



Metro™

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**CONSTRUCTION COMMITTEE
OCTOBER 20, 2005**

PROJECT: ALL TRANSIT CORRIDOR AND CAPITAL PROJECTS

**CONTRACT: EN070, ENVIRONMENTAL COMPLIANCE SERVICES
ULTRASYSTEMS ENVIRONMENTAL, INC.**

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE
CONTRACT MODIFICATION NO. 7 IN AN AMOUNT NOT-TO-
EXCEED \$700,000 AND CHANGE THE CONTRACT TERMINATION
DATE FROM MARCH 30, 2006 TO JUNE 30, 2006**

RECOMMENDATION

Authorize the Chief Executive Officer to execute Contract Modification No. 7 to Contract No. EN070 with Ultrasystems Environmental, Inc., to provide additional funding for environmental compliance services for facilities capital projects and the major capital projects (Attachment B) in the amount not-to-exceed \$700,000, increasing the Total Contract Value from \$3,001,000 to \$3,701,000 and change the contract completion date from March 30, 2006 to June 30, 2006.

Within Construction Committee authority: Yes No N/A

RATIONALE

In March 2001, the Metro Board awarded a five-year contract, inclusive of three one-year options to Ultrasystems Environmental, Inc., under Contract No. EN070 for environmental compliance services. At that time, the Metro Board funded the Contract Value of \$1,400,000 based on the first two years of the five-year period of performance. Prior to February 2005, Board actions authorized increases to the previous total not-to-exceed Contract Value from \$1,400,000 to \$2,551,000.

In February 2005, the Metro Board authorized an increase in the Contract Value in the amount of \$450,000 to \$3,001,000, based on Metro's Environmental Compliance & Services Department's (ECSD) estimated projection of required services through the final extension of the contract through March 2006. Due to additional unanticipated mitigation work on the Metro Gold Line Eastside Extension and planned Capital Projects, Metro's Environmental

Compliance and Services (ECSD) staff is now requesting additional funding in the amount of \$700,000. This is based on ECSD's estimated projection of required services and the need to extend the contract for completion of these services beyond March 30, 2006 through June 2006 (Attachment B). The description below outlines the current and future work covering funds being requested as outlined in Attachment B;

1. Orange Line: \$50,000

Service will commence on the Orange Line at the end of October. Noise Monitoring and Modeling activities have been ongoing. Once bus operations commence, Metro will be monitoring the buses for noise at a number of locations along the alignment to confirm design noise abatement and mitigation measures have been successful. An additional \$50,000 in funds are required for these activities.

2. Metro Gold Line Eastside Extension \$600,000

The discovery of human remains at the L.A. Crematorium site has required a significant manpower commitment of six archeologists currently working six days a week to remove and catalog the remains. A team of six archeologists have been dedicated to site work for nearly two months now and an additional team is working on curation activities in the laboratory. None of this work was budgeted in the Mitigation Monitoring tasks anticipated for the project. Funds are needed for these unanticipated efforts.

3. Miscellaneous Capital Projects: \$200,000

There are a number of small Miscellaneous Capital Projects requiring environmental work. The funding request for Miscellaneous Capital Projects currently planned includes:

- The installation of noise mitigation measures for the Central Hotel at Division 1. New windows and air conditioning will be installed.
- Additional funding to cover Archeological activities associated with the construction of the retaining wall for the Zanja Madre discovered at the Midway yard. Requirements include archeological oversight during construction of the wall, participation in the steering committee meetings, research related to the preservation of the structure, historical evaluation and the publication of a report.
- Noise modeling and design work for the proposed sound wall at Division 7. This is in response to noise complaints coming from several residents on Huntley Drive just east of the Division 7 bus yard.
- An initial environmental assessment study is being conducted for the planned bus storage facility at Temple and Beaudry.

Contract No. EN070 provides the Metro with environmental analysis and clearance of projects with the California Environmental Quality Act (CEQA) and the National

Environmental Policy Act (NEPA), as well as other environmental, historic and transportation laws and regulations. These types of services are required to support projects programwide, as well as to assist the Metro in complying with the numerous federal, state, and local environmental regulations imposed upon the agency. The Metro must comply with these regulatory agencies, or face litigation for violations and possible reductions to State and Federal grants.

The currently proposed contract modification will allow Ultrasystems Environmental, Inc., to continue performing environmental compliance services for the proposed projects as described above through June 30, 2006. A time extension and not-to-exceed increase for this contract will provide continuity and a timely method for Metro's qualified contractor, Ultrasystems Environmental, Inc., to mitigate environmental related issues for the Major Transit Corridor and Capital Program Projects in a cost controlled manner and complete work already in progress.

IMPACTS TO OTHER CONTRACTS

If Contract No. EN070's contract value is not increased, support to other Metro contracts will be limited. There are no alternative contracts currently in place for environmental compliance services. Failure to provide environmental compliance services for the individual projects could lead to contract delays in the other contracts that are currently under construction and increase Metro's potential liability for contractor claims resulting from delays in completion of milestones.

FINANCIAL IMPACT

Contract No. EN070 is a Task Order contract and no funds are obligated until a Task Order is awarded against a valid project budget. The funds for this contract modification are supported by the various Rail and Bus Division Projects. To date, \$2,851,261 was expended on various transit corridor and capital projects as shown in Attachment B. Since this is a multi-year contract, the Executive Officer is responsible for budgeting future year expenditures, including the Metro Orange Line (800112) and the Metro Gold Line Eastside Extension (800088) and various Rail and Bus Division Projects. This Contract Modification will also extend the contract beyond its March 30, 2006 termination date to June 30, 2006.

Potential for Cost Recovery: Yes No N/A

ALTERNATIVES CONSIDERED

The Metro Board could decline to increase the funding for this contract, and a new Environmental Compliance Services contract could be solicited, competitively selected, and procured when funding is exhausted. However, this alternative is not recommended because the work currently being performed by Ultrasystems or soon to be underway must be continued so that in-progress deliverables are completed to support the Projects.

Metro could do all the environmental compliance support work in-house. Insufficient staffing, both in quantity and expertise, equipment, and supplies prevent Metro from performing the work internally. The Metro would have to hire additional staff with expertise in many different subjects, such as traffic, noise and vibration, biology, archaeology, and paleontology, and would thereby incur more cost to do the work internally than by employing a consultant.

ATTACHMENTS

- A. Procurement Summary
- A-1. Procurement History
- A-2. List of Subcontractors
- B. Summary of Current and Proposed Work

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**ATTACHMENT A
PROCUREMENT SUMMARY**

**INCREASE CONTRACT AWARD – NOT TO EXCEED AMOUNT
FROM \$3,001,000 TO \$3,701,000**

1.	Contract Number: EN070		
2.	Recommended Vendor: Ultrasystems Environmental Incorporated		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: N/A	Recommended Price: \$3,701,000	
	B. Details of Significant Variances are in Attachment: N/A		
4.	Contract Type: CWO Time and Material		
5.	Procurement Dates:		
	A. Issued: N/A		
	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:		
	A. Bid/Proposal Goal: N/A	Date Small Business Evaluation Completed: 10/25/99	
	B. Small Business Commitment: 20% Details are in Attachment A-2		
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent: N/A	Bids/Proposals Picked up: N/A	Bids/Proposals Received: N/A
8.	Evaluation Information:		
	A. Bidders/Proposers Names: N/A	<u>Bid/Proposal Amount:</u> N/A	<u>Best and Final Offer Amount:</u> N/A
	B. Evaluation Methodology: Increasing the Not To Exceed Amount		
9.	Protest Information:		
	A. Protest Period End Date: N/A		
	B. Protest Receipt Date: N/A		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: Valerie Dean	Telephone Number: (213) 922-1032	
11.	Project Manager: Carl Peter Ripaldi	Telephone Number: (213) 922-7304	

**ATTACHMENT A-1
PROCUREMENT HISTORY**

**INCREASE CONTRACT AWARD – NOT TO EXCEED AMOUNT
FROM \$3,001,000 TO \$3,701,000**

A. Background on Contractor

Ultrasystems Environmental Incorporated, located in Irvine, California, in business since 1994, has been providing environmental compliance services to Metro since April 2001. The contract duration is five years (two base years with three one-year options). The base year contract was extended for two options, and will expire March 30, 2005. Staff intends to exercise a third year option prior to March 2006.

B. Procurement Background

The MTA Board awarded a Contract Work Order (CWO), Time and Material contract to Ultrasystems, Inc. for a not-to-exceed amount of \$1,400,000.

Modification No. 1 incorporated Part D Compensation and Payment Provisions effective April 1, 2002.

Modification No. 2, requested additional funding of \$220,000 based on Environmental Compliance Department's projection of required services through fiscal year 2004.

Modification No.3 extended Environmental Compliance Services in an amount not to exceed \$281,000. These services included environmental support for various capital improvement and transit corridor projects.

Modification No. 4 exercised the second year option for the contract extending it until March 2005.

Modification No. 5 provided and additional \$650,000 to revise the San Fernando Valley east-West Transit Corridor's Final Environmental Impact Report (EIR) increasing the Total Contract Value from \$1,901,000 to \$2,551,000.

Modification No. 6 provided \$450,000 bringing the Total Contract Value from \$2,551,000 to \$3,001,000 and an extension for a third year option through March 2006.

Proposed Modification No.7 would provide for an additional \$700,000 and an extension through June 2006 based on the Environmental Compliance Department's projection of required services. This is in accordance with Staff's obligation to return to the Board for an authorized increase in a not-to-exceed amount if additional projects are approved or unanticipated environmental compliance services for all transit and capital projects are required.

ATTACHMENT A-2

LIST OF SUBCONTRACTORS

**INCREASE CONTRACT AWARD NOT TO EXCEED AMOUNT
FROM \$3,001,000 TO \$3,701,000**

SMALL BUSINESS PARTICIPATION (CONTRACT EN070)

This Task Order Contract (TO) has a DBE participation goal of 20%. The Contract was awarded in April 2001 to Ultrasystems Environmental Incorporation (a DBE Prime) for 3 years. Current DBE attainment¹ based on the relevant contract amount² is 36%. Current DBE participation³ based on total actual amount paid-to-date to the Prime Contractor and total actual amount paid-to-date to the DBE firms is 47%.

Since the contract inception, a total of 37 Task Orders have been issued. The DBE Prime is performing on the project as listed below. None of the listed DBE subcontractors have been issued task orders to date.

Original Not to exceed (NTE) Amount	\$	1,400,000.00
Relevant Contract Value²	\$	3,001,000.00
Total Actual Amount Paid to Date to Prime	\$	2,851,261.00

Subcontractor's Name	Commitment (to date)	Current Attainment¹	Current Participation³	Current Status
Ultrasystems (DBE Prime)	CWO	36%	47%	Performing
Hernandez, Kroone & Assoc.	CWO	0%	0%	Not performing
Lee Andrews Group	CWO	0%	0%	Not performing
Ninyo & Moore	CWO	0%	0%	Not performing
TOTAL	20%	36%	47%	Meeting the Goal

1 Current Attainment = Total Actual Amount Paid-To-Date to Subcontractors ÷ Total Relevant Contract Amount

2 Relevant Contract = Original Contract values (Task Orders) + Contract Cost Modifications

3 Current Participation = Total Actual Amount Paid-To-Date to Subcontractors ÷ Total Actual Amount Paid-To-Date to Prime Contractor

ATTACHMENT B

SUMMARY OF CURRENT AND PROPOSED WORK

CURRENT WORK IN PROGRESS/COMPLETED:

Project	Total Contract To Date
Various Capital Projects	\$ 939,012.00
The Orange Line (800112)	\$ 1,120,500.00
Metro Red Line (800082)	\$ 448,884.00
Metro Gold Line (800088)	\$ 342,865.00
Value of Current Work	\$2,851,261.00

PROPOSED FUTURE WORK THROUGH JUNE 2006:

Environmental Compliance Services for the Orange Line	\$ 50,000
Environmental Compliance Services for Metro Gold Line	\$ 600,000
Eastside Extension	
Miscellaneous Capital Projects	\$ 200,000
Value of Proposed Work	<u>\$ 850,000</u>
Value of Current + Proposed Work (Rounded to closest \$1,000's)	\$ 3,701,000
Less Contract EN070 Current Value	<u>\$ 3,001,000</u>
Additional Value Required	\$ 700,000

