



**Board Report**

**File #:** 2020-0198, **File Type:** Informational Report

**Agenda Number:**

**PLANNING AND PROGRAMMING COMMITTEE  
APRIL 15, 2020**

**SUBJECT: DIVISION 20 EXIGENCY CONTRACT**

**ACTION: RECEIVE AND FILE**

**RECOMMENDATION**

RECEIVE AND FILE report on action to implement an Exigency Contract to complete Division 20 enabling work.

**BACKGROUND**

In accordance with the Metro Acquisition Policy and Procedure Manual ACQ-2, the CEO is authorizing an Exigency Work Order under his authority to execute changes that are funded by the Division 20 Project and are within the Life of Project budget.

Acquisition Policy and Procedure Manual ACQ-2, Chapter 4, Section 4.20 Authorized Methods of Procurement, subsection C:

- C. The negotiated method of procurement for the following types of procurement actions are authorized subject to a finding approved one level above the Contracting Officer;
1. The public exigency requires the immediate delivery of the articles. In order for this authority to be used, the need must be compelling and of unusual urgency, as when the MTA would be seriously injured, financially, or otherwise, if the property or services to be purchased or contracted for were not furnished by a certain time, and when they would not be processed by that time by means of formal advertising;
  2. Only one source of supply is available or as a result of a single bid in response to an IFB, it is necessary to negotiate in order to determine price reasonableness;
  3. The equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest.

A condition of the Full Funding Grant Agreement (FFGA) for Purple Line Section 1 (PLE 1) was for the project to achieve the capability for a 4-minute headway. Opening for revenue service for PLE 1 is scheduled for November 8, 2023. Division 20 is currently working on an enabling utility contract to clear an area in the Division 20 Yard for a Rail Welding activity to be performed under the PLE 1

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contract. The Division 20 enabling work and utility relocation is a predecessor and critical path to the on-time start of Rail Welding to be performed under the PLE 1 contract.

The Division 20 utility relocation work has been partially accomplished in an area that must be clear and available in order for the PLE 1 contractor to proceed with essential rail welding activity. If the Division 20 Utility work is not completed this will leave open trenches in the Division 20 Yard area and surrounding Metro property in unsafe and unsuitable condition. Further, enabling work left incomplete by mid-March 2020 will cause significant schedule and cost risk to the on-time completion of PLE 1. Delays to the PLE 1 contract may lead to cost and schedule claims on that contract. In addition, a late finish for the Division 20 enabling utility work may cause delays to implementation of the Division 20 mainline contract that has just been awarded to Tutor Perini. Contractors.

## **ISSUE**

As of Friday February 28, 2020, the maximum contract value capacity set by a Metro Board action dated January 16, 2020 (Attachment A) for the current Indefinite Delivery Indefinite Quantity (IDIQ) contract (where work is authorized through Task Orders) will be reached if the remaining contract value authority is used for the Division 20 project. As such, there will be significant impact to the other identified programs and projects defined in Attachment A that must be executed. This action is being taken to award, on an exigent basis, a separate contract to TRC, funded under the approved LOP for the Division 20 Project, to complete the work necessary to support PLE 1, as explained above.

Consequently, this award of a separate work order to TRC for completion of the remaining Division 20 enabling work (Attachment B), will accomplish the critical needs for both Division 20 and PLE 1. This contract is fully funded under the approved LOP for the Division 20 Project. This action will create a safe yard environment by completing open utility trenches, and other clean-up work, thus averting delays, potential claims and related costs for two major projects (Division 20 and PLE 1) that are very high priority for Metro.

## **FINANCIAL IMPACT**

The estimated cost for the permanent recommended solution is \$6,042,000.

The required funds are available within the LOP of the Division 20 Project. Authorization of the Work Order and funding will be for labor, equipment and materials that are needed to finish the enabling work by the end of March, and provide a clear area for PLE 1 Rail Welding

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

This work will advance high-quality mobility options that enable people to spend less time traveling by allowing Division 20 and PLE 1 to proceed on time and budget, and by leveraging funding and staff resources to accelerate the achievement of these goals.

## **NEXT STEPS**

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To assure Division 20 advance work is completed to facilitate on time start of Rail Welding work by PLE 1, the Div 20 Enabling Contract must begin immediately and be completed with funds identified by the attached Exigency Request.

While this action is highly time sensitive, staff will keep the board advised as to progress and we will be adding the Division 20 project and key elements to our monthly construction update.

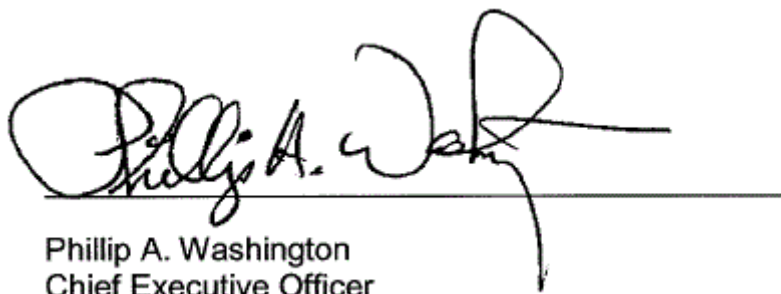
**ATTACHMENTS**

Attachment A - Board Report Dated January 2020

Attachment B - Exigency Requisition

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