

## PROCUREMENT SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES - CAPITAL PROJECTS  
CONTRACT NUMBER AE76301MC081**

1.	<b>Contract Number: RFP No. AE76301MC081</b>	
2.	<b>Recommended Vendor: Zephyr Rail</b>	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> June 2, 2021	
	<b>B. Advertised/Publicized:</b> June 2, 2021	
	<b>C. Pre-Proposal Conference:</b> June 16, 2021	
	<b>D. Proposals Due:</b> July 9, 2021	
	<b>E. Pre-Qualification Completed:</b> August 20, 2021	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> July 22, 2021	
	<b>G. Protest Period End Date:</b> October 25, 2021	
5.	<b>Solicitations Picked up/Downloaded:</b> 244	<b>Proposals Received:</b> 6
6.	<b>Contract Administrator:</b> Wonder Van Twist	<b>Telephone Number:</b> 213-922-7325
7.	<b>Project Manager:</b> Brad Owen	<b>Telephone Number:</b> 213-418-3143

**A. Procurement Background**

This Board Action is to approve the award of Contract No. AE76301MC081, Construction Management Support Services- Capital Projects, that will support Metro in the performance of Metro's responsibilities for multiple Capital Projects; subject to the resolution of protest(s), if any. The resultant Contract, will be state/locally funded and is subject to fiscal year funding.

The Scope of Services (SOS) of the Construction Management Support Services is to support the design reviews, construction management, and administration of the construction contract(s) and to ensure that the construction of various projects are administered and completed in compliance with contract requirements and government regulations. Additionally, this contract supports constructability and pre-construction activities for projects in the planning phase that are in the process of transitioning to Program Management.

The Request for Proposals (RFP) was an Architecture and Engineer (A&E), qualifications-based procurement process performed in accordance with Los Angeles County Metropolitan Transportation Authority (Metro) Procurement Policies and Procedures, and California Government Code §4525-4529.5 for Architectural and Engineering services. The contract type is a Cost-Plus Fixed Fee (CPFF) for a term of three (3) years plus two (2) one (1)- year options. A virtual pre-proposal conference was held on June 16, 2021 in accordance with the California Governor Executive Order N-33-20 related to COVID-19. Two hundred forty-four (244) individuals from various firms picked up or downloaded the RFP Package.

Three amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on June 10, 2021, revised the Letter of Invitation, added titles to 1.2 Proposal Content, 1.3 Proposal Forms, 1.4 Certification Forms, 1.5 SBE/DVBE Forms, & 1.6 Other Requirements of the Submittal Requirements, and revised the weighting percentages of the Evaluation Criteria.
- Amendment No. 2, issued on June 24, 2021, added details to 1.1 General Format and 1.2 Proposal Forms of the Submittal Requirements.
- Amendment No. 3, issued on July 8, 2021, revised 1.2 Proposal Content of the Submittal Requirements, Special Provision (SP-05), Insurance Requirements and Exhibit 5- Proposal Letter

A total of six (6) proposals were received on July 9, 2021, from the following firms, in alphabetical order:

1. D R Consultants & Designers, Inc.
2. MARRS Services, Inc.
3. RT Engineering & Associates, Inc.
4. SRL Enterprises, LLC.
5. Vanir Construction Management, Inc.
6. Zephyr UAS, Inc. dba Zephyr Rail

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Metro Program Management was convened and conducted a comprehensive evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and the associated weightings:

- Experience and Capabilities of Firms on the Team..... (15%)
- Experience and Capabilities of the Key Personnel ..... (25%)
- Effectiveness of Management Plan..... (25%)
- Project Understanding and Approach..... (35%)

Total 100%

The evaluation criteria are appropriate and consistent with criteria developed for other A&E procurements. Several factors were considered when developing the

weightings, giving the greatest importance to the Project Understanding and Approach.

This is an A&E, qualifications-based procurement; therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

During the month of July 2021, the PET evaluated the six (6) written proposals. Of the six (6) proposals received, two were determined to be non-responsive, therefore, both were excluded from further consideration. From July 27, 2021 through July 30, 2021, Metro held a virtual Oral Presentations with the following four (4) proposing firms.

1. D R Consultants & Designers, Inc.
2. MARRS Services, Inc.
3. RT Engineering & Associates, Inc.
4. Zephyr Rail

The proposing firms had the opportunity to present their key personnel as well as respond to the PET's questions. In general, each proposer's presentation addressed the requirements of the RFP, experience with all aspects of the required and anticipated tasks and stressed each proposer's commitment to the success of the contract. Each proposing team was asked questions relative to each firm's previous experience performing work of a similar nature to the SOS presented in the RFP. Sealed cost proposals were received from the four (4) proposers at the time of oral presentations.

The Proposal Evaluation Team (PET) ranked the four (4) proposals and assessed the major strengths, weaknesses and associated risks of each of the proposers to determine the most qualified firm. The final scoring was based on evaluation of the written proposals, as supported by oral presentations, and clarifications received from the Proposers. The results of the final scoring are shown below:

<b>Firm</b>	<b>Average Score</b>	<b>Factor Weight</b>	<b>Weighted Average Score</b>	<b>Rank</b>
<b>Zephyr Rail</b>				
Experience and Capabilities of Firms on the Team	91.13	15%	13.67	
Experience and Capabilities of the Key Personnel	90.32	25%	22.58	

Effectiveness of Management Plan	91.68	25%	22.92	
Project Understanding and Approach	89.71	35%	31.40	
<b>Total</b>		<b>100.00%</b>	<b>90.57</b>	<b>1</b>
<b>MARRS Services, Inc.</b>				
Experience and Capabilities of Firms on the Team	87.80	15%	13.17	
Experience and Capabilities of the Key Personnel	87.68	25%	21.92	
Effectiveness of Management Plan	83.68	25%	20.92	
Project Understanding and Approach	83.51	35%	29.23	
<b>Total</b>		<b>100.00%</b>	<b>85.24</b>	<b>2</b>
<b>RT Engineering &amp; Associates, Inc.</b>				
Experience and Capabilities of Firms on the Team	81.13	15%	12.17	
Experience and Capabilities of the Key Personnel	82.00	25%	20.50	
Effectiveness of Management Plan	76.00	25%	19.00	
Project Understanding and Approach	79.63	35%	27.87	

<b>Total</b>		<b>100.00%</b>	<b>79.54</b>	<b>3</b>
<b>D R Consultants &amp; Designers, Inc.</b>				
Experience and Capabilities of Firms on the Team	72.20	15%	10.83	
Experience and Capabilities of the Key Personnel	78.00	25%	19.50	
Effectiveness of Management Plan	78.32	25%	19.58	
Project Understanding and Approach	69.57	35%	24.35	
<b>Total</b>		<b>100.00%</b>	<b>74.26</b>	<b>4</b>

\* Weighted scores are rounded to the nearest second decimal point.

### C. Cost/Price Analysis

Metro completed negotiations and determined that the recommended estimated costs are fair and reasonable based on a cost analysis of labor rates, indirect rates and other direct costs in accordance with Metro's Procurement Policies and Procedures. Metro completed negotiations and established indirect cost rates and as appropriate provisional indirect (overhead) rates, plus a fixed fee factor to establish a fixed fee amount based on the total estimated cost for contract work orders / task orders, during the contract term to compensate the consultant.

<b>Proposer: Zephyr Rail</b>			
<b>Contract Duration</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>NTE Funding Amount</b>
Base Period – 3 Years	\$3,519,211.94 <sup>(1)</sup>	\$3,457,200.00 <sup>(2)</sup>	\$3,519,211.94
Option Year 1 and 2			

(1) The proposal amount is based on the Metro established staffing plan. The Consultant's overall costs include direct labor, overhead, other direct costs, subconsultant costs and fixed fees.

(2) The amount \$3,457,200.00 is the Independent Cost Estimate (ICE) for 3-year base Period of the Contract. Cost proposals were based on the Proposers' rates for the provided level of effort of 18,718 hours in the Staffing Plan.

The CMSS Staffing plan was established based on the SOS developed for the Contract. The estimated costs are based on the anticipated level of effort developed

for each year that will be required to perform the SOS by the Consultant and sub-consultants.

**D. Background on Recommended Contractor**

The recommended firm, Zephyr Rail, is located in the city of Orange, California and was established in 2015. They hold certifications as a certified Disadvantaged Business Enterprise (DBE) and Small Business Enterprises (SBE). Zephyr Rail's staff has an excellent understanding of the Los Angeles and local cities, agencies and Metro requirements, personnel and practices. They have extensive experience and skills in construction management and engineering design services and are performing similar scope of services as a subconsultant for ongoing Metro projects on the Division 20 Portal Widening Turnback, East San Fernando Valley LRT Project and the Antelope Valley Line Improvements Environmental Assessment and Technical Studies.