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**CONSTRUCTION COMMITTEE
APRIL 17, 2008**

PROJECT: TUNNEL ADVISORY PANEL CONTRACTS: PS-2020-1051, DR. ZDENEK D. EISENSTEIN AND PS-2020-1055, DR. GEOFFREY MARTIN

ACTION: NEGOTIATE AND EXECUTE MODIFICATION NO. 4 FOR CONTINUATION OF TUNNEL ADVISORY PANEL SERVICES

RECOMMENDATION

- A. Authorize the Chief Executive Officer to negotiate and execute Modification No. 4 to Contract No. PS-2020-1051 with Dr. Zdenek D. Eisenstein for the continuation of Tunnel Advisory Panel services in the amount of \$220,000, increasing the Total Contract Value from \$969,825 to \$1,189,825; and
- B. Authorize the Chief Executive Officer to negotiate and execute Modification No. 4 to Contract No. PS-2020-1055 with Dr. Geoffrey Martin for the continuation of Tunnel Advisory Panel services in the amount of \$110,000, increasing the Total Contract Value from \$198,000 to \$308,000; and
- C. Authorize the Chief Executive Officer to negotiate and execute contract modifications to Contract No. PS-2020-1051 and to Contract No. PS-2020-1055 in the amount not-to-exceed \$33,000.

Within Construction Committee authority: Yes No N/A

RATIONALE

The Tunnel Advisory Panel convened in August 1995 in response to questions posed by the Board regarding feasibility of tunneling in Los Angeles ground conditions. We contracted with Drs. Dan Eisenstein, Geoffrey Martin and Harvey Parker to determine the feasibility of

tunneling in Los Angeles, to assess the effectiveness our construction program to date, and to recommend any modifications to the current construction program deemed appropriate. In June 2001 the Board approved two five-year contracts to the members of the Tunnel Advisory Panel in the amount not-to-exceed \$1,167,826, and directed staff to return each year for funding approval. Since that time, the Board has approved funding and extensions to the Tunnel Advisory Panel contracts to support the Metro Gold Line Eastside Extension Project, the I-710 Tunnel feasibility studies and other studies involving potential tunneling work. The period of performance for each contract has been extended to April 30, 2008, within the current Board-approved funding limits.

This request is for additional funding and provides continuation of services through June 30, 2009. The Tunnel Advisory Panel services will support the I-710 Tunnel North feasibility studies, the planning, environmental and conceptual design phases for both the Downtown Regional Connector and Red Line Westside Extension Projects, and provide analysis of subsurface ground conditions and geotechnical reports.

The recommended Board authorization in the amount of \$330,000 is based upon an estimate of the technical support that will be required as anticipated by Project Management staff.

IMPACTS TO OTHER CONTRACTS

The Tunnel Advisory Panel contract is to provide direct consultation to Project Management staff for future Construction Projects.

FINANCIAL IMPACT

	<u>Dr. Dan Eisenstein</u>	<u>Dr. Geoffrey Martin</u>
Original Contract Award	\$969,825	\$198,000
Current Cumulative Contract Value	\$969,825	\$198,000
This Action	\$220,000	\$110,000
New Cumulative Contract Value	\$1,189,825	\$308,000

The funding for this action is included in the proposed FY09 budget in Cost Center 8510 (Construction Contracts/Procurement) under Projects 204016 (Vermont/Santa Monica Station Water Leak Mitigation), 400020 (I-710 Tunnel North), 400228 (Downtown Regional Connector) and 405518 (Red Line Westside Extension), and Line Item No. 50316 (Professional & Technical Services). Since this is a multi-year contract, the cost center manager and Chief Capital Management Officer will be accountable for budgeting the cost in future years, including any option exercised.

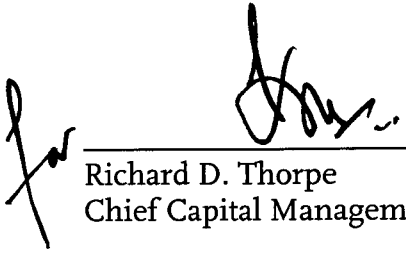
ALTERNATIVES CONSIDERED

The Board may reject the recommendation. Rejection will require procuring another Tunnel Advisory Panel contract. The time required for the procurement of a new contract will not support the immediate needs of the Agency. This would cause a void in receiving required tunneling expertise for a period of time, thereby creating the potential for delays and additional costs to our ongoing projects.


ATTACHMENTS

- A. Procurement Summary
- A-1. Procurement History

Prepared By: Rick Wilson, Senior Project Control Manager
Dennis S. Mori, Executive Officer, Project Director



Richard D. Thorpe
Chief Capital Management Officer



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

TUNNEL ADVISORY PANEL

1.	Contract Numbers: PS-2020-1051; PS-2020-1055		
2.	Recommended Vendors: Dr. Zdenek D. Eisenstein And Dr. Geoffrey Martin		
3.	Cost/Price Analysis Information: TBD		
	A. Bid/Proposed Price: \$TBD	Recommended Price: \$To Be Negotiated	
	B. Details of Significant Variances are in Attachment A-1.D NONE		
4.	Contract Type: T & M		
5.	Procurement Dates:		
	A. Issued: Original award was August 30, 2001, with multiple FY extensions		
	B. Advertised: N/A		
	C. Pre-proposal Conference: N/A		
	D. Proposals Due: N/A		
	E. Pre-Qualification Completed: N/A		
	F. Conflict of Interest Form Submitted to Ethics: N/A		
6.	Small Business Participation: N/A		
	A. Bid/Proposal Goal: N/A	Date Small Business Evaluation Completed: N/A	
	B. Small Business Commitment: N/A		
7.	Request for Proposal Data: N/A		
	Notifications Sent:	Proposals Picked up:	Proposals Received:
8.	Evaluation Information: N/A		
	A. Proposers Names: N/A	Proposal Amount: \$ N/A	Best and Final Offer Amount: \$ N/A
	B. Evaluation Methodology: N/A		
9.	Protest Information: N/A		
	A. Protest Period End Date: N/A		
	B. Protest Receipt Date: N/A		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: DonCosta E. Seawell	Telephone Number: (213) 922-1056	
11.	Project Manager: Dennis Mori	Telephone Number: (213) 922-7238	

BOARD REPORT ATTACHMENT A-1
PROCUREMENT HISTORY

TUNNEL ADVISORY PANEL

A. Background on Contractor

Dr. Z. D. Eisenstein, 2467-138 Street, Surrey British Columbia, Canada V402M1
Dr. Geoffrey Martin, 405 St. Vincent, Irvine, CA 92618

The Tunnel Advisory Panel members have been involved with the Metro Gold Line Eastside Extension Project from the start of Preliminary Engineering and have reviewed the Final Design/Engineering of the C0800 Tunnel Contract. Drs. Eisenstein and Martin are recognized throughout the world as engineering experts in the areas of geotechnical analysis, tunneling and deep excavation, earthquake engineering and soil dynamics. They have unique knowledge and background on Los Angeles County's underground conditions and intimate knowledge of our engineering and construction projects.

B. Procurement Background

Staff requested Cost and Schedule proposals from both Drs. Eisenstein and Martin in February 2001. Upon receipt of the same, staff negotiated labor rates in March 2001. During the April 2001 Board meeting, the Board authorized Letter Contracts to be executed with both Drs. Eisenstein and Martin with two base years and three option years. Contract PS-2020-1051 was issued to Dr. Eisenstein in the total amount of \$969,826 for the five-year period; Contract PS-2020-1055 was issued to Dr. Martin in the total amount of \$198,000. In April 2006, the rates were adjusted and an additional option year extended without an increase in the total contract value for each contract. In February 2007, the contracts were extended for another year, through April 30, 2008, without an increase in contract value.

During these two additional years, Staff forecasts that the original Board authorized value will have been exhausted by the end of FY 08 and additional funding will be required for support of current and existing projects. At the time of original procurement, the LACMTA Small Business Diversity Unit did not recommend a Disadvantaged Business Enterprise (DBE) participation goal for this procurement because it determined that no other firms or individuals possessed the background information and experience to successfully perform the wide range of support services, such as geotechnical analysis, quality control, engineering and construction design, necessary to satisfy our requirements for this project.

C. Evaluation of Proposals

The original contract prices for both Drs. Eisenstein and Martin will be determined respecting fairness and reasonableness based upon fact-finding, clarification and price analysis performed by Procurement staff. The pricing for each contract will be compared with current market pricing for consistency.

D. Cost/Price Analysis Explanation of Variances

This is a Time and Material (T&M) contract based upon fixed, negotiated daily labor rate of \$1,600. The most recent rate review was performed in April 2006. The rate was determined to be fair and reasonable at that time based upon the fact that (1) prior to 2006, the rates had not been increased from the original contract award rate, and (2) the current average daily billing rate for this category of Professional Services is \$1,793. Thus the recommended price will be determined respecting fairness and reasonableness based upon this prior determination of reasonableness of labor rates.

Bid/Proposal Amount	LACMTA Estimate	Recommended/Negotiated Amount
\$TBD	\$N/A	\$TBD

