LLC, PGH Wong Engineering, Inc., Cornerstone Transportation Consulting, Inc., and PMCS Group, Inc.
2. PL3 Partners, a Joint Venture (PL3), made up of HNTB Corporation, Jacobs Project Management Co., Jenkins/Gales & Martinez, Inc., and Safework, Inc.

3. Westside CM ConneX, a Joint Venture (WCMC), made up of Stantec Consulting Services, Inc., Arcadis U.S., Inc., Ramos Consulting Services, Inc., LKG-CMC, Inc., and Acumen Building Enterprise, Inc.
4. Westside CM Partners, a Joint Venture (WCMP), made up of Anil Verma Associates, Inc., MARRS Services, Inc., and SENER Engineering and Systems, Inc.

During the months of May and June of 2017, the PET reviewed the four technical proposals and on June 21 and 22, 2017, the evaluation committee met with all four Proposers for oral presentations. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the Proposal Evaluation Team's questions. Sealed cost proposals were received at the time of oral presentations.

After the recommendation of the most qualified proposer was approved by the Executive Officer of Vendor/Contract Management (V/CM), the most qualified proposer's cost proposal was opened. V/CM commenced its cost analysis and engaged in negotiations with the recommended proposer.

Potential 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, where all were able to participate in their respective proposals.

Qualifications Summary of Recommended Firm:

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 MPPC as the most qualified firm to provide the construction management support services, as provided in the RFP. What distinguished MPPC 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. MPPC 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 MPPC as the most qualified firm to provide construction management support services for Section 3 of the Westside Purple Line Extension Project.

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	MPPC, a Joint Venture				
3	Experience and Qualifications of Firms on the Team	87.00	35%	30.45	

4	Skill and Experience of Project Personnel	89.33	30%	26.80	
5	Project Understanding and Approach	89.33	35%	31.27	
6	*Voluntary Payment to Subcontractors Initiative Evaluation	100.00	5%	5.00	
7	Total		105.00%	93.52	1
8	WCMC, a Joint Venture				
9	Experience and Qualifications of Firms on the Team	87.00	35%	30.45	
10	Skill and Experience of Project Personnel	87.33	30%	26.20	
11	Project Understanding and Approach	87.67	35%	30.68	
12	*Voluntary Payment to Subcontractors Initiative Evaluation	100.00	5%	5.00	
13	Total		105.00%	92.33	2
14	PL3, a Joint Venture				
15	Experience and Qualifications of Firms on the Team	86.00	35%	30.10	
16	Skill and Experience of Project Personnel	82.00	30%	24.60	
17	Project Understanding and Approach	85.00	35%	29.75	
18	*Voluntary Payment to Subcontractors Initiative Evaluation	100.00	5%	5.00	
19	Total		105.00%	89.45	3
20	WCMP, a Joint Venture				
21	Experience and Qualifications of Firms on the Team	79.00	35%	27.65	
22	Skill and Experience of Project Personnel	73.67	30%	22.10	
23	Project Understanding and Approach	79.00	35%	27.65	
24	*Voluntary Payment to Subcontractors Initiative Evaluation	100.00	5%	5.00	
25	Total		105.00%	82.40	4

C. Cost/Price Analysis

The recommended total estimated cost and fee has been determined to be fair and reasonable based upon a cost analysis of labor rates, indirect rates and other direct costs 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, and other direct costs upon which the consultant will base its invoices. Metro negotiated and established provisional overhead rates plus a fixed fee based on the total estimated cost to

compensate the consultant. Audit requests have been submitted to Metro MASD 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.

	Proposal Amount	Metro ICE	Negotiated or NTE amount
FY '18 – FY '19	\$19,885,561 ⁽¹⁾	\$10,857,298 ⁽²⁾	\$7,009,872 ⁽³⁾
Total Contract	\$118,232,332	\$102,012,981	Est. \$77,000,000⁽⁴⁾

- (1) Proposal included a comprehensive list of services and additional value added resources beyond the initial solicitation requirements for Metro's consideration.
- (2) The amount of \$10,857,298 is V/CM's extraction from the Independent Cost Estimate for the first 20-months of project activity.
- (3) The amount of \$7,009,872 is the negotiated amount for the 20-month period of November 2017 through June 2019. Future work will be funded according to an Annual Work Program, on a year-to-year basis.
- (4) The Project anticipated level of expenditure is \$77 million. The total contract amount will be the aggregate value of all funding periods negotiated with the contractor through the term of the contract.

D. Background on Recommended Contractor

MPPC Partners (MPPC) is a joint venture of Mott MacDonald, LLC, PGH Wong Engineering, Inc. and two DBE firms, Cornerstone Transportation Consulting, Inc. and PMCS Group, Inc.

Mott MacDonald is a global management, engineering and development consultancy with a very strong presence in North America. It has extensive technical resources from which to draw support personnel. Mott MacDonald has provided significant support to major transportation infrastructure projects throughout the country.

PGH Wong Engineering, Inc. was established in 1985 and is a full service engineering and architecture consulting firm with a strong West Coast presence that has extensive experience in the implementation of large, complex infrastructure and transit projects.

Cornerstone Transportation Consulting, Inc. was incorporated in 1998 and provides key architectural and engineering support to major infrastructure projects with contributions in transit design and engineering, facilities planning, and operations assessment.

PMCS Group, Inc. is a local full service project and construction firm providing their services to many local municipalities and government agencies since 2005.

DEOD SUMMARY

WESTSIDE PURPLE LINE EXTENSION SECTION 3 PROJECT
 CONSTRUCTION MANAGEMENT SUPPORT SERVICES
 AE87192000MC073

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 38% Disadvantaged Business Enterprise (DBE) goal. Mott MacDonald, LLC, PGH Wong Engineering, Inc. and DBE firms PMCS Group, Inc. and Cornerstone Transportation Consulting, Inc. formed MPPC Partners, a Joint Venture (MPPC), exceeding the goal by making a 39.43% DBE commitment.

SMALL BUSINESS GOAL	38% DBE	SMALL BUSINESS COMMITMENT	39.43% DBE
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	DBE Contractors	Scope of Work	NAICS Codes	Ethnicity	% Committed
1.	PMCS Group, Inc. (JV Partner)	Project Management, Construction Administration and Document Control	541611 - Administrative Management and General Management Consulting 561110 – Office Administrative Services	Caucasian Female	6.90%
2.	Cornerstone Transportation Consulting, Inc. (JV Partner)	Construction Management Support Services	236220 – Commercial and Institutional Building Construction (Construction Management) 541611 – Administrative Management and General Management Consulting Services	African American	16.44%
3.	Inspection Services, Inc.	Quality Assurance Materials Testing	541380 - Testing Laboratories	Asian Pacific American Female	1.67%
4.	Kevin Scott Tunnel Consultants, LLC	Tunnel Safety/ Inspection	237990 – Other Heavy and Civil Engineering (Construction Management)	African American	1.53%
5.	Kroner Environmental Services, Inc.	Environmental Monitoring, Hazardous Materials Management	541620 – Environmental Consulting Services	Caucasian Female	3.01%

6.	LENAX Construction Services, Inc.	Cost/Schedule Analysis	541611– Administrative Management and General Management Consulting Services 541618 – Other Management Consulting Services 541499 – All Other Business Support Services	Caucasian Female	1.28%
7.	Morgner Construction Management	General Construction Management/ Field Instrumentation	237110 – Water and Sewer Line and Related Structures Construction (Construction Management) 237310 – Highway, Street and Bridge Construction (Construction Management) 541350 – Building Inspection Services	Hispanic American Female	1.12%
8.	Paleo Solutions, Inc.	Paleontological and Archeological Consulting Services	541620 – Environmental Consulting Services	Caucasian Female	0.79%
9.	Quality Engineering, Inc.	Quality Engineering	541618 – Other Management Consulting Services 561110 – Office Administrative Services 541350 – Building Inspection Services	African American	2.65%
10.	Wagner Engineering & Survey, Inc.	Land Surveying, Mapping, Right-of-Way Engineering	541370 Surveying and Mapping (except Geophysical) Services 541360 – Geophysical Surveying and Mapping Services 541330 – Engineering Services	Caucasian Female	4.04%
Total Commitment					39.43%

B. Contracting Outreach and Mentoring Plan (COMP)

To be responsive, Proposers were required to submit a Contracting Outreach and Mentoring Plan (COMP) including strategies to mentor four (4) DBE firms for protégé development. MPPC selected to mentor the following DBE firms: 1) PMCS Group,

Inc., JV Partner, 2) Cornerstone Transportation Consulting, Inc., JV Partner, 3) Inspection Services, Inc., and 4) Quality Engineering, Inc.

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractor's 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.

D. Living Wage Service Contract Worker Retention Policy Applicability

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

E. Project Labor Agreement/Construction Careers Policy

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