

**Board Report**

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**File #:**2015-1702, **File Type:**Contract

Agenda Number:

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**CONSTRUCTION COMMITTEE  
JANUARY 21, 2016****SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT****ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION****RECOMMENDATION**

Authorize the Chief Executive Officer (CEO) to execute Change Modification No. 3 to Contract No. MC071, Westside Extension Support Team (West), to continue providing Construction Management Support Services (CMSS) through Fiscal Year 2017 for the Westside Purple Line Extension Section 1 Project, in an amount not-to exceed \$23,413,832, increasing the total contract value from \$21,001,079 to \$44,414,911.

**ISSUE**

On July 25, 2013, the Board approved and awarded to WEST, the Construction Management Support Services contract for this project. Construction management support services are required to oversee and manage the construction and assist in closeout of the Westside Purple Line Extension Section 1 Project. Metro Project Management requires the continuation of construction management support services to provide the expertise to oversee the construction of the advanced utility relocations, Division 20 Maintenance-of-Way/Non-Revenue Vehicle Maintenance Building and the Design/Builder's construction operations and assist Metro with the management of the Project. On July 23, 2015, the Board authorized six-month funding for WEST to continue to provide construction management support services through December 2015, for a total contract value in an amount not-to-exceed \$6,487,628.

The recommended Board action will provide sufficient contract authorization through June 2017.

**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 a fully-integrated construction management team residing in the construction field office, under the oversight of Metro Project Management. The CMSS consultant will provide administration, maintenance, inspection services

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and technical support during the construction, pre-revenue operations and closeout phases of the Project. Additional Construction activities that are ramping up in this 18-month period include: demolition, site clearing, sound-wall installation, construction staging yard establishment and utility relocations at the Wilshire/Western Retrieval Shaft, Wilshire/Fairfax Station and Wilshire/LaCienega Station. Piling, decking and excavation at the Wilshire/LaBrea Station as well as the three previously mentioned locations will also be starting during this 18-month period.

### **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 Westside Purple Line Extension Section 1 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**

Funds for FY16 portion are included in the FY16 budget for this action under Project 865518- Westside Purple Line Extension Section 1 Project in Cost Center 8510 (Construction Project Management), and Account Number 50316 (Professional and Technical Services). Funding for the CMSS Contract is within the Life-of-Project Budget that was approved by the Board in July 2014. Since this is a multi-year project, the Executive Director of Program Management and the Westside Purple Line Extension Section 1 Project Manager will be responsible for budgeting in future years.

#### **Impact to Budget**

The sources of funds for the recommended action are Federal 5309 New Starts, Transportation Infrastructure Finance and Innovation Act (TIFIA) Loan proceeds and Measure R 35%. These funds are designated for Westside Purple Line Extension Section 1 Project and does not have an impact to operations. These funds were assumed in the Long Range Transportation Plan (LRTP) for the Westside Purple Line Extension Section 1 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. Under this situation, Metro would have to hire additional staff with expertise in many different fields, including construction managers, resident engineers and inspectors in the disciplines of systems, tunnels, stations, cut and cover work, trackwork, civil engineering , architecture, geology, mechanical and electrical engineering, safety, environmental, rail activation, systems integration, survey, claims analysis and litigation, among many others. The approved July 2015 Board action for CMSS conversion to Metro included three positions. Metro has converted one position from WEST to Metro and has been reflected in value of the Modification (no

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costs for this position is included in the Modification). Metro is in the process of converting two additional positions from WEST to Metro and the reduction in the cost of this Modification will start to be realized as soon as the Metro staff arrive on the Project.

### **NEXT STEPS**

After Board approval and execution of the contract modification, staff will direct the consultant to continue providing construction management support services and continue to manage its contract for the Westside Purple Line Extension Section 1 Project through FY17.

### **ATTACHMENTS**

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

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## PROCUREMENT SUMMARY

**WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT  
CONTRACT NO. MC071 CONSTRUCTION MANAGEMENT SUPPORT SERVICES**

1.	<b>Contract Number:</b> MC071		
2.	<b>Contractor:</b> Westside Extension Support Team, J.V. (WEST)		
3.	<b>Mod. Work Description:</b> Continue Construction Management Support Services for eighteen months through June 2017.		
4.	<b>Contract Work Description:</b> Construction Management Support Services		
5.	<b>The following data is current as of:</b> December 7, 2015		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	7/26/13	<b>Contract Award Amount:</b> \$4,683,115
	<b>Notice to Proceed (NTP):</b>	8/09/13	<b>Total of Modifications Approved:</b> \$16,317,964
	<b>Original Complete Date:</b>	8/09/24	<b>Pending Modifications (including this action):</b> \$23,413,832
	<b>Current Est. Complete Date:</b>	8/09/24	<b>Current Contract Value (with this action):</b> \$44,414,911
7.	<b>Contract Administrator:</b> Tim Clark		<b>Telephone Number:</b> 213-922-7246
8.	<b>Project Manager:</b> Dennis Mori		<b>Telephone Number:</b> 213-312 3109

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 3 to continue Construction Management Support Services for Section 1 of the Westside Purple Line Extension Project.

This Contract Modification has been processed and will be issued in accordance with Metro's Acquisition Policy. The contract type is cost-plus fixed fee.

On July 25, 2013, the Metro Board of Directors authorized the Chief Executive Officer to execute a cost-plus fixed fee type contract (Contract No. MC071) for Construction Management Support Services with West Extension Support Team (WEST), for an amount not-to-exceed \$4,683,115, for the first year of the Contract, FY14.

Attachment B shows the modifications issued to date, and this recommended modification currently pending.

**B. Cost/Price Analysis**

The recommended amount has been determined to be fair and reasonable based upon fact-finding, clarifications, cost analysis, technical evaluation and negotiation. This Contract Modification includes provisional indirect rates subject to adjustment when final year-end audited rates are established.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
\$25,072,865	\$23,038,919	\$23,413,832

**ATTACHMENT B**

**CONTRACT MODIFICATION/CHANGE LOG**

**WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT  
CONTRACT NO. MC071 CONSTRUCTION MANAGEMEN SUPPORT SERVICES**

<b>Mod. no.</b>	<b>Description</b>	<b>Date</b>	<b>Amount</b>
	<b>Original Contract Award</b>	<b>7/26/13</b>	<b>\$4,683,115</b>
1	Continue Construction Management Support Services through FY15	5-22-14	\$9,830,336
2	Continue Construction Management Support Services for six months of FY16	7-23-15	\$6,487,628
3	Continue Construction Management Support Services for eighteen months, through FY17.	Pending	\$23,413,832
		<b>Total:</b>	<b>\$44,414,911</b>

## DEOD SUMMARY

**WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT  
CONTRACT NO. MC071  
CONSTRUCTION MANAGEMENT SUPPORT SERVICES**

**A. Small Business Participation**

Westside Extension Support Team made a 28.26% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. The contract is 21% complete. The current DBE participation is 31.23%. Westside Extension Support Team is exceeding its DALP commitment.

<b>SMALL BUSINESS COMMITMENT</b>	<b>DBE 28.26%</b>	<b>SMALL BUSINESS PARTICIPATION</b>	<b>DBE 31.23%</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Anil Verma Associates, Inc.	Asian Subcontinent American	0.39%	0.00%
2.	Cabrinha Hearn & Associates	Hispanic American	10.37%	5.43%
3.	Cogstone Resource Management	Caucasian Female	2.15%	1.59%
4.	D'Leon Consulting Engineers	Hispanic American	0.00%	0.96%
5.	Diana Ho Consulting Group	Asian Pacific American	0.00%	0.04%
7.	Kal Krishnan Consulting Services, Inc.	Asian Subcontinent American	0.00%	1.44%
8.	Lenax Construction Services, Inc.	Caucasian Female	1.72%	0.90%
9.	MARRS Services, Inc.	Asian Subcontinent American	6.85%	8.81%
10	Ramos Consulting Engineers, Inc.	Hispanic American	6.78%	11.16%
11	Safework, Inc.	Caucasian Female	0.00%	0.90%
<b>Total</b>			<b>28.26%</b>	<b>31.23%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

**B. Living Wage and Service Contract Worker Retention Policy 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.

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

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

**D. Project Labor Agreement/Construction Careers Policy**

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