



Board Report

File #: 2018-0391, **File Type:** Contract

Agenda Number: 34.

**CONSTRUCTION COMMITTEE
SEPTEMBER 20, 2018**

SUBJECT: MATERIALS VERIFICATION TESTING AND INSPECTION SERVICES

ACTION: AWARD SUPPORT SERVICE CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD AND EXECUTE a cost plus fixed fee Contract No. PS46817 to Ninyo & Moore for materials verification testing and inspection services with a base period of seven years for an amount not-to-exceed \$12,000,000, plus three one-year options; and
- B. EXECUTE individual Task Orders and changes within the Board approved not-to-exceed amount.

ISSUE

Staff seeks to award a materials verification testing and inspection services contract to assist Metro in the delivery of voter approved Measures R, M, and other Board approved Capital Improvement projects.

BACKGROUND

The ability of the Quality Department to perform materials verification testing and inspection services to support the existing projects under construction in addition to new Measures R, M depends on procuring consultant services to oversee and verify Contractor's compliance to the projects quality assurance requirements.

DISCUSSION

Metro Quality Management Program requires utilization of Consultant services to perform oversight materials testing and verification inspection of work performed by laboratories hired by the Contractors. Metro requires the contractors to perform 100% of inspections and materials verification. Metro's goal is to perform between 5-10% verification depending on the complexity of the work and the Contractors' performance. This independent verification provides Metro assurance that the contractors have a comprehensive testing program in place for items such as concrete strength, soil compaction and materials strength, durability and failure requirements. It is an important

component of Metro's overall quality assurance program.

Term

Due to the length of time needed to deliver major capital improvement projects, it is very inefficient and disruptive to change the contractor during project delivery. The recommended materials verification testing and inspection services Contract term will provide greater continuity, consistency and less disruption by implementing a base seven year contract with three one-year options.

Scope

The scope of services to be provided by the Consultant includes, but is not limited to: development of Metro Verification Testing Program Manual, project-specific test plans, testing of construction materials in accordance with the test plan and contract specifications; input of test data and reports into a Quality Management (QM) database to be provided by Metro in the future; documented reports on the overall quality of materials; and provision of the material, labor, equipment and properly accredited laboratory facilities to perform a variety of material testing functions. The Consultant will collect samples for the purpose of validating the construction contractor quality programs. Such validation includes the accuracy of contractor-controlled test results, and the adequacy of testing based on materials quantities.

While the primary purpose of this Contract is for verification testing, Metro may utilize the selected Consultant for acceptance testing on certain projects. In these cases, Metro's construction contractor would still be responsible for the quality of the work, but not required to conduct materials acceptance testing. On these select projects the Consultant will conduct 100% of the required testing on behalf of Metro. Metro may also, on an as needed basis, request the Consultant to perform other specialized testing and inspection services such as, but not limited to non-destructive testing, weld inspection, paint thickness testing, or other materials testing/inspection and functions.

The services to be performed will include providing portal-to-portal transportation, approved facilities, equipment and appropriately qualified personnel. Carrying out the services requires determination of the characteristics and qualities of the materials and/or workmanship processes.

The scope of services also includes special analyses services if a catastrophic failure occurs on a project and a forensic study will then be needed to determine the root cause of the failure.

DETERMINATION OF SAFETY IMPACT

This board action will not have any adverse safety impacts on Metro's Construction projects, Operations, our employees, and/or patrons. A comprehensive quality program including this independent testing can help assure that there is not a subsequent failure that can lead to safety issues.

FINANCIAL IMPACT

Task Orders (TO) with a detailed scope of work will be issued. Fiscal year 2019 funds required for

TOs are included in the adopted budget in projects utilizing the service. Respective project managers will ensure the budgetary needs do not exceed the Board authorized LOP. Since this is a multiyear contract, the Project Managers, Cost Center Managers, and Chief Program Management Officer will be responsible for budgeting costs in future fiscal years.

Impact to Budget

The funding for TOs issued under this action is provided by the specific project requiring the services. The source for these funds are projects' funding plans and may consist of federal and/or state grants as well as local funds. Many state of good repairs and capital improvement projects are funded with local funding sources that are eligible for rail and bus operations.

IMPLEMENTATION OF STRATEFIC PLAN GOALS

Executing Contract No.PS46817 would permit Metro's Program Management/Quality Department to provide an efficient, consistent and high level of support to Measures R, M projects; therefore, it would positively support Metro's overall plan and goal of expanding the transportation network, increase mobility for all users and improve LA County's overall transit network and assets.

ALTERNATIVES CONSIDERED

The Metro Board may reject the recommendation or the proposed duration. Staff does not recommend these alternatives. The use of a Consultant for all projects during construction allows Metro to secure the services without the necessary increase in Metro long term labor costs. Further, by providing for an overall term of seven years plus three one year options, an integrated and consistent approach across all projects serves Metro's interests.

As another alternative Metro Board may recommend action and direct staff to solicit and award individual contracts for each project. Individually procuring these services have associated inconstant approaches/delivery and most likely higher administrative and execution costs and inefficiencies.

NEXT STEPS

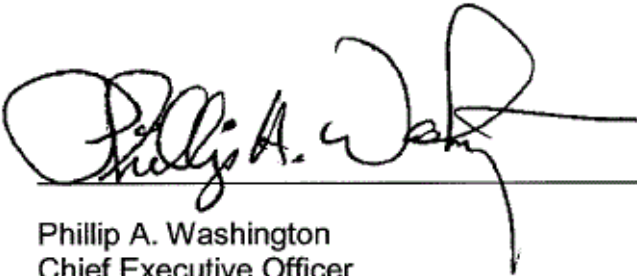
Upon Board approval, staff will complete the process to award Contract No. PS46817. Specific task orders will be subsequently issued on an as needed basis.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**MATERIALS VERIFICATION TESTING AND INSPECTION SERVICES
CONTRACT NUMBER PS46817**

1.	Contract Number: PS46817	
2.	Recommended Vendor: Ninyo & Moore	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input 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 13, 2018	
	B. Advertised/Publicized: April 10, 2018	
	C. Pre-Proposal Conference: April 20, 2018	
	D. Proposals Due: May 14, 2018	
	E. Pre-Qualification Completed: August 3, 2018	
	F. Conflict of Interest Form Submitted to Ethics: June 22, 2018	
	G. Protest Period End Date: September 21, 2018.	
5.	Solicitations Picked up/Downloaded: 65	Proposals Received: 6
6.	Contract Administrator: Noelle Santos	Telephone Number: 213-922-3647
7.	Project Manager: Camelia Davis	Telephone Number: 213-922-7342

A. Procurement Background

This Board Action is to approve Contract No. PS46817 Materials Verification Testing and Inspection Services to provide a full service laboratory to perform oversight testing and verification inspection of work performed by laboratories hired by the construction contractor when the construction contractor performs work under a Design-Build or Design-Bid-Build contract. Board approval of contract awards are subject to resolution of any properly submitted protest.

The RFP was issued in accordance with Metro's Acquisition Policies and Procedures. Metro held a pre-proposal conference on April 20, 2018, in the Henry Huntington Conference Room on the 3rd floor of the Gateway Building. There were twenty-five (25) representatives from eighteen (18) firms that attended the pre-proposal conference. Sixty-five (65) individuals from various firms picked up or downloaded the RFP Package.

One amendment was issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on April 30, 2018, clarified the Submittal Requirements and Evaluation Criteria.

A total of six proposals were received on May 14, 2018, from the following firms:

1. AESCO Technologies
2. Kleinfelder, Inc.
3. Ninyo & Moore Geotechnical and Environmental Sciences Consultants
4. SCST, Inc.
5. Smith-Emery Laboratories
6. Wood Environment & Infrastructure Solutions, Inc.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro Systems Engineering and Metro Quality Assurance and 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 the Firms on the Consultant’s Project Team.....(25%)
- Key Personnel’s Skills and Experience.....(25%)
- Effectiveness of Management Plan.....(20%)
- Understanding of Work and Appropriateness of Approach for Implementation.....(20%)
- Cost Proposal.....(10%)

The evaluation criteria are appropriate and consistent with criteria developed for other Professional Service procurements. Several factors were considered when developing the weightings, giving the greatest importance to the Experience and Capabilities of the firms on the Consultant’s Project Team and Key Personnel’s Skills and Experience.

During the months of May and June 2018, the PET evaluated the six written proposals. On June 20, 2018, and June 21, 2018, the PET met with all six Proposers for oral presentations. The firms were given the opportunity to present on: 1) Effectiveness of Management Plan and 2) Understanding of Work and Appropriateness of Approach for Implementation.

The proposing firms had the opportunity to present their proposed project managers, key personnel, and some of their key members, as well as respond to the PET’s questions. In general each presentation addressed the requirements of the RFP, experience with all aspects of the required and anticipated tasks, and stressed each proposer’s commitment to the success of the contract.

Of the six proposals received, three were determined to be within the competitive range. The three firms within the competitive range are listed below in alphabetical order:

1. Kleinfelder, Inc.
2. Ninyo & Moore Geotechnical and Environmental Sciences Consultants
3. Wood Environment and Infrastructure Solutions, Inc.

Three firms were determined to be outside the competitive range and were not included for further consideration.

Qualifications Summary of Firms within the Competitive Range:

Ninyo & Moore Geotechnical and Environmental Sciences Consultants

Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Nino & Moore) specializes in materials testing on behalf of the owners for various delivery methods. With over 32 years of experience, Ninyo & Moore has a proven record of successful projects providing similar services. Key personnel have over 10 to 20 years of experience. Ninyo & Moore has worked supporting Metro on the Orange Line Canoga North Extension, I-405 Sepulveda Pass Widening, Crenshaw/LAX Corridor, and the Regional Connector and has performed satisfactorily.

Wood Environment & Infrastructure Solutions, Inc.

Wood Environment & Infrastructure Solutions, Inc. (Wood Environment) has three testing labs located in Southern California. Wood Environment specializes in providing independent Quality Assurance program development and third party testing and inspection services across a broad spectrum of public agencies and private clients. Each member listed in the key personnel has over 15 years of experience with the appropriate certifications. Wood Environment has over 25 years working with Metro and has completed work satisfactorily.

Kleinfelder, Inc.

Kleinfelder, Inc. (Kleinfelder) was founded in 1961 and has been specializing in construction quality management and materials engineering and testing. With over 60 offices located throughout the United States, Kleinfelder has demonstrated the ability to mobilize to meet large scale project requirements. The Kleinfelder team has direct experience working with Metro, including their current on-call Environment Engineering and Countywide Planning contracts.

The Proposal Evaluation Team (PET) ranked the three proposals within the competitive range, based on the evaluation criteria in the RFP, and assessed major

strengths, weaknesses and associated risks of each of the Proposers to determine the most advantageous 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:

1.	Firm	Average Score**	Factor Weight	Weighted Average Score *	Rank
2.	Ninyo & Moore				
3.	Experience and Capabilities of the Firms on the Consultant's Project Team	88.61	25%	22.15	
4.	Key Personnel's Skills and Experience	90.47	25%	22.62	
5.	Effectiveness of Management Plan	89.33	20%	17.87	
6.	Understanding of Work and Appropriateness of Approach for Implementation	92.50	20%	18.50	
7.	Cost Proposal	76.81	10%	7.68	
8.	Total		100.00%	88.82	1
9.	Wood Environment				
10.	Experience and Capabilities of the Firms on the Consultant's Project Team	89.25	25.0%	22.31	
11.	Key Personnel's Skills and Experience	84.67	25%	21.17	
12.	Effectiveness of Management Plan	87.33	20%	17.47	
13.	Understanding of Work and Appropriateness of Approach for Implementation	84.00	20%	16.80	
14.	Cost Proposal	100.00	10%	10.00	
15.	Total		100.00%	87.75	2
16.	Kleinfelder				
17.	Experience and Capabilities of the Firms on the Consultant's Project Team	85.76	25.0%	21.44	
18.	Key Personnel's Skills and Experience	84.00	25%	21.00	
19.	Effectiveness of Management Plan	90.17	20%	18.03	
20.	Understanding of Work and Appropriateness of Approach	90.58	20%	18.12	

	for Implementation				
21.	Cost Proposal	31.29	10%	3.13	
22.	Total		100.00%	81.72	3

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

** Evaluation criteria including a factor for cost proposals were first evaluated to determine the competitive range. Scores shown above for the cost proposals are based on the comparison of only the cost proposals within the competitive range.

C. Cost/Price Analysis

Metro performed a cost analysis of labor rates and a price analysis of testing unit rates, comparing the three (3) proposals in the competitive range with one another as well as Metro's estimate. All proposals were based on unit rates for the estimated number of tests and direct labor rates for test samples and other services that may be required by Metro. Each firm proposed unit prices for the tests and direct labor rates to perform these tests. The unit prices and direct labor rates for the recommended firm were determined to be fair and reasonable.

	Proposer Name	Proposal Amount ⁽¹⁾	Metro ICE ⁽²⁾	NTE Amount ⁽³⁾
1.	Ninyo & Moore	\$75,271.42	\$12,000,000	\$12,000,000
2.	Wood Environment	\$57,817.46		
3.	Kleinfelder, Inc.	\$184,795.00		

Notes:

(1) The proposal amounts shown were for evaluation purposes only and were based on the unit rates for each test and direct labor used one time since there was no definable level of effort for the Scope of Work. Hourly labor rates, overhead and fee were negotiated and determined to be fair and reasonable.

(2) The amount \$12,000,000 is a Not-to-Exceed amount estimated for the basic term of the contract.

(3) The amount of \$12,000,000 is the Not-to-Exceed amount for the basic term of the contract. Work will be funded according to an Annual Work Program. The total contract amount will be the aggregate value of all task orders negotiated with the Consultant through the term of the contract.

D. Background on Recommended Contractor

The recommended firm, Ninyo & Moore, is located in Los Angeles, CA, as well as other offices located throughout Southern California, has been in business for over 32 years and is a leader in the field of providing materials testing services on behalf of the owners for the various delivery methods proposed.

Ninyo & Moore has successfully provided Quality Assurance testing and support services on the I-15 Widening project in Utah, the first billion dollar design-build project in the United States. This project established an on-site laboratory, was ISO certified and provided Quality Assurance testing for the highway widening project. For the past 13 years Ninyo & Moore has provided materials testing and inspection services supporting Metro on the Orange Line Canoga North Extension, I-405 Sepulveda Pass Widening, Crenshaw/LAX Corridor, and the Regional Connector.

Ninyo & Moore is committed to being available 24-hours-a-day, seven days a week to meet the demands of Metro's various projects. Their large pool of professionals are available to support multiple-shift construction schedules ensuring a successful project delivery. Ninyo & Moore also commits to utilizing Metro Small Businesses and Disabled Veterans Business Enterprises.

DEOD SUMMARY

MATERIALS VERIFICATION TESTING AND INSPECTION SERVICES/PS46817

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 15% Disadvantaged Business Enterprise (DBE) goal for this Task Order Contract. Ninyo & Moore made a 15% DBE commitment for this Task Order Contract.

In response to a specific Task Order request with a defined scope of work, the prime contractor will be required to identify DBE subcontractor activity and actual dollar value commitments for that Task Order. Overall DBE achievement in meeting the commitment will be determined based on the cumulative DBE participation of all Task Orders awarded.

Small Business Goal	15% DBE	Small Business Commitment	15% DBE
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	DBE Subcontractors	Ethnicity	% Committed
1.	The G-Crew	Asian Pacific American Female	TBD
2.	Fountainhead Consulting Corporation	Hispanic American	TBD
	Total DBE Commitment		15%

B. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is not applicable to the 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). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

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.