



Metro

Metropolitan Transportation Authority

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**CONSTRUCTION COMMITTEE
February 15, 2007**

PROJECT: METRO ORANGE LINE PROJECT (800112)
CONTRACT: PS-8510-1762, LABELLE-MARVIN INCORPORATED (LMI)
ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE MODIFICATION NO. 4 FOR CONTINUATION OF PAVEMENT ENGINEERING SERVICES IN THE AMOUNT OF \$130,000

RECOMMENDATION

- A. Authorize the Chief Executive Officer to execute Modification No. 4. to Contract No. PS-8510-1762 with LaBelle-Marvin Incorporated (LMI), for the continuation of pavement engineering services for the Metro Orange Line Project, in the amount not-to-exceed \$130,000, increasing the Total Contract Value from \$150,400 to \$280,400
- B. Approve Contract Modification Authority (CMA) to provide funding for future contract modifications that are within the Board-delegated authority in the amount of \$100,000.

Within Construction Committee authority: Yes No N/A

RATIONALE

In July 2005, LMI performed in-place strength testing of major portions of Orange Line busway pavement and issued a Pavement Assessment report under a sub-contract with Metro's preliminary engineering consultant, STV, Inc. for expert technical services related to pavement construction. Since STV, Inc. was the preliminary engineering consultant during the development of paving specifications, Metro staff decided that future independent expert consultant services by LMI should be performed under a direct contract with Metro to avoid any conflict of interest regarding potential design issues relating to STV's design criteria and that the services be provided under the direction of the County Counsel.

On September 1, 2005, Metro, under Board-delegated authority, awarded Contract No. PS-8510-1762 to LMI to investigate causes of pavement cracking and to assist with the acceptance of the busway pavement structural section, which includes asphalt concrete (AC) or rubberized asphalt concrete (RAC) or concrete laid on either base material or subgrade (natural soil that has been remediated and compacted to a certain depth). The scope of work for LMI included: inspecting and evaluating test data, design parameters and other pertinent issues; material sampling and testing; and reporting findings and making recommendations.

Between May and October 2006, Metro identified pavement cracks and significant rutting in portions of the Easterly segment. The Design/Build contractor, SOJV, repaired some badly damaged areas and performed significant testing of subgrade soils and rubberized asphalt samples. Testing was performed without seriously impacting the busway operations by drilling cores in the pavement structural section. Subgrade compaction testing, which requires excavating large trenches or pits in the busway, was deferred to avoid impacts to busway operations. On December 17, 2006, SOJV started major repairs of busway pavement in the Easterly segment, which included subgrade compaction testing by SOJV's test lab and LMI. This phase of repairs was completed and the busway was returned to normal operations on January 6, 2007.

The work to date by LMI has been performed within the amount of \$150,400, which will be depleted in January 2007. The recommended action will provide continued funding to develop, analyze and present recommendations relative to the pavement structural section. The amount of requested funding should be sufficient to perform: additional in-place strength testing; material sampling, testing and evaluating; periodic monitoring to measure pavement rutting; inspections and evaluation of SOJV's test data and report on any recommended actions to ensure the structural stability of the pavement.

Additional funding may be required in the future if testing, inspections, evaluations and recommendations on any other significant pavement issues are identified.

IMPACTS TO OTHER CONTRACTS

No other contracts are impacted.

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), Line Item No. 53101, Task No. 3.2.01.01. This action is within the life of project budget. 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.

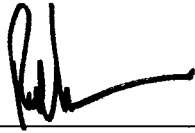
ALTERNATIVES CONSIDERED

The Board of Directors may reject the Recommendations A and B and not increase the contract value and contract modification authority, but staff is not recommending this option. When the current contract value is exhausted, a new pavement expert in forensic/technical assessment that can perform independent material testing and provide recommendations relating to cause, repairs, testing and acceptance of pavement could be hired. This would result in additional labor costs to procure a separate contract and could result in significant delays to resolving project closeout issues.

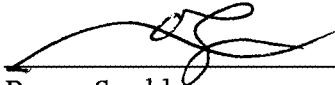
ATTACHMENTS

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

Prepared By: Hitesh Patel, Director Construction Management
Roger F. Dames, Deputy Executive Officer, Project Manager



Richard D. Thorpe
Chief Capital Management Officer



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY
METRO ORANGE LINE BUS RAPID TRANSIT PROJECT
CONTINUATION OF PAVEMENT ENGINEERING SERVICES**

1.	Contract Number: PS-8510-1762 MODIFICATION NO. 4		
2.	Recommended Vendors: LaBelle-Marvin, Incorporated		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$TBD	Recommended Price: \$TBD	NTE 130K
	B. Details of Significant Variances: None		
4.	Contract Type: Labor Hour Services Contract		
5.	Procurement Dates: Not Applicable To Contract Modifications		
	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: Not Applicable	Date Small Business Evaluation Completed: N/A	
	B. Small Business Commitment: Not Applicable		
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: See 2 above.	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: 922-1034	
11.	Project Director: Roger Dames	Telephone Number: 922-7280	

**BOARD REPORT ATTACHMENT A-1
PROCUREMENT HISTORY
METRO RED LINE BUS RAPID TRANSIT PROJECT**

BACKGROUND ON CONTRACTOR

LaBelle-Marvin, Incorporated is a corporation specializing in the analysis and testing of asphalt and cement paving.

LaBelle-Marvin was founded in 1969 and is considered one of the premium Pavement Engineering Services Companies in Southern California. LaBelle-Marvin principally works from San Diego County to Santa Barbara County. LaBelle-Marvin has provided support to such cities and areas such as LA City, LA County, West Hollywood, Santa Maria, Burbank, Santa Clarita, Ventura County, Ventura School District, Whittier, Palmdale, Lancaster, Downey, Bell Gardens, Santa Fe Springs, Port of Long Beach, and John Wayne Airport as well as other Southern California Cities and Counties. They have also done work for the Federal Highway Administration, Texas, New York, Diego Garcia and Peru.

PROCUREMENT BACKGROUND

Metro Project Management authorized the single source award of this Contract to LaBelle-Marvin, Incorporated beginning September 1, 2005, for performing Professional Pavement Engineering Services in support of the Metro Orange Line asphalt repaving issues with initial funding Not-To-Exceed \$50,400. Modification No. 1 was issued January 10, 2006 extending the Contract period of performance to December 31, 2006 at no increase in cost. Modification No. 2 was issued August 16, 2006 increasing the Contract Not -To-Exceed value from \$50,400 to \$100,400 and extended the Contract period of performance to December 31, 2007. Modification No. 3 was issued November 22, 2006 increasing the Contract Not-To-Exceed value from \$100,400 to \$150,400.

EVALUATION OF PROPOSAL

This contract is a Labor Hour type contract utilizing previously negotiated hourly rates. Metro will request proposals for specific scopes when identified. The proposal price for each task, when received, will be evaluated in compliance with Metro Procurement Policies and Procedures.

COST / PRICE ANALYSIS

The recommended price will be determined to be fair and reasonable based upon fact-finding and independent estimate in accordance with Metro Procurement Policies and Procedures and the continued utilization of previously negotiated hourly rates.

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

PRIME CONTRACTOR

LaBelle-Marvin, Incorporated
2700 S. Grand Ave
Santa Ana, CA 92705-5404

Small Business Commitment

NONE

Other Subcontractors

NONE

POSSIBLE CONFLICT OF INTEREST FORM FOR AGENDA ITEMS

THIS FORM MUST BE SUBMITTED WITH THE BOARD REPORT.

To: Ethics & Lobby Registration Department

From: John K. Doidge

Telephone: (213) 922-1034

PS-8510-1762- Professional Pavement Engineering Services- To provide continued Pavement Engineering Services to the Metro Orange Bus Rapid Transit Project under Modification 4.

Check all that apply:

- IFB RFP/RFQ Amendment Exercise of option Sole source
 Increase in AFE
 Change Order Subcontractor Substitution Settlement
agreement Other (please specify):

Please list all (Recommended & Other) proposers/bidders:

Prime Contractor: LaBelle-Marvin, Incorporated
2700 S. Grand Ave.
Santa Ana, CA 92705-5404

Steve Marvin, President

Subcontractor(s): Not Applicable - All work done internally