



## Board Report

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**File #:** 2018-0391, **File Type:** Contract

**Agenda Number:** 34.

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**CONSTRUCTION COMMITTEE  
SEPTEMBER 20, 2018**

**SUBJECT: MATERIALS VERIFICATION TESTING AND INSPECTION SERVICES**

**ACTION: AWARD SUPPORT SERVICE CONTRACT**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD AND EXECUTE a cost plus fixed fee Contract No. PS46817 to Ninyo & Moore for materials verification testing and inspection services with a base period of seven years for an amount not-to-exceed \$12,000,000, plus three one-year options; and
- B. EXECUTE individual Task Orders and changes within the Board approved not-to-exceed amount.

**ISSUE**

Staff seeks to award a materials verification testing and inspection services contract to assist Metro in the delivery of voter approved Measures R, M, and other Board approved Capital Improvement projects.

**BACKGROUND**

The ability of the Quality Department to perform materials verification testing and inspection services to support the existing projects under construction in addition to new Measures R, M depends on procuring consultant services to oversee and verify Contractor's compliance to the projects quality assurance requirements.

**DISCUSSION**

Metro Quality Management Program requires utilization of Consultant services to perform oversight materials testing and verification inspection of work performed by laboratories hired by the Contractors. Metro requires the contractors to perform 100% of inspections and materials verification. Metro's goal is to perform between 5-10% verification depending on the complexity of the work and the Contractors' performance. This independent verification provides Metro assurance that the contractors have a comprehensive testing program in place for items such as concrete strength, soil compaction and materials strength, durability and failure requirements. It is an important

component of Metro's overall quality assurance program.

### Term

Due to the length of time needed to deliver major capital improvement projects, it is very inefficient and disruptive to change the contractor during project delivery. The recommended materials verification testing and inspection services Contract term will provide greater continuity, consistency and less disruption by implementing a base seven year contract with three one-year options.

### Scope

The scope of services to be provided by the Consultant includes, but is not limited to: development of Metro Verification Testing Program Manual, project-specific test plans, testing of construction materials in accordance with the test plan and contract specifications; input of test data and reports into a Quality Management (QM) database to be provided by Metro in the future; documented reports on the overall quality of materials; and provision of the material, labor, equipment and properly accredited laboratory facilities to perform a variety of material testing functions. The Consultant will collect samples for the purpose of validating the construction contractor quality programs. Such validation includes the accuracy of contractor-controlled test results, and the adequacy of testing based on materials quantities.

While the primary purpose of this Contract is for verification testing, Metro may utilize the selected Consultant for acceptance testing on certain projects. In these cases, Metro's construction contractor would still be responsible for the quality of the work, but not required to conduct materials acceptance testing. On these select projects the Consultant will conduct 100% of the required testing on behalf of Metro. Metro may also, on an as needed basis, request the Consultant to perform other specialized testing and inspection services such as, but not limited to non-destructive testing, weld inspection, paint thickness testing, or other materials testing/inspection and functions.

The services to be performed will include providing portal-to-portal transportation, approved facilities, equipment and appropriately qualified personnel. Carrying out the services requires determination of the characteristics and qualities of the materials and/or workmanship processes.

The scope of services also includes special analyses services if a catastrophic failure occurs on a project and a forensic study will then be needed to determine the root cause of the failure.

### **DETERMINATION OF SAFETY IMPACT**

This board action will not have any adverse safety impacts on Metro's Construction projects, Operations, our employees, and/or patrons. A comprehensive quality program including this independent testing can help assure that there is not a subsequent failure that can lead to safety issues.

### **FINANCIAL IMPACT**

Task Orders (TO) with a detailed scope of work will be issued. Fiscal year 2019 funds required for

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TOs are included in the adopted budget in projects utilizing the service. Respective project managers will ensure the budgetary needs do not exceed the Board authorized LOP. Since this is a multiyear contract, the Project Managers, Cost Center Managers, and Chief Program Management Officer will be responsible for budgeting costs in future fiscal years.

#### Impact to Budget

The funding for TOs issued under this action is provided by the specific project requiring the services. The source for these funds are projects' funding plans and may consist of federal and/or state grants as well as local funds. Many state of good repairs and capital improvement projects are funded with local funding sources that are eligible for rail and bus operations.

### **IMPLEMENTATION OF STRATEFIC PLAN GOALS**

Executing Contract No.PS46817 would permit Metro's Program Management/Quality Department to provide an efficient, consistent and high level of support to Measures R, M projects; therefore, it would positively support Metro's overall plan and goal of expanding the transportation network, increase mobility for all users and improve LA County's overall transit network and assets.

### **ALTERNATIVES CONSIDERED**

The Metro Board may reject the recommendation or the proposed duration. Staff does not recommend these alternatives. The use of a Consultant for all projects during construction allows Metro to secure the services without the necessary increase in Metro long term labor costs. Further, by providing for an overall term of seven years plus three one year options, an integrated and consistent approach across all projects serves Metro's interests.

As another alternative Metro Board may recommend action and direct staff to solicit and award individual contracts for each project. Individually procuring these services have associated inconstant approaches/delivery and most likely higher administrative and execution costs and inefficiencies.

### **NEXT STEPS**

Upon Board approval, staff will complete the process to award Contract No. PS46817. Specific task orders will be subsequently issued on an as needed basis.

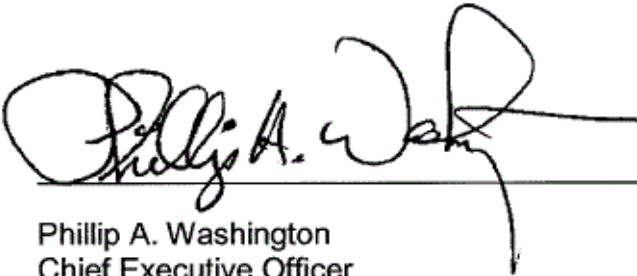
### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary

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