



**SUBJECT: MULTIPLE AWARD AGREEMENT FOR
CONSTRUCTION MANAGEMENT SERVICES**

Metropolitan
Transportation
Authority

**ACTION: SELECTION OF CONSTRUCTION MANAGEMENT
CONSULTANT SERVICES BENCH FOR MTA
CAPITAL IMPROVEMENT PROJECTS AND OTHER
PROJECTS AS REQUIRED**

One Gateway Plaza
Los Angeles, CA
90012-2952

RECOMMENDATION

- A. Authorize the Chief Executive Officer to execute five-year multiple award agreements with three firms J. L. Patterson, Inc., TEC Management Consultants, Inc., and Carter-Burgess, Inc. to provide Construction Management Services for MTA Capital Improvement Projects with a cumulative total not to exceed amount of \$4,000,000, inclusive of three one-year options.
- B. Authorize the CEO to issue Task Orders under these agreements for construction management services.

Within Construction Committee authority: Yes No N/A

RATIONALE

The MTA Construction Department has a continuing need for Construction Management services to support the MTA Capital Improvement Projects program. MTA has insufficient manpower in house to fully staff and manage all upcoming projects forecasted from FY01 through FY06. Construction Management services include, but are not limited to, constructability analysis, resident engineer services, management and coordination of construction and procurement activities, contract administration, compliance and inspection and quality control testing. It is therefore necessary to contract for this work with qualified Construction Management firms in order not to jeopardize the timely completion of these projects. This contract will fund and award discrete scopes of construction management work by issuing task orders. Staff will prepare these scopes of work as specifically as possible considering the information available and applicable time constraints on the performance of work. Most of this will be performed and paid for on a cost plus fixed fee basis depending on the scope of services.

However, whenever it is possible and practical, a fixed price will be negotiated for the task order work. The Contractor's proposed indirect rates will be audited and provisional billing and/or ceiling rates will be included in the agreements. MTA staff will monitor the contractor's daily performance on each task order. This contracting process allows the contractor to expeditiously provide construction management services as they are required.

FINANCIAL IMPACT

Funding of \$1,600,000 for the bench is included in FY01 budget in cost center 8510, Construction Management, under Project Number 800092, Professional Services. Since this is a multi-year contract, the cost center manager and Executive Officer will be accountable for budgeting the cost in future years not to exceed \$4,000,000.

ALTERNATIVES CONSIDERED

The MTA Board has the option to reject the recommend awards.

Performing Construction Management services exclusively by in-house MTA personnel would require an extensive, time consuming hiring effort for additional permanent staff to meet the demands of this five-year effort, with no guarantee that qualified candidates would be found.

Not awarding these contracts would impact critical work that is scheduled to commence the last quarter of FY01. Prolonged delays in construction and/or issuance of Notices To Proceed pending execution and implementation of the Construction Management Consultant Contracts could result in substantial added expense to the Authority in the form of delay costs and bid price changes as well as administrative costs to re-advertise for new construction bids.

Staff does not recommend these alternatives. The number of MTA personnel who possess the qualifications and expertise to staff Construction Management teams to the diversified levels necessary is limited and therefore consultant personnel will be required in support of MTA staff for Capital Improvement Projects from Fiscal Years 2001 through 2006.

BACKGROUND

The MTA has awarded previous contracts for Construction Management (CM) services to support Capital Improvement Projects including Metro Green Line, Red Line and Blue Line rail projects. The CM consultant contracts have reached the 5 year limit imposed under FTA regulations and it is now necessary to replace the previous programs and reprocure these services. The primary focus of this Construction Management contracting effort will be the Capital Improvement Projects program construction/installation projects.

Based on technical analysis of historical information, staff estimates that \$4,000,000 is needed over the next five years to support currently approved capital construction projects. Based upon the historical information, staff anticipates that the \$4,000,000 will be required approximately as

shown in Attachment 2. Staff will return to the Board for an authorized increase in the not-to-exceed amount for any unanticipated projects.

The types of Capital Improvement Projects that will require Construction Management services include, but are not limited to ADA Compliance Work, Bus Facilities Improvements, CNG Fueling Facility Installation and Upgrades, Communications System Upgrades and Rail Projects – Systemwide.

PROCUREMENT SUMMARY

The Request for Information and Qualification (RFIQ) for Proposal MC057 for Construction Management Services was issued January 18, 2000. The purpose was to establish a Bench with multiple award agreements with more than one (1) firm. The established Bench will create a broader base for obtaining MTA's anticipated Construction Management staffing needs. On March 31, 2000, a reissue was forwarded via addenda to all listed planholders. On April 28, 2000, ten (10) Proposals were received. One of the ten was rejected as a late submittal.

A Pre Selection Evaluation Committee was convened and completed review of the qualification documents on May 26, 2000. Based on written proposals and oral interviews, the Committee short listed five (5) of the nine (9) firms from which the proposed three (3) firms were chosen. The purpose of this formal evaluation was to down select the proposals received to only those firms with the greatest experience and technical merit to perform a wide range of Construction Management services. The proposal evaluation period was extended to allow staff to evaluate the needs for Construction Management services to support smaller projects and to more closely coincide with award of the General Engineering Consultant Bench.

As specific project requirements are identified, a task order will be competed among the three Contractors based on technical capability and price to perform the specific tasks identified in the task order. A separate Evaluation Committee will be convened for each task order to be awarded, in accordance with MTA Procurement Procedures. The aggregate amount of task orders issued will not exceed the total amount authorized and no individual task order individual period of performance will exceed the agreements' periods of performance. Staff will notify the MTA Construction Committee if any change, regardless of dollar amount, increases the consultant construction management cost above 9.6 percent of total project costs.

The three executed bench Contracts do not establish any commitment or contractual obligation on the part of the Authority to acquire oversight services from any of the three Consultants nor does it obligate any of the three Consultants to provide services to the MTA unless a written task order is executed

COST PRICE ANALYSIS

Each proposer submitted proposed indirect ceiling rates and these rates have been submitted to the Management Audit Services Department (MASD) for review. Each individual task order will be negotiated and will comply with all requirements of MTA Procurement, including receipt of a

proposal for the specific task, a fair cost estimate, technical evaluation and cost analysis, before the task order is executed.

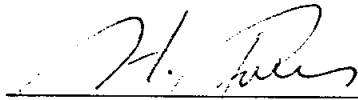
SMALL BUSINESS PARTICIPATION


This federally funded Contract is subject to the Disadvantaged Business Enterprise (DBE) Program requirements. The MTA intends to establish specific DBE participation goals for each Task Order issued. The goal shall be based on subcontracting tasks and DBE availability. Award of contract task orders will be contingent on satisfactory achievement of the DBE goal established for the specific contract task order or by demonstrating satisfactory good faith efforts.

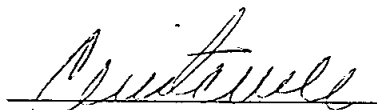
ATTACHMENT

1. Procurement Summary
2. Estimated Expenditures

Prepared by: Jerry A. Kiper, Contract Administrator
David Vila, Contract Administration Manager


Henry Fuks
Deputy Executive Officer
Project Management, Construction

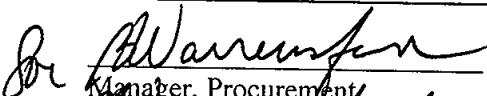

Charles W. Stark
Executive Officer
Construction

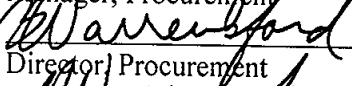

Colonus Mitchell
Executive Officer, Procurement

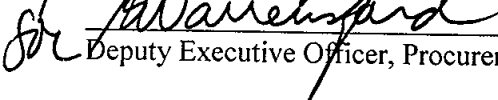
Procurement: MC057 CONSTRUCTION MANAGEMENT
Board Date: MARCH 14, 2001

BOARD REPORT ATTACHMENT "1"
PROCUREMENT SUMMARY
NEGOTIATED PROCUREMENT

| | |
|-----|---|
| 1. | Independent Estimate: Independent estimates will be developed for each task order as work requirements are defined. |
| 2. | Recommended Vendors: multiple awards |
| | Name: TEC City: Los Angeles |
| | Name: J.L. Patterson City: Orange |
| | Name: Carter-Burgess City: Encino |
| | Total Dollar Amount: Cumulative amount for all task orders shall not exceed \$4,000,000 |
| 3. | Description of Contract Services: As needed Construction Management services in various disciplines. |
| 4. | Contract Type: Task orders will be awarded on a Cost Plus Fixed Fee basis. |
| 5. | RFP Issued: March 31, 2000 |
| 6. | Advertise Date: January 18, 2000 |
| 7. | DBE Participation Goal: To be determined on a task order by task order basis |
| | Responsive? Yes |
| 8. | No. of Notifications Sent to Vendors: 524 |
| 9. | No. of Proposals Picked up by Vendors: 73 |
| 10. | Pre-proposal conference date: April 10, 2000 |
| 11. | No. of proposals received: 10 |
| 12. | Date proposals received: APRIL 28, 2000 |
| 13. | Negotiation record: Individual task orders will be negotiated |
| | Proposer names/offer: Planholders list on file |
| | Source selection committee analysis: On file |
| | Proposer BAFO: N/A |
| | Recommendation: Source Selection Committee rated TEC, Patterson & Carter-Burgess the highest |
| 14. | Protest Received: NONE |
| 15. | Disposition of Protest/Appeal: N/A |
| 16. | Pre-Qualification Completed: May 30, 2000 |
| 17. | Conflict of Interest Certifications Submitted to Ethics YES |
| 18. | Audit Report Completed To be determined |
| 19. | EO Evaluation Completed YES |
| 20. | Contract Administrator: JERRY KIPER |
| | Tel: 922-7323 |
| 17. | Project Manager: HENRY FUKS |
| | Tel: 922-7282 |

Concur: 
 Manager, Procurement

Concur: 
 Director, Procurement

Concur: 
 Deputy Executive Officer, Procurement

ATTACHMENT 2

**Anticipated Distribution of
Construction Management Consultant Expenditures
Five Year Period of Performance
For Contract No. MC057**

| | <u>Anticipated Expenditure</u> |
|---|------------------------------------|
| Construction Management Services | |
| ADA Work, Systemwide | \$500,000 |
| Bus Facilities, Improvements | \$750,000 |
| CNG Facilities, Installation/Upgrades | \$750,000 |
| Communication System Upgrades/Changes/DNCP Program Implementation | \$1,000,000 |
| Rail Projects-Systemwide | \$1,000,000 |
| | |
| Total | \$4,000,000 |