



## Board Report

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File #:2015-1594, File Type:Contract

Agenda Number:

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### CONSTRUCTION COMMITTEE JANUARY 21, 2016

**SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT**

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

Authorize the Chief Executive Officer to execute Contract Modification No. 5 to Contract No. MC070, to Arcadis U.S., Inc., to continue providing Construction Management Support Services (CMSS) through June 30, 2017, for the Regional Connector Transit Corridor Project, in the amount of \$18,494,981 increasing the total contract value from \$17,135,690 to \$35,630,671.

#### **ISSUE**

On March 21, 2013, the Board approved and awarded Contract MC070 to Arcadis U.S., Inc., for Construction Management Support Services in the amount of \$3,499,990 for this project. The executed contract is an eight year (with two one-year options for contract duration extension) cost-plus fixed fee contract with provisions for Board approval of the contract value every fiscal year by Contract Modification. Construction management support services are professional services that are required to assist Metro by providing technical expertise and staff augmentation in the oversight and management of the final design and construction of the Regional Connector Transit Corridor Project.

Subject to the annual authorization requirements of the contract, the Board approved modifications in the amount of \$7,680,700 on April 24, 2014 for FY15 and \$5,955,000 on July 23, 2015 for Construction Management Support Services for 6 months through December FY16, for a total authorized contract amount of \$17,135,690. This authorization requests approval through June 30, 2017 (a total period of 18-months). The recommended Board action will provide contract funding through June 30, 2017. Future work will be funded on a year-to-year basis. This approach will result in more accurate budgeting for each year, while providing better control over consultant services costs.

#### **DISCUSSION**

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 an integrated construction management team residing in the project field office, under the oversight of Metro Project Management. The CMSS consultant provides administration, inspection services and technical support during the final design, construction, pre-revenue operations and closeout phases of the Project. Metro Project Management requires this consultant staff with the expertise to oversee the design-builder's construction operations and assist Metro with the management of the Project. As part of this request, Metro's Project Manager identified and evaluated the annual work plan, which was negotiated with Arcadis U.S., Inc., to determine the recommended Contract Modification value.

The CMSS contact work plan for the first half of FY16 has been running at approximately 23 full-time equivalents (FTEs) per month, all of which are providing construction-related field services, technical expertise on ongoing construction work plans, and construction related office operations. In response to the significant increase in construction activity on the project within the next few months, the CMSS work plan level of effort is estimated to increase to approximately 35 FTEs by the end of FY17.

On July 16, 2015, the Board approved the conversion of eight Arcadis positions to non-contract Metro positions. To date, two senior resident engineering positions have been filled by Metro employees and other conversions are planned in upcoming months as positions become necessary to support the construction schedule. This effort has resulted in a cost reduction to the Arcadis contract of over \$426,300 date, with an additional estimated cost reduction of \$1,304,500 through FY17. Further cost reductions in the consultant contract will be realized as additional consultant positions are filled with non-contract Metro personnel.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will not have an impact on established safety standards for Metro's construction projects. The CMSS contract provides services that support Metro's internal safety staff on the Regional Connector Transit Corridor Project. The scope of services for the CMSS contract includes provisions for staff members to ensure that safety is the highest priority during oversight of all phases of construction.

### **FINANCIAL IMPACT**

Funding for FY16 portion of the CMSS contract is included in the FY16 budget in Cost Center 8510, (Construction Project Management) under Project 860228 (Regional Connector Transit Corridor Project), Account 50316, (Professional Services). Since this is a multi-year contract, the Executive Director of Program Management and the Project Manager will be accountable to budget the cost for future years on an annual basis.

### **Impact to Budget**

The sources of funds for this report's Recommendation are Federal 5309 New Starts, State Prop 1B PTMISEA, State Repayment of Capital Project Loans, and Measure R Transit 35%. These funds are

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designated for the Regional Connector Transit Corridor Project and do not have an impact to operations.. These funds were assumed in the LRTP for the Regional Connector Transit Corridor 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 could decide not to approve the recommended contract modification. This is not recommended because Metro does not have sufficient staff with expertise in the many different fields, including construction managers, resident engineers and inspectors in the disciplines of systems, tunnels, stations, sequential excavation method work, trackwork, civil, architecture, geology, mechanical, electrical, rail activation and systems integration. The recommendation by staff will provide adequate personnel with expertise through FY17 to successfully manage the project and oversee construction quality.

### **NEXT STEPS**

1. After Board approval and execution of the contract modification, staff will direct the consultant to continue providing construction management support services for the Regional Connector Transit Corridor project through FY17.
2. Staff will report back by June 2017 on the actual number of non-contract Metro positions hired and placed on the project and the corresponding reduction in the CMSS contract value.

### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary  
Attachment C - Contract Modification/Change Order Log

Prepared by: Girish Roy, Deputy Executive Officer, Project Director (213) 893- 7119  
Gary Baker, Deputy Executive Officer (213) 893 -7191

Reviewed by: Ivan Page, Executive Director (Interim), Vendor/Contract Management (213) 922-6383  
Richard Clarke, Executive Director, Program Management  
(213) 922-7557

## PROCUREMENT SUMMARY

**REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT  
MODIFICATION FOR CONTRACT NO. MC070  
CONSTRUCTION MANAGEMENT SUPPORT SERVICES**

1.	<b>Contract Number:</b> MC070		
2.	<b>Contractor:</b> ARCADIS, U.S. Inc.		
3.	<b>Mod. Work Description:</b> Provide construction management support services during construction of Design-Build Contract C0980 for the Regional Connector Transit Corridor Project through June 30, 2017.		
4.	<b>Contract Work Description:</b> Construction Management Support Services		
5.	<b>The following data is current as of:</b> 12/07/15		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	05/13/13	<b>Contract Award Amount:</b> \$3,499,990
	<b>Notice to Proceed (NTP):</b>	05/17/13	<b>Total of Modifications Approved:</b> \$13,635,700
	<b>Original Complete Date:</b>	05/2021	<b>Pending Modifications (including this action):</b> \$18,494,981
	<b>Current Est. Complete Date:</b>	05/2021	<b>Current Contract Value (with this action):</b> \$35,630,671
7.	<b>Contract Administrator:</b> Susan Santoro		<b>Telephone Number:</b> 213-893-7144
8.	<b>Project Manager:</b> Girish Roy		<b>Telephone Number:</b> 213-893-7119

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 5 to continue providing construction management support services through June 30, 2017, for the Regional Connector Transit Corridor Project.

This contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a Cost Plus Fixed Fee type contract.

On May 13, 2013, Metro awarded Contract No. MC070, an eight year, cost plus fixed fee type contract to ARCADIS, U.S., Inc. with a not to exceed amount of \$3,499,990 for the first year FY 14 to provide construction management support services on the Regional Connector Transit Corridor Project.

Attachment C shows four modifications have been issued to date.

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon fact-finding, clarifications, cost analysis, independent cost estimate (ICE), technical evaluation, and negotiations. An audit of the consultant's and subconsultants' provisional overhead rates has been requested and is currently in progress. Any audit findings resulting in an increase or decrease to the current contract provisional overhead rates will be incorporated into the contract via a separate Contract Modification.

	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>	<b>Amount to Be Funded</b>
<b>FY 16*</b>	\$13,869,000	\$12,055,606	\$11,910,669	<b>\$5,955,669</b>
<b>FY 17</b>	\$12,569,318	\$12,420,963	\$12,539,312	<b>\$12,539,312</b>
<b>Total Amount to Be Funded</b>				<b>\$18,494,981</b>

\* The proposal, ICE and negotiated amounts shown above for FY16 are based on full funding for FY16. In July 2016, [Metro the Board elected to fund authorized](#) only the first six months of FY16 at \$5,955,000. This action includes funding of the remainder of the negotiated amount for FY16, ~~as well as the~~ [and assumes](#) full funding for all of FY17.

DEOD SUMMARY

REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT  
 MODIFICATION FOR CONTRACT NO. MC070  
 CONSTRUCTION MANAGEMENT SUPPORT SERVICES

**A. Small Business Participation**

Arcadis made a 26.79% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. The current participation is 44.56%. The contract is 54.85% complete. DBE subcontractors LKG-CMG, MBI Media, and Safework have not performed to-date. Arcadis indicated that when the DBE services are required, Metro’s project team will authorize the referenced firms to be activated for the requested position needs. Arcadis is exceeding their DALP commitment.

<b>Small Business Commitment</b>	<b>26.79% DALP</b>	<b>Small Business Participation</b>	<b>44.56% DALP</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	DHS Consulting	Asian Subcontinent	8.29%	14.87%
2.	EPC Consultants	Asian Pacific	6.59%	11.69%
3.	Ghirardelli Associates	Caucasian Female	3.60%	10.43%
4.	LKG – CMG	Caucasian Female	1.59%	0.00%
5.	MBI Media	Caucasian Female	0.99%	0.00%
6.	Ramos CS	Hispanic American	2.34%	5.25%
7.	Safework	Caucasian Female	1.55%	0.00%
8.	R Industrial & Healthcare	African American	0.59%	1.02%
9.	Allied Protection Services	African American	1.25%	1.30%
<b>Total</b>			<b>26.79%</b>	<b>44.56%</b>

<sup>1</sup>Current 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 (PLA/CCP)**

The Project Labor Agreement/Construction Careers Policy is not applicable to this construction management services contract.

**C. Living Wage Service Contract Worker Policy**

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

**D. 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). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection and other support trades.

## CONTRACT MODIFICATION/CHANGE LOG

**CONTRACT NO. MC070  
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT  
CONSTRUCTION MANAGEMENT SUPPORT SERVICES**

<b>Mod. No.</b>	<b>Description</b>	<b>Date</b>	<b>Amount</b>
	<b>Original Contract</b>	<b>05-13-13</b>	<b>\$3,499,990</b>
1	FY 2015 Incremental Funding	07-01-14	\$7,680,700
2	Add Junior Staff Engineer Position	07-21-14	\$0.00
3	FY 2016 Incremental Funding (through December 31, 2015 only)	08-04-15	\$5,955,000
4	Extension of CMSS from 01-01-16 thru 02-29-16	11-06-15	\$0.00
5	FY 2016 and FY 2017 Incremental Funding (January 1, 2016 through June 30, 2017)	Pending	\$18,494,981
<b>Total:</b>			<b>\$35,630,671</b>