

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
19	12/12/11	Open	Action	12/6/11

Subject: Conditionally Awarding the Contract for South Sacramento Corridor Phase 2 Project Aerial Structures Construction

ISSUE

Whether or not to conditionally award construction of the South Sacramento Corridor Phase 2 Aerial Structures Contract to MCM Construction

RECOMMENDED ACTION

Adopt Resolution No. 12-12-____, Conditionally Awarding the Contract for South Sacramento Corridor Phase 2, Aerial Structures to MCM Construction.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	10,000,000
Budget Source:	Capital (South Sacramento Corridor Phase II Project)	Next FY:	\$	5,763,334.80
Funding Source:	New Starts (LONP or FFGA)/Prop 1B/PTA/STA/Developer Fees	Annualized:	\$	NA
Cost Cntr/GL Acct(s) or Capital Project #:	410.08.01.01	Total Amount:	\$	15,763,334.80
Total Budget:	\$ 15,763,334.80			

DISCUSSION

The South Sacramento Corridor Phase 2 light rail project (Project) will extend Sacramento Regional Transit District's (RT) light rail service from its existing terminus at Meadowview Station south and east 4.3 miles to Cosumnes River College (CRC). The extension will add four new stations, 2,700 park-and-ride spaces and a major new transit center at the Cosumnes River College (CRC) station near Highway 99. As part of this extension, two aerial structures will be built. The first aerial structure is located near the confluence of Union House and Morrison creeks, about a half mile south of Ann Arbor Way. The second aerial structure is located on the west side of the Cosumnes River Boulevard and Bruceville Road intersection.

On October 24, 2011, the RT Board authorized staff to release a solicitation to bid for construction of the Project's Aerial Structures Contract. A Project Labor Agreement was included as part of this contract. On November 29, 2011, RT received four bids.

1. MCM	\$15,763,334.80
2. Myers & Sons	\$16,227,830.00
3. Viking	\$16,786,235.00
4. CC Myers	\$17,777,777.00

Approved:

Presented:

Final 12/7/11

General Manager/CEO

Director, Project Management

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Each bid was reviewed to determine the Bidder's responsiveness to the requirements of the Bid Documents and evaluate, results of a pre-award Buy America audit, if required. After reviewing all bids, staff determined that award of the aerial structures contract should go to MCM Construction because it was the lowest responsive and responsible Bidder. The Engineer's Estimate was \$18,687,900. MCM Construction's bid of \$15,763,334.80 was 16% below the Estimate.

On December 5, 2011, staff issued a Notice of Intent to Award a contract to MCM Construction. Per RT's Procurement Ordinance, protests of staff's recommendation pertaining to the award of a contract must be received by RT staff no later than 10 working days from the date of the letter providing notice of the staff recommendation. Because 10 days have not passed since notice of staff's recommendation was released, award of this contract is conditional, pending the completion of the required 10-day protest period with no protests received.

Although the Project is currently in Preliminary Engineering, construction of the two aerial structures has been identified as a critical element of the Project that staff wants to advance prior to the execution of a Full Funding Grant Agreement (FFGA) from the Federal Transit Administration (FTA). The reasons to advance this work prior to receiving the FFGA are as follows:

First, advancing work on the aerial structures will allow RT to take full advantage of the 2012 construction season for the Morrison Creek Bridge. Construction of the Morrison Creek Bridge is limited to the window between May and October due to federally-protected giant garter snake habitat within close proximity to the construction zone. If RT misses the 2012 construction season, bridge construction may be delayed by up to eight months, which would result and may result in financial impacts, estimated to be \$2.65 million.

A Letter of No Prejudice (LONP) is needed from FTA to advance this construction work. Staff submitted the LONP request to FTA on November 9, 2011 and hopes to receive approval in December 2011 or January 2012. If an LONP is not received prior to January 15, 2012, RT will issue a limited Notice to Proceed with costs not to exceed \$200,000, to allow MCM Construction to advance minor elements of work in preparation for a full Notice to Proceed in April 2012. This full Notice to Proceed is not expected to be issued until RT receives the LONP approval or FFGA from FTA. The LONP will not commit the FTA to pay for the Aerial Structures; rather, it preserves the eligibility of RT's expenses for later reimbursement/local match if an FFGA is eventually received.

Second, RT received State Transportation Improvement Program funding of \$4.307 million allocated by the California Transportation Commission (CTC) for the aerial structures on June 23, 2011. RT must obligate those funds, through award of a construction contract, by December 23, 2011 to avoid loss of the funds. Staff has requested a one-year extension to obligate these funds in the event that the LONP is not received. This request will go before CTC on December 15th. This extension, if approved by CTC, provides insurance that the funds will not be lost.

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The Aerial Structures contract includes construction of bridge structures, retaining walls and embankments, bridge isolation, corrosion monitoring, drainage facilities, sound walls, roadway reconstruction, and traffic signaling. The Small Business Enterprise (SBE) goal was set at 25% SBE participation. Myers and Son was the only contractor to meet the SBE goal (49%). MCM Construction did not meet the 25% participation goal, but submitted a Good Faith Effort showing 17.4% SBE participation. MCM Construction's Good Faith Effort has been reviewed and accepted by RT's Procurement Department.

Staff recommends conditional award of the South Sacramento Corridor Phase 2 Project Aerial Structures Contract to MCM Construction.

RESOLUTION NO. 11-12-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

December 12, 2011

**CONDITIONALLY AWARDING THE CONTRACT FOR
SOUTH SACRAMENTO CORRIDOR PHASE 2, PROJECT AERIAL STRUCTURES
TO MCM CONSTRUCTION**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Contract for South Sacramento Corridor Phase 2, Aerial Structures between the Sacramento Regional Transit District, therein referred to as "RT," and MCM Construction, therein referred to as "Contractor," whereby Contractor agrees to construct two aerial structures, as specified, for an amount not to exceed \$15,763,334,80, is hereby approved, on condition that a protest of this award is not timely filed.

THAT, the General Manager/CEO is hereby authorized and directed to execute said Contract if a protest of this award is not timely filed.

DON NOTTOLI, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary