



Board Report

File #: 2025-0373, File Type: Contract

Agenda Number: 15.

CONSTRUCTION COMMITTEE JULY 16, 2025

**SUBJECT: CONSTRUCTION MANAGEMENT SUPPORT SERVICES - CAPITAL
IMPROVEMENT PROJECTS**

ACTION: AWARD CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a cost-plus fixed fee Indefinite Delivery / Indefinite Quantity Contract No. AE128436MC085, to Zephyr UAS, Inc., to provide Construction Management Support Services for Capital Improvement Projects, for a period of five years in an amount Not-To-Exceed (NTE) \$50,000,000, subject to the resolution of any properly submitted protest(s), if any; and
- B. EXECUTE individual Task Orders within the Board-approved contract amount.

ISSUE

The Los Angeles County Metropolitan Transportation Authority (Metro) requires professional services from a qualified Construction Management Support Services (CMSS) firm to support the design review, construction management, and administration of construction contracts for various Metro capital improvement projects and adjacent/joint development projects to ensure compliance with Metro's safety and security policies, contract requirements, and government regulations. The existing CMSS contract (AE76301MC081), awarded in 2021, is expiring and must be replaced to continue support of project delivery.

This new CMSS contract will provide essential pre-construction, contract administration, and construction-phase support to help projects transition from design completion to construction efficiently, while adhering to Metro's safety, quality, and regulatory requirements. It will also play a critical role in supporting high-priority projects leading up to the 2028 Olympic and Paralympic Games, providing early constructability reviews for designs being advanced through the Supplemental Engineering Services for Capital Improvement Projects contract.

BACKGROUND

This contract allows Metro to efficiently and effectively augment Metro staff as needed, ensuring

appropriate resources are available in terms of both staff availability and technical expertise. This approach supports the delivery of construction projects to the highest standards of safety, quality, and efficiency.

Historically, this contract has supported state-of-good-repair projects, such as inspection of Metro facilities, tunnel grouting and repairs, and oversight of adjacent development construction, which has increased with system expansion.

DISCUSSION

As part of Metro's Program Management Office (PMO) Continuous Improvement Initiative, Metro continues to strive toward an equal 50/50 ratio of Metro staff to consultants on major capital projects. At this time, consultant support remains essential when discrete projects must be delivered quickly, or when there are surges in the number of active projects. This contract provides Metro with the flexibility and technical capacity to meet those needs and uphold delivery schedules across a fluctuating capital program, while also maintaining our focus on recruiting efforts to continuously improve our Metro staff to consultant ratio.

The contract will also serve as a bridge for projects needing immediate support while procuring their own project-specific construction management services contract. This flexibility ensures seamless delivery and continuity during transitional periods. More near term and immediate, this contract will provide support to the projects leading up to the 2028 Olympic and Paralympic Games and will be critical to support Metro with constructability and value engineering reviews of the projects where grant funding is finite and the schedule to deliver the projects is inflexible due to the impending events that will put Los Angeles and Metro's transit system on the world stage.

The CMSS will provide skilled individuals to assist Metro with the construction management of projects. Services for each project will be authorized by a Task Order. The Task Order based approach offers flexibility to scale support to actual project needs, thereby optimizing resource allocation and cost-effectiveness. Services are structured into three distinct phases:

- **Pre-Construction Services:**
 - Constructability and value-engineering reviews
 - QA/QC and design-phase reviews
 - Early third-party coordination, environmental compliance planning
 - Support the development of baseline schedules, cost estimates, and risk registers (Optional)
- **Procurement Support:**

-
- Preparation and management of technical bid packages, RFIs, and addenda
 - Non-scoring technical evaluations as a subject matter expert
 - Construction Support:
 - Resident engineering and construction inspection
 - Safety and quality oversight
 - Utility, third-party, and community relations coordination
 - Project close-out and documentation

The Contract will be funded on a Task Order basis from project budgets, with consideration given to planning timelines and project-specific constraints. Metro staff will maintain strict project controls to monitor expenditures and schedules. No funds are obligated until negotiations for each Task Order are finalized within the Board-approved NTE amount. While the proposed contract is flexible in nature dependent on actual project needs, example projects and programs that are contemplated to use this contract are:

- Vermont Transit Corridor;
- Projects to support Station Experience;
- Joint and Adjacent Development projects;
- Zero Emission Bus Charging Infrastructure; and
- Projects that support the 2028 Olympic and Paralympic Games, including, but not limited to, those funded by the Reconnecting Communities & Neighborhoods grant program

DETERMINATION OF SAFETY IMPACT

Approval of this action maintains and reinforces Metro's safety standards by providing dedicated experienced construction management professionals.

FINANCIAL IMPACT

Approval of the recommendations will have no financial impact to the FY26 budget, those projects utilizing this contract for staff augmentation will provide the funds from the respective projects adopted budget. As this is a multi-year contract, Project Managers, Cost Center Managers, and the Chief Program Management Officer will be responsible for budgeting task order costs in future fiscal years.

Impact to Budget

As specific support needs arise, Task Orders will be issued and funded within Life-of-Project (LOP) budgets or the approved annual budgets for each individual capital project. Funding sources will reflect the project budgets which may include federal and/or state grants as well as local funds. Where appropriate, local funds will include operating-eligible sources.

EQUITY PLATFORM

The Contract provides Construction Management Support for various Metro projects throughout the County of Los Angeles, including in many Equity Focus Communities . These services are essential for the support and on-time delivery of Metro projects that serve Metro customers. All services supported by this contract help avoid project delays and effectively deliver the projects and provide greater access and mobility for those who rely on transit to meet their daily needs and reduce the potential impact for interruption to service which would negatively affect our ridership.

Metro staff presented at the Transportation Business Advisory Council and attended meetings with the Small Business Community to further define the experience and background for this solicitation and held one on ones for firms interested in learning more.

The Diversity and Economic Opportunity Department (DEOD) established an overall 36% Disadvantaged Business Enterprise (DBE) goal for federally funded projects, and 33% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goals for non-federally funded projects in the solicitation. The successful firm met the goals by making an overall 36% DBE, 33% SBE, and 3% DVBE commitments. The awardee is participating in the Contracting Outreach and Mentoring Plan (COMP), a summary of the DBE, SBE and DVBE subconsultants is provided in Attachment B.

VEHICLE MILES TRAVELED OUTCOME

VMT and VMT per capita in Los Angeles County are lower than national averages, the lowest in the SCAG region, and on the lower end of VMT per capita statewide, with these declining VMT trends due in part to Metro's significant investment in rail and bus transit.* Metro's Board-adopted VMT reduction targets align with California's statewide climate goals, including achieving carbon neutrality by 2045. To ensure continued progress, all Board items are assessed for their potential impact on VMT.

As part of these ongoing efforts, this item is expected to contribute to further reductions in VMT. This item supports Metro's systemwide strategy to reduce VMT through construction oversight activities that will improve and further encourage transit ridership, ridesharing, and active transportation. Metro's Board-adopted VMT reduction targets were designed to build on the success of existing investments, and this item aligns with those objectives.

While this item does not directly encourage taking transit, sharing a ride, or using active transportation, it is a vital part of Metro operations.. Because the Metro Board has adopted an agency -wide VMT Reduction Target, and this item supports the overall function of the agency, this item is

consistent with the goals of reducing VMT.

*Based on population estimates from the United States Census and VMT estimates from Caltrans' Highway Performance Monitoring System (HPMS) data between 2001-2019.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports strategic plan:

- Goal 1: Provide high-quality mobility options.
- Goal 3: Enhance communities through mobility and access.
- Goal 4: Regional collaboration and leadership through efficient project delivery.

ALTERNATIVES CONSIDERED

The Board may reject the recommendations. Staff does not recommend this, as rejection will require an extensive hiring effort to provide permanent staff to fill the required positions, several of which are anticipated to be temporary. This would not be cost effective and could cause delays, since many of the CMSS staff are only required on a periodic basis for peak workloads and specific tasks over the life of the project.

NEXT STEPS

Upon Board approval of this recommended action, staff will execute Contract No. AE128436MC085.

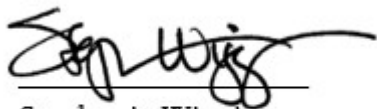
ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Michelle Quinn, Executive Officer Program Management (213) 922-3026
Carolina Coppolo, Deputy Chief Vendor/Contract Management
Officer, (213) 922-4471

Reviewed by: Tim Lindholm, Chief Program Management Officer, (213) 922-7297

A handwritten signature in black ink, appearing to read 'Step Wiggins', written over a horizontal line.

Stephanie Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES - CAPITAL
IMPROVEMENT PROJECTS
CONTRACT NO. AE128436MC085000**

1.	Contract Number: AE128436MC085000	
2.	Recommended Vendor: Zephyr UAS, Inc dba Zephyr Rail	
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: December 16, 2024	
	B. Advertised/Publicized: December 18, 2024	
	C. Pre-Proposal Conference: December 20, 2024	
	D. Proposals Due: March 7, 2025	
	E. Pre-Qualification Completed: May 6, 2025	
	F. Ethics Declaration Forms Submitted to Ethics: April 4, 2025	
	G. Protest Period End Date: June 18, 2025	
5.	Solicitations Picked up/Downloaded: 181	Bids/Proposals Received: 5
6.	Contract Administrator: Pascale Batarseh	Telephone Number: 213-922-6338
7.	Project Manager: Michelle Quinn	Telephone Number: 213-922-3026

A. Procurement Background

This Board Action is to approve Contract No. AE128436MC085000 for Construction Management Support Services - Capital Improvement Projects, issued in support of the design reviews, construction management, and administration of the construction contract(s) associated with various capital improvements projects, and to ensure that the construction of these projects is administered and completed in compliance with contract requirements and government regulations. Board approval of contract awards are subject to resolution of any properly submitted protest.

Request for Proposals (RFP) No. AE128436MC085 was an Architecture and Engineer (A&E), qualifications-based procurement process performed in accordance with Los Angeles County Metropolitan Transportation Authority (Metro) Procurement Policies and Procedures, and California Government Code §4525-4529.5 for Architectural and Engineering services. The contract type is a Cost-Plus Fixed Fee (CPFF), Indefinite Quantity / Indefinite Delivery, for a term of five (5) years. The Diversity & Economic Opportunity Department recommended a thirty-six percent (36%) Disadvantaged Business Enterprise overall (DBE) goal for all task orders funded with federal dollars, and a thirty-three percent (33%) Small Business Enterprise overall (SBE) goal and a three percent (3%) Disabled Veteran Business Enterprise overall (DVBE) goal on all task orders funded with federal, state, local, and/or Measure M dollars.

Three (3) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on 1/16/2025 clarified the following:
 - a. Revise Table of Contents
 - b. Revise number of additional electronic copies in LOI-1 were required
 - c. Add DBE & SBE/DVBE Commitment language
 - d. Add language to COMP Program to indicate the submittal of COMP Forty-Five (45) days after award
 - e. Adding Administrative Factors in 1.2 Proposal Content
 - f. Add SBE/DVBE Forms 1-5 to Exhibit 1: DBE Good Faith Efforts and Commitment Forms
 - g. Add Exhibit 2A to be accompanied as attachment to Form 60
 - h. Add Exhibit 15: Experience/Performance Questionnaire to Exhibit (Solicitation)
 - i. Revise Exhibit A – Scope of Services to indicate changes in requirements and format
 - j. Add DEOD Contract Compliance Manual (Non-Federal) to Exhibit D: Diversity & Economic Opportunity Department Contract Compliance Manual (RC-FTA);
- Amendment No. 2, issued on 2/3/2025 clarified the following:
 - a. Extend Proposals and Questions & Answers Due Dates
 - b. Revise Submittal Requirements;
- Amendment No. 3, issued on 2/7/2025 clarified the following:
 - a. Revise DBE Commitment Forms 1-6.

A total of 181 downloads of the RFP were recorded in the planholder's list. A virtual pre-proposal conference was held on December 20, 2024, and was attended by 59 participants representing 35 firms. There were 90 questions received for this RFP and responses were provided prior to the proposal due date.

A total of five (5) proposals were received on March 7, 2025, and are listed below in alphabetical order:

1. AIX Consulting, Inc.
2. C2PM
3. Ghirardelli Associates, Inc.
4. KDG Construction Consulting
5. Zephyr-UAS, Inc. dba Zephyr Rail

B. Evaluation of Proposals/Bids

A Proposal Evaluation Team (PET) consisting of staff from Program Management and Program Controls 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 Capabilities of the Firms on the Proposed Team | 35% |
| • Experience and Capabilities of the Key Personnel | 25% |
| • Understanding and Approach to Service Delivery | 35% |
| • Approach to Cultural Competency | 5% |

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architecture and Engineer (A&E) procurements. Several factors were considered when developing these weights, giving the greatest importance to the Experience and Capabilities of the Firms on the Proposed Team and the Understanding and Approach to Service Delivery.

During the month of April 2025, the PET evaluated the five technical proposals and determined all to be responsive, and within the competitive range. On April 22, 2025, Metro held virtual oral presentations with all five proposing firms.

The proposing firms had the opportunity to present their key personnel as well as respond to the PET's questions. Each proposing team was asked questions relative to each firm's previous experience performing work of a similar nature to the Scope of Services presented in the RFP. Sealed cost proposals were received from the five proposers at the time of oral presentations.

After a thorough review of proposals and oral demonstrations, the PET scored Zephyr UAS, Inc. as the highest ranked firm.

Qualifications Summary of Recommended Firm:

Zephyr-UAS, Inc. demonstrated extensive and relevant experience, significant technical capabilities, and a highly qualified team of key personnel whose experience aligns with the complexity of Metro's Scope of Services. Their proposal reflected a clear and comprehensive understanding of the scope, including a strong grasp of project challenges, cost and schedule management, safety, and quality assurance in active rail, highway, and transit environments. The team has a proven track record on past and current Metro projects, familiarity with both traditional and alternative delivery methods, and experience managing overlapping contracts and coordinating with various agencies, including the City of Los Angeles.

The proposal outlined a well-structured and inclusive approach to cultural competency, with defined outreach practices and demonstrated success implementing diversity and workforce inclusion programs. It also presented sound quality management procedures, data-driven safety protocols, and examples of effective risk mitigation and cost control strategies applied on prior work. Having received the highest technical score, Zephyr-UAS, Inc. is determined to be the most

qualified firm to successfully deliver the required Construction Management Support Services.

Firm	Average Score	Factor Weight	Weighted Average Score	Rank
Zephyr-UAS, Inc.				
Experience and Capabilities of the Firms on the Proposed Team	84.34	35%	29.52	
Experience and Capabilities of the Key Personnel	89.68	25%	22.42	
Understanding and Approach to Service Delivery	94.63	35%	33.12	
Approach to Cultural Competency	87.00	5%	4.35	
Total		100.00%	89.41	1
Ghirardelli Associates, Inc.				
Experience and Capabilities of the Firms on the Proposed Team	83.51	35%	29.23	
Experience and Capabilities of the Key Personnel	81.88	25%	20.47	
Understanding and Approach to Service Delivery	94.71	35%	33.15	
Approach to Cultural Competency	69.60	5%	3.48	
Total		100.00%	86.33	2
KDG Construction Consulting				
Experience and Capabilities of the Firms on the Proposed Team	81.14	35%	28.40	
Experience and Capabilities of the Key Personnel	81.32	25%	20.33	
Understanding and Approach to Service Delivery	90.71	35%	31.75	
Approach to Cultural Competency	85.00	5%	4.25	
Total		100.00%	84.73	3
AIX Consulting, Inc.				
Experience and Capabilities of the Firms on the Proposed Team	77.20	35%	27.02	
Experience and Capabilities of the Key Personnel	82.00	25%	20.50	
Understanding and Approach to Service Delivery	92.37	35%	32.33	
Approach to Cultural Competency	80.40	5%	4.02	
Total		100.00%	83.87	4
C2PM				
Experience and Capabilities of the Firms on the Proposed Team	80.00	35%	28.00	
Experience and Capabilities of the Key Personnel	82.48	25%	20.62	
Understanding and Approach to Service Delivery	85.29	35%	29.85	

Approach to Cultural Competency	71.67	5%	3.58	
Total		100.00%	82.05	5

C. Cost/Price Analysis

Metro completed negotiations and determined that the recommended estimated costs are fair and reasonable based on a cost analysis of labor rates, indirect rates and other direct costs in accordance with Metro's Procurement Policies and Procedures. Metro confirmed indirect cost rates based on current audits by a cognizant agency CPA in accordance with FAR Part 31 and established provisional indirect cost rates for the first year of the contract. Where indirect cost rates were not supported by a current audit Metro negotiated provisional indirect rates so as not to delay the contract awaiting audit. Metro negotiated a fixed fee factor that will be used to establish a fixed fee dollar amount for each Task Order based on the total estimated cost negotiated for the Task Order.

D. Background on Recommended Contractor

The recommended firm, Zephyr Rail, is located in the city of Orange, California and was established in 2015. They hold certifications as a certified Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE). They have experience with Metro under an existing CMSS contract (MC081), which includes support for projects such as Harbor Gateway Transit, Sepulveda Transit Project Common Services Support, LinkUS Office Engineering and Railroad Coordination Support, Joint and Adjacent Development Support, Division 9 & El Monte Transit Center Charger Installation, Transportation Communication Network (TCN) Support, Constructability Review of EB SR-91 Atlantic Ave to Cherry Ave Auxiliary Lane Improvement Project, and Constructability Review of WB SR-91 Alondra Boulevard to Shoemaker Ave Improvement Project.

DEOD SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES - CAPITAL
IMPROVEMENT PROJECTS
CONTRACT NO. AE128436MC085000**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 36% Disadvantaged Business Enterprise (DBE) goal for all task orders funded with federal dollars and an overall 33% Small Business Enterprise (SBE) goal and a 3% Disabled Veteran Business (DVBE) goal for all task orders funded with state, local and Measure M dollars. Zephyr UAS Inc. dba Zephyr Rail, a DBE firm, met the goal(s) by making an overall 36% DBE, 33% SBE, and 3% DVBE commitment.

Proposers were encouraged to form teams that include DBE, SBE, and DVBE firms to perform the scopes of work identified without schedules or specific dollar commitments prior to the establishment of this contract. In response to a specific Task Order request with a defined scope of work, the Zephyr Rail will be required to identify DBE, SBE and DVBE subcontractor activity and actual dollar value commitments for that Task Order. Overall DBE, SBE and DVBE achievement in meeting the commitments will be determined based on the cumulative DBE, SBE and DVBE participation of all task orders issued dependent upon funding source.

Small Business Goal	36% DBE 33% SBE 3% DVBE	Small Business Commitment	36% DBE 33% SBE 3% DVBE
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	DBE Subcontractors	% Committed
1.	Zephyr UAS, Inc. dba Zephyr Rail (Prime)	TBD
2.	CYD Consulting	TBD
3.	Enterris Associates	TBD
4.	Fountainhead Consulting Corporation	TBD
5.	Monument ROW	TBD
6.	PEnterprise Consulting Services	TBD
7.	SHA Analytics	TBD
	Total DBE Commitment	36%

	SBE Subcontractors	% Committed
1.	Zephyr UAS, Inc. dba Zephyr Rail	TBD
2.	Conaway Geomatics	TBD
3.	CYD Consulting	TBD
4.	Enterris Associates	TBD
5.	Fountainhead Consulting Corporation	TBD
6.	Monument ROW	TBD
7.	PEnterprise Consulting Services	TBD

8.	SHA Analytics	TBD
	Total SBE Commitment	33%

	DVBE Subcontractors	% Committed
1.	Conaway Geomatics	TBD
2.	CYD Consulting	TBD
3.	Fryman Management, Inc.	TBD
4.	Pacifica Services, Inc.	TBD
	Total DVBE Commitment	3%

B. Local Small Business Enterprise (LSBE) Preference

The LSBE preference was not applicable to this procurement. Pursuant to California Government Code §4525-4529.5 for Architectural and Engineering services, only a competitor's qualifications as an architect are evaluated and the most qualified competitor is selected; price cannot be used as an evaluation factor.

C. Contracting Outreach and Mentoring Plan (COMP) Program

The Contracting Outreach and Mentoring Plan (COMP) is applicable to this contract. Zephyr must mentor a minimum of four certified firms: two (2) Disadvantaged Business Enterprises (DBEs), one (1) Small Business Enterprise (SBE), and one (1) Disabled Veteran Business Enterprise (DVBE). Within forty-five (45) days of the contract award, Zephyr is required to submit a comprehensive DBE/SBE/DVBE COMP identifying firms for protégé development.

D. Living Wage and Service Contract Worker Retention Policy Applicability

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

E. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this contract. 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).

F. 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.

PROGRAM MANAGEMENT

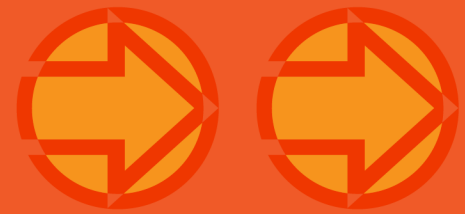
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July 2025

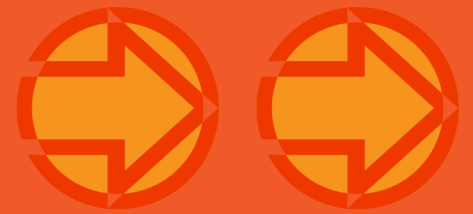
Discussion



The CMSS will provide skilled individuals to assist Metro with the construction management of projects. The Task Order based approach offers flexibility to scale support to actual project needs, thereby optimizing resource allocation and cost-effectiveness. Services are structured into three distinct phases:

Pre-Construction Services	Procurement Support	Construction Support
<ul style="list-style-type: none">• Constructability and value-engineering reviews• QA/QC and design-phase reviews• Early third-party coordination, environmental compliance planning• Support the development of baseline schedules, cost estimates, and risk registers <i>(Optional)</i>	<ul style="list-style-type: none">• Preparation and management of technical bid packages, RFIs, and addenda• Non-scoring technical evaluations as a subject matter expert	<ul style="list-style-type: none">• Resident engineering and construction inspection• Safety and quality oversight• Utility, third-party, and community relations coordination• Project close-out and documentation

Preliminary Project List

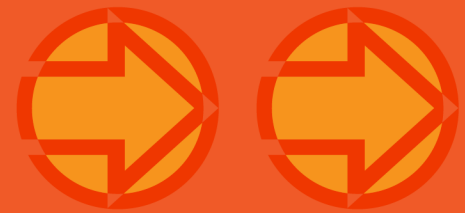


Projects that are contemplated to use this contract are:

- Vermont Transit Corridor
- Projects to Support Station Experience
- Joint and Adjacent Development projects
- Zero Emission Bus Charging Infrastructure
- 2028 Olympic and Paralympic Games related improvements including but not limited to, those funded by the Reconnecting Communities & Neighborhoods grant program

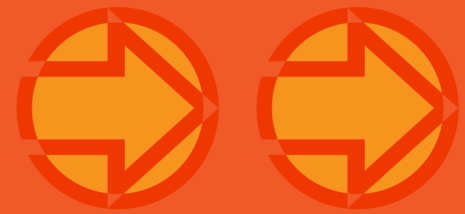
This is a preliminary list and projects will be added based on actual needs and available funding.

Procurement Evaluation



EVALUATION CRITERIA	MAXIMUM POINTS	ZEPHYR-UAS, INC.	GHIRARDELLI ASSOCIATES, INC.	KDG CONSTRUCTION CONSULTING	AIX CONSULTING, INC.	C2PM
Experience and Capabilities of the Firms on the Team	35	29.52	29.23	28.40	27.02	28.00
Experience and Capabilities of Key Personnel	25	22.42	20.47	20.33	20.50	20.62
Understanding and Approach to Service Delivery	35	33.12	33.15	31.75	32.33	29.85
Approach To Cultural Competency	5	4.35	3.48	4.25	4.02	3.58
TECHNICAL SCORE	100	89.41	86.33	84.73	83.87	82.05

Recommendation



AUTHORIZE the Chief Executive Officer to:

- A. **AWARD** a cost plus fixed fee Indefinite Delivery / Indefinite Quantity Contract No. AE128436MC085, to Zephyr UAS, Inc., to provide Construction Management Support Services for Capital Improvement Projects, for a period of five years in an amount Not-To-Exceed (NTE) \$50,000,000, subject to the resolution of any properly submitted protest(s), if any; and
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