

## PROCUREMENT SUMMARY

**SUSTAINABILITY PROGRAM ASSISTANCE SERVICES  
CONTRACT NO. PS66866**

1.	<b>Contract Number:</b> PS66866	
2.	<b>Recommended Vendor:</b> Cumming Management Group Inc.	
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> January 7, 2020	
	<b>B. Advertised/Publicized:</b> January 8, 2020 (Periodicals of General Circulation)	
	<b>C. Pre-Proposal Conference:</b> January 21, 2020	
	<b>D. Proposals Due:</b> March 24, 2020	
	<b>E. Pre-Qualification Completed:</b> May 27, 2020	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> April 7, 2020	
	<b>G. Protest Period End Date:</b> November 30, 2020	
5.	<b>Solicitations Picked up/Downloaded:</b> 58	<b>Proposals Received:</b> 1
6.	<b>Contract Administrator:</b> Daniel A Robb	<b>Telephone Number:</b> (213) 922-7074
7.	<b>Project Manager:</b> Alvin Kusumoto	<b>Telephone Number:</b> (818) 974-8610

**A. Procurement Background**

This Board Action is to approve the award of Contract No. PS66866, Sustainability Program Assistance Services to Cumming Management Group, Inc. to provide architect, engineer (A&E) consulting services in the form of staff augmentation for a wide range of projects, in support of Metro's Environmental Compliance and Sustainability Department (ECSD). Efforts would include climate, energy, water and resource conservation and management. Board approval of contract awards are subject to resolution of any properly submitted protest.

The recommended consultant will furnish all the labor, materials, and other related items required to perform the services on a Contract Work Order basis for a project, under which specific Task Orders will be issued for specific Scopes of Services and Period of Performance.

The Request for Proposals (RFP) was an Architect & Engineer (AE), qualifications based procurement process performed in accordance with Government Code §4525-4525.9 and Metro's Acquisition Policies and Procedures. The contract type is a Cost Plus Fixed Fee (CPFF). The Contract is for a term of three (3) years plus 2 one-year options.

One (1) Amendment was issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on February 7, 2020, amended the Letter of Invitation to extend the Proposal due date. Revised Organizational Conflict of Interest language Included a list of DBE Certified Firms, Form 60 and Form 60 Instructions. Experience and Performance Questionnaire and SPAS Estimated Annual Hours.

One proposal was received on March 24, 2020 from Cumming Management Group, Inc.

It was determined that evaluating one proposal was valid, because robust competition was present at the Preproposal Conference held on January 17, 2020, which 25 firms attended. After a single proposal was submitted, Metro completed an extensive survey of potential proposers (approximately 20) and found that many did not propose for various business reasons. In addition, the one proposer is the incumbent and prices/costs have been closely scrutinized to determine consistency with the current contract and are fair and reasonable for the new contract.

**B. Evaluation of Proposals**

The Proposal Evaluation Team (PET) was comprised of representatives from the following departments: Environmental Compliance and Sustainability, Construction Management, Program Control, and Third Party Administration and they conducted a comprehensive evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria and associated weightings:

Experience, Qualifications, and Capabilities of Firms on the Team and Key Personnel.....	(35%)
Effectiveness of Management Plan.....	(20%)
Understanding of Work and Appropriateness of Approach for Implementation.....	(25%)
Innovative Sustainable Practices and Experience.....	(20%)

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architect & Engineer, and other consulting services procurements. Several factors were considered when developing the criteria weightings, giving the greatest importance to the Experience, Qualifications and Capabilities of the Firms and Key Personnel on the Consultant’s Team, and Effectiveness of Management Plan.

This is an Architect & Engineer qualifications based procurement therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

The one proposal received is listed below:

Cumming Management Group, Inc.

During the week(s) of April 29, 2020 through May 13, 2020, the PET evaluated and scored the proposal.

### **Qualifications Summary of Recommended Firm:**

The evaluation performed by the PET determined Cumming Management Group, Inc. as the qualified firm and team to provide Sustainability Program Assistance Services, as provided in the RFP Scope of Services.

Cumming Management Group, Inc. demonstrated, in their written proposal a team with qualifications, experience and capabilities that substantially meets RFP minimums requirements. The organizational structure and management team structure is well-organized and intuitive. Program controls are sufficiently detailed to instill confidence in the Cumming Management Group, Inc.'s ability to effectively manage the program.

Cumming Management Group, Inc's proposal demonstrated a thorough understanding of an approach to the work and how each element builds off of, or contributes to, the overall work program/sustainability goals of the agency. Case studies provided demonstrates the experience and institutional competence to effectively provide the professional services required.

Cumming Management Group, Inc. demonstrated clear experience and capabilities in developing innovative practices and methods as well as an understanding of the methods and tools that the team will use to identify develop and implement innovative sustainability, consulting services and initiative for Metro facilities.

Their team consists of numerous highly qualified team members with extensive experience including well qualified subconsultants and an effective Management Plan, which substantially met the RFP minimum requirements and exceeded in some major areas.

The Proposal Evaluation Team (PET) evaluated the proposal, and assessed major strengths, weaknesses and associated risks of the Proposer to determine the qualifications of the firm. The final scoring was based on evaluation of the written proposal received from the Proposer. The results of the scoring are shown below:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>Cumming Management Group, Inc..</b>				
3	Experience, Qualifications, and Capabilities of Firms on the Team and Key Personnel	85.28	35%	29.85	
4	Effectiveness of Management Plan	89.88	25%	22.47	
5	Understanding of Work and Appropriateness of Approach for Implementation	89.10	20%	17.82	
6	Innovative Sustainable Practices and Experience	89.60	20%	17.92	
7	<b>Total</b>		<b>100.00%</b>	<b>88.06</b>	<b>1</b>

### C. Cost Analysis

The recommended total estimated cost has been determined to be fair and reasonable based upon a cost analysis of labor rates, indirect rates and other direct costs completed in accordance with Metro's Procurement Policies and Procedures. Metro negotiated 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 task orders, during the contract term to compensate the consultant.

Audits will be completed, where required, for those firms without a current applicable audit of their indirect cost rates, other factors, and exclusion of unallowable costs, in accordance with Federal Acquisition Regulation (FAR) Part 31. In order to prevent any unnecessary delay in contract award, provisional overhead rates have been established subject to Contract adjustments. In accordance with FTA Circular 4220.1.f, if an audit has been performed by any other cognizant agency within the last twelve-month period, Metro will receive and accept that audit report for the above purposes rather than perform another audit.

<b>Proposer: Cumming Management Group, Inc..</b>			
<b>Contract Duration</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>NTE Funding Amount</b>
Base Period – 3 Years	N/A <sup>(1)</sup>	\$13,975,000. <sup>(2)</sup>	\$14,000,000. <sup>(2)</sup>
Option Year 1	N/A <sup>(1)</sup>	\$4,846,000. <sup>(3)</sup>	\$4,850,000. <sup>(3)</sup>
Option Year 2	N/A <sup>(1)</sup>	\$4,943,000. <sup>(4)</sup>	\$4,950,000. <sup>(4)</sup>

(1) A proposal amount was not applicable. This is a Cost Plus Fixed Fee (CPFF) Task Order Contract with no definable level of effort for the Scope of Services. Hourly labor rates, overhead and fee were negotiated and determined to be fair and reasonable.

(2) The amount \$13,975,000. is the Independent Cost Estimate (ICE) for 3-year base Period of the Contract.

(3) The amount \$4,846,000. is the Independent Cost Estimate (ICE) for Option Year 1 Period of the Contract.

(4) The amount \$4,943,000. is the Independent Cost Estimate (ICE) for Option Year 2 Period of the Contract.

The Sustainability Engineering Services Independent Cost Estimate (ICE) was established based on the anticipated Scope of Services developed for the Contract. The probable costs are based on the anticipated level of effort estimated for each year that will be required to perform the Scope of Services by the Consultant and sub-consultants.

**D. Background on Recommended Consultant**

Cumming Management Group, Inc. (Cumming) is a privately held California corporation that provides consultancy services across the globe in a wide variety of fields, including environmental, sustainability, and support services. Since opening for business in 1996, Cumming has grown consistently and substantially. Today, they have nearly 950 team members and 36 offices worldwide including their Los Angeles headquarters office. They work with private and public sector clients and provide professional services, including engineers, scientists, and related technical and project support personnel.

Cumming Management Group, Inc. and their proposed team have worked on various local and global projects, including various Metro projects and local public agency programs. Their team has expertise and specific knowledge of Metro programs, systems and facilities.