



**Metro**

**CONSTRUCTION COMMITTEE  
September 21, 2006**

**PROJECT: METRO ORANGE LINE PROJECT (800112, 800117)**

**CONTRACT: MC067, CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONSULTANT CARTER & BURGESS, INC.**

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE MODIFICATION NO. 1 FOR CONTINUATION OF CONSTRUCTION MANAGEMENT SUPPORT SERVICES ON THE METRO ORANGE LINE IN THE AMOUNT OF \$562,000**

**RECOMMENDATION**

- A. Authorize the Chief Executive Officer to execute Modification No. 1 to Contract Work Order (CWO) No. 1 to Contract No. MC067 with Carter & Burgess, Inc., for the continuation of Construction Management Support Services (CMSS) for the Metro Orange Line Project, in the amount of \$562,000, increasing the Total Contract Value from \$21,503,005 to \$22,065,005; and
- B. Authorize the Chief Executive Officer to execute contract modifications to Contract MC067, CWO No. 1, for the Metro Orange Line Project in the amount not-to-exceed \$56,200.

Within Construction Committee authority:       Yes       No       N/A

**RATIONALE**

On May 22, 2003, the Board of Directors authorized the Chief Executive Officer to negotiate and execute Contract No. MC067, with Carter & Burgess Inc., for CMSS for the San Fernando Valley Metro Rapidway (now Metro Orange Line Project), Metro Gold Line Eastside Extension and other major capital projects as required. The Contract was executed on September 15, 2003.

Metro staff originally assumed that with a planned Revenue Operations date of August 2005, Carter & Burgess, Inc., would have demobilized by December 2005 and remaining Metro staff would have completed the close out of all Orange Line Project contracts with consultants and contractors. The actual Revenue Operation Date was achieved on October 28, 2005, somewhat later than originally planned. Considerable effort still remains to close

out the main Design/Build Contract No. C0675 for the busway, provide Construction Management support for Contract No. C0739 for the Canoga Station/Park and Ride, and support miscellaneous construction tasks under Contract No. C0789 to complete the Project.

The CMSS for closing out Contract No. C0675 Design/Build includes the resolution of outstanding Contractor claims and remaining scope of work. Since November 2005, the Design/Build Contractor and Metro have been discussing a possible comprehensive claims settlement but have been unsuccessful in finalizing such an agreement. It appears likely that some of these claims will have to be resolved individually in front of a Dispute Review Board to achieve resolution. There is also remaining scope of work including systems reliability testing, punchlist items, and some rework in addition to the claims resolution issues.

The CMSS is currently providing the resident engineer and clerical support in the field office to manage the construction of the Canoga Station/Park and Ride (Contract No. C0739). This new station is planned to open in December 2006 and the CMSS would be required to support close out of the construction contract through FY 2007.

Additionally, the CMSS is currently providing part time support of the miscellaneous project completion tasks under Contract No. C0789 Indefinite Delivery / Indefinite Quantity Construction. This effort includes safety related improvements and noise mitigation measures committed to via the Orange Line Environmental Impact Report.

The recommended Board authorization in the amount of \$562,000 is based upon manpower requirements, as developed by Metro Project management, and the negotiated value is based upon pre-negotiated rates and factors contained in the baseline contract.

### **IMPACTS TO OTHER CONTRACTS**

The CMSS Contract is required to assist Metro in providing construction management support services for the C0675 Design/Build, C0739 Canoga Station/Park and Ride and C0789 IDIQ Contracts.

### **FINANCIAL IMPACT**

The funding for this action is included in the FY07 budget in Cost Center 8510 (Construction Contracts/Procurement) under Project 800112 (Metro Orange Line) and Project 800117 (Canoga Station/Park and Ride) Line Item No. 53101, Tasks No. 3.7.10 and 3.7.01 respectively. This action is within the life of project budget for both projects. 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.

### **ALTERNATIVES CONSIDERED**

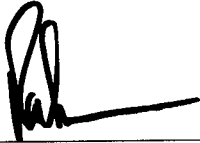
The Board of Directors may reject the recommendation. The Metro Construction Division currently does not have sufficient staff to adequately cover the remaining scope of work since many key Orange Line staff have been reassigned to other Capital projects or have left

Metro employment. The time required for the recruitment and hiring process will not support the immediate staffing needs, since the Orange Line Project is in closeout and the Canoga Station/Park and Ride Contract will be completed in FY07. This would cause a void in construction management staffing support for a period of time, creating insufficient oversight and the potential for delays and additional costs.

**ATTACHMENTS**

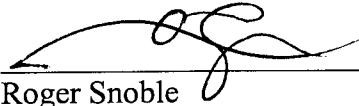
- A. Procurement Summary
- A-1. Procurement History
- A-2. List of Subcontractors

Prepared By: William R. Brown, Project Control Manager  
Roger F. Dames, Deputy Executive Officer, Project Manager



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Richard D. Thorpe  
Chief Capital Management Officer



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Roger Snoble  
Chief Executive Officer

**BOARD REPORT ATTACHMENT A  
PROCUREMENT SUMMARY  
METRO ORANGE LINE PROJECT  
CONSTRUCTION MANAGEMENT SUPPORT SERVICES**

1.	Contract Number: MC067 CWO-1 MODIFICATION NO. 1		
2.	Recommended Vendors: Carter & Burgess Inc.		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$562,000	Recommended Price: \$562,000	
	B. Details of Significant Variances: None		
4.	Contract Type: Labor Hour		
5.	Procurement Dates: Not Applicable To CWO's For An Existing Contract		
	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: YES		
6.	Small Business Participation:		
	A. Bid Goal: 29%	Date Small Business Evaluation Completed: N/A	
	B. Small Business Commitment: 29%		
7.	Invitation for Bid/Request for Proposal Data: Not Applicable for a Change Orders to an existing Contract		
	Notifications Sent: N/A	Bids/Proposals Picked up: N/A	Bids/Proposals Received: N/A
8.	Evaluation Information:		
	A. Bidders/Proposers Names: Carter & Burgess Inc.	Proposal Amount: N/A	Best and Final Offer Amount: N/A
	B. Evaluation Methodology: Cost/Price Analysis		
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: John K. Doidge	Telephone Number: 213-922-1034	
11.	Project Director: Roger R. Dames	Telephone Number: 213-922-7280	

## BOARD REPORT ATTACHMENT A-1 PROCUREMENT HISTORY ACTION

### BACKGROUND ON CONTRACTOR

Carter & Burgess Inc. was established in 1939 as a two-man partnership providing civil engineering and landscape architecture services, and has since grown into a full-service, multidiscipline-consulting firm with more than 2,500 employees in major metropolitan areas across the nation. Carter & Burgess have extensive experience providing engineering and management service under alternative delivery methods as well as traditional methods in the transportation arena. Carter & Burgess have served as members of design-build teams as well as owner's representatives for program/construction management oversight of the general contractor's work.

### PROCUREMENT BACKGROUND

The solicitation for the baseline Contract was a qualification-based procurement. This method is based on each of the responding firm's qualifications being evaluated, and the most qualified firm selected, followed by a cost proposal.

On May 22, 2003, Metro Board authorized the Chief Executive Officer to negotiate and execute Contract No. MC067 with Carter & Burgess Inc., for providing Construction Management Support Services for the San Fernando Valley Metro Orange Line, Metro Gold Line Eastside Extension and other major capital projects, as required; and upon successful completion of negotiations to execute Contract Work Order (CWO) 1 for an amount not to exceed four million (\$4.0M) for the San Fernando Valley Metro Rapidway Project. On September 25, 2003, Metro Board authorized the Chief Executive Officer to negotiate and execute Contract Work Order (CWO) No. 2 for an amount not to exceed \$240,000 for the Metro Orange Line Recycled Water Pipeline Project.

On December 04, 2003 Metro Board authorized the Chief Executive Officer to negotiate and execute Contract Work Order (CWO) No. 4 to provide Construction Management Support Services to the Metro Gold Line Eastside Extension Project in the amount not to exceed \$3,726,283. On May 26, 2005 Metro Board authorized the Chief Executive Officer to negotiate and execute Modification No. 2 to CWO-4 for the continuation of Construction Management Support Services to the Metro Gold Line Eastside Extension Project during FY 07 in the amount not to exceed \$7,527,729.

Negotiations for the baseline Contract and Contract Work Order (CWO) 1 were completed August 25, 2003. On September 3, 2003, the labor hour contract, Contract No. MC067 was awarded for a Construction Management Support Services Consultant, to Carter & Burgess, Inc. and Contract Work Order (CWO) No. 1 was issued for an amount not to exceed three million, nine hundred eighty nine thousand, one hundred twenty five dollars (\$3,989,125).

### EVALUATION OF PROPOSAL

Contract No. MC067 is a labor hour contract utilizing fixed labor rates for each calendar year. Overhead rates, escalation and fee have been negotiated for the entire six (6) year period of the contract. Base labor rates for newly assigned personnel are reviewed to ensure actual labor rates are utilized. A written proposal for the Modification No. 1 was submitted by Carter and Burgess and reviewed by Metro Procurement staff and Project Management. The proposal was determined to be acceptable due to the use of previously negotiated fixed rates established in the Contract and the hours proposed were consistent with Project Management requirements

### **COST PRICE ANALYSIS**

The recommended price has been determined to be fair and reasonable based on technical review, and the use of negotiated all up labor rates including overheads and fee that are included in the Basic Contract

**BOARD REPORT ATTACHMENT A-2  
LIST OF SUBCONTRACTORS**

**PRIME CONTRACTOR – CARTER & BURGESS INC.**

**SMALL BUSINESS SUBCONTRACTORS**

1. Cabrinha Hearn & Associates
2. E.W. Moon, Inc.
3. Frank Cardenas & Associates
4. J.L. Patterson
5. Safework
6. Lenax Construction

**OTHER SUBCONTRACTORS**

1. Booz Allen Hamilton
2. DMJM Harris
3. Gateway Science & Engineering
4. Jacobs Associates
5. Kellogg Brown Root
6. LKG-CMC, Inc.
7. Ninyo Moore

**SMALL BUSINESS PARTICIPATION (Contract # MC067)**

For this Contract Work Order (CWO) contract, Carter & Burgess committed to a DBE participation goal of 29%. The Contract was awarded on September 2, 2003 and is approximately 85% complete. Current DBE attainment<sup>1</sup> based the relevant contract amount<sup>2</sup> is 19.5%. Current DBE participation<sup>3</sup> based on total actual amount paid-to-date to the Contractor and total actual amount paid-to-date to DBEs is 25.5%. The Prime is not meeting the DBE participation goal of 29%.

Original Award Amount (CWO 1)	\$ 3,989,125
Relevant Contract Amount <sup>2</sup>	\$ 14,105,990
Total Actual Amount Paid to Date to Prime	\$ 10,816,763



Subcontractor Name	% Commitment	% Current Attainment	% Current Participation	DBE Status
CABRINHA, HEARN & ASSOCIATES	6.0%	6.1%	8.0%	Meeting Goal
E.W. MOON	9.0%	1.7%	2.2%	Performing Not Meeting Goal
J.L. PATTERSON & ASSOCIATES	11.0%	5.3%	6.9%	Performing Not Meeting Goal
LKG-CMC, INC	3.0%	.9%	1.2%	Performing Not Meeting Goal
SAFEWAY, INC.*	0.0%	4.0%	5.2%	Exceeding Goal
FRANK CARDENAS & ASSOCIATES *	0.0%	1.0%	1.4%	Exceeding Goal
LENAX CONSTRUCTION *	0.0%	.5%	.6%	Exceeding Goal
TOTAL	29.0%	19.5%	25.5%	Not Meeting Goal

\* DBE's added after contract award

<sup>1</sup>Current Attainment = Total Actual Amount Paid-to-Date to DBE Subs ÷ Total Current Contract Amount

<sup>2</sup>Relevant Contract Amount = Original Contract Value + Contract Cost Modifications

<sup>3</sup>Current Participation = Total Actual Amount Paid-to-Date to DBE Subs ÷ Total Actual Amount Paid-to-Date to