



Board of Commissioners Special Meeting

Open Meeting

Thursday, August 11, 2022 @ 8:30 AM

Virtual Meeting

211 North Broadway, 6th Floor

St. Louis, MO, 63102



Board of Commissioners Special Meeting -- August 11, 2022 @ 8:30 AM

Notice of Meeting and Agenda

- | | | |
|--|----------|---------------------------------------|
| 1. Call to Order | Approval | Chair
Simmons |
| 2. Roll Call | Quorum | M. Bennett |
| 3. Contract Award: MetroLink Stations Secure Platform-Design Services (Resolution #1219) | Approval | T. Roach / T.
Curran / K.
Scott |
| A. Briefing Paper - 3 | | |
| B. HNTB Summary Memorandum - 6 | | |
| C. HNTB Cost Comparison - 8 | | |
| D. CFO Memorandum - 9 | | |
| E. SPP Meetings HNTB Design Fee - 10 | | |
| F. Resolution #1219 - 12 | | |
| 4. Motion to Move to Executive Session
If such action is approved by a majority vote of The Bi-State Development Agency's Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, Section 10.080 (D) Closed Records: Legal under §10.080(D)(1), Personnel under §10.080(D)(3), Employee Negotiations under §10.080(D)(5), and Auditors §10.080(D)(10). | Approval | Chair
Simmons |
| 5. Reconvene to Open Session | Approval | Chair
Simmons |
| 6. Adjournment | Approval | Chair
Simmons |

**Bi-State Development Agency
Board of Commissioners – Special Meeting
Open Session Agenda Item
August 11, 2022**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Contract Award: MetroLink Stations Secure Platform-Design Services**
Disposition: Approval
Presentation: Thomas Curran, Executive Vice President – Administration

Objective:

To present to the Board of Commissioners for approval, a request to authorize the President & CEO to award a contract to HNTB for professional engineering services, related to the design for the Bi-State Development (BSD) MetroLink Secure Platform Plan.

Background:

To recognize the region's call for a more secure light rail system and strengthen confidence in MetroLink, Metro Transit would like to create centralized, highly-secure customer entrances on platforms that marry security-focused access control, with enhanced fare media and closed circuit television (CCTV) technology, complementing security personnel deployments.

In 2017, Metro Transit issued a Task Order to its General Engineering consultant (Jacobs Engineering) to explore installing fencing and gates at MetroLink stations. Jacobs Engineering developed preliminary concepts and an initial cost estimate, presented in a report titled "System Barrier Study Report."

In the fall of 2021, Metro Transit issued Task Orders to its current General Engineering consultant (WSP) to further the conceptual designs and to investigate barrier and fencing types, as well as perform an Emergency Egress Study to ensure passenger safety is accounted for, once the additional barriers and fencing are installed. The work products for these Tasks Orders included 10% design level concepts, which encompassed building code compliant egress requirements. This work was completed in December 2021.

During the Open Meeting on May 5, 2022, the Safety & Security Committee approved Metro Transit to move forward with soliciting proposals from qualified engineering design firms to perform the final design of the security barrier gates, fencing, and camera installation.

Solicitation 22-RFP-327128-CG - MetroLink Stations Secure Platform-Design Services was issued on June 3, 2022. The request for proposals was advertised in BSD's iSupplier Portal, the Agency's web-based communication tool, structured to allow interested bidders/proposers full and open access to view, communicate, and submit bids/proposals on active solicitations.

Analysis:

In response to the solicitation, one (1) sealed proposal was received from HNTB. The single proposal was forwarded to the evaluation team, composed of staff from BSD's Engineering and Safety Departments. HNTB's technical proposal was scored, according to the technical evaluation criteria specified in the solicitation package.

A review and evaluation of the sealed proposal received from HNTB, confirmed that the technical proposal met the requirements, qualifications and experience in accordance with the scope of work described within the solicitation.

The Contracting Officer conducted a survey of potential sources that chose not to submit a proposal. Four firms responded:

Firm	Contact	Method of Communication	Reason for Non-Participation
Shannon and Wilson	Tom Abkemeier	Email	Unsuccessful finding a teaming partner, therefore Shannon and Wilson decided not to participate in submitting a proposal.
Modjeski and Masters	David Petermeier	Email	The majority of the requested scope of services was outside of the services Modjeski and Masters typically performs.
Kivindyo Engineering Services	Clem Kivindyo	Email	Kivindyo has teamed with HNTB for the pursuit of this project.
EDM, Inc.	Chris Kerckhoff	Email	Declined to participate due to not having very specialized design experience that BSD is seeking for design partners on this project.

HNTB's cost proposal of \$8,104,323.06, significantly exceeded the Independent Cost Estimate of \$4,291,001.10. Through three separate negotiations with HNTB, costs were identified that could be reduced: Overhead Burden, Fixed Fee, and Labor Hours for HNTB and Sub-consultants. After conclusion of discussion, BSD's Project Team requested submission of the firm's revised cost proposal.

Bi-State has received and reviewed HNTB's revised cost proposal, which has been adjusted from \$8,104,323.06 down to \$6,948,587.09 based on the reductions described below:

Summary of Cost Proposal Changes:

- Overhead Burden was reduced from 147% to 138%.
- Fixed Fee for HNTB was reduced from 12% to 10%.
- HNTB reduced over 2,800 hours from the initial cost proposal.
- Sub-consultants were reduced by approximately \$425,000.

The Project Team feels the revised cost proposal will adequately address the needs of the Secure Platform Project.

BSD's Supplier Diversity Team has established a Disadvantaged Business Enterprise (**DBE**) goal of 7.0%. HNTB has committed to attain 14.4% DBE participation.

Funding Source:

Private Sector and local funding sources.

Committee Action Required:

Management recommends that the Board of Commissioners authorize the President & CEO to enter into a contract for MetroLink Secure Platform design services with HNTB for **\$6,948,587.09**, plus a five percent (5%) contingency.

To: Taulby A. Roach, President & CEO, Bi-State Development
From: Kevin B. Scott, Project Lead & General Manager of Security, Bi-State Development
Re: HNTB Cost Proposal Review for the Secure Platform Project
Date: July 22nd, 2022

On Tuesday, July 12th, HNTB submitted their Cost Proposal for Design Services of Bi-State Development's Secure Platform Project. The initial cost proposed by HNTB was \$8.10M. Through continued discussions and negotiations, the final proposed cost rests at \$6.95M.

The HNTB team will be led by Mark Grossenbacher, who has experience successfully managing services through the current Communications Systems Engineering Services General Engineering Contract (GEC). In addition, Selena Asire will be supporting as deputy PM Systems and has past experience working on the MetroLink Communications On-Call and MetroLink Cortex Station. Lastly, John Pesa will be supporting as deputy PM Stations. John is an experienced transit architect with significant design experience at existing stations.

For this contract, HNTB has engaged the following sub-consultants comprised mainly of local firms. The sub-consultants that have been selected are familiar with Metro's projects, processes, and staff.

- KAI Enterprises (MBE): will provide architectural integration of the fare collection system, fencing, and other aspects of the project.
- ABNA Engineering, Inc. (DBE): will provide topographic surveying services as required.
- Custom Engineering, Inc. (DBE/MBE): will provide electrical engineering and design services.
- Kivindyo Engineering Services, LLC (DBE): will provide utility coordination services.
- Code Consultants, Inc.: will provide code compliance, fire protection, life safety, and accessibility.

Summary of History with HNTB:

- Recently completed a 5-year GEC and have installed an additional contract.
- Past experience with HNTB on various projects such as the Cortex In-Fill Station, Fairview Heights Pocket Track, and Metro Cross County Extension.
- HNTB is currently working on upgrades that will impact the Secure Platform Project:
 - o Communication Interface Cabinets, SCADA and CCTV upgrades
 - o Conduit and connection points will be available for turnstiles at specific stations.

Summary of Cost Proposal:

- Total cost reductions from \$8.10M to a total of \$6.95M.
 - o Overhead Burden was reduced from 147% to 138%.
 - o Fixed Fee for HNTB was reduced from 12% to 10%.
 - o HNTB reduced over 2800 hours from the initial cost proposal.
 - o Sub-consultants were reduced by approximately \$425K.
- Emphasis is placed on number of stations within scope of this project (39 stations)
 - o Due to complexity, each station will be viewed as its own small project.
- Extensive Drawing List containing over 1000 sheets for design and review.
- The Disadvantaged Business Enterprise Program (DBE), which is designed to counteract any discrimination towards smaller or disadvantaged firms, will account for 14.4% of the Secure Platform Project. It should be noted that this percentage has exceeded the original goal of 7.0%.

As a note, the total scope of the Secure Platform Project includes integration with our new Fare Collection Program, which will create a modern electronic faring system for light rail. These projects will be designed and executed simultaneously to create a safe environment with easy access for MetroLink patrons.

Based on the initial submission from HNTB and the Bi-State Development Project Team's review, we feel the cost proposal will adequately address the needs of the Secure Platform Project. Through three separate negotiations, the fee proposal was successfully adjusted from \$8.10M down to \$6.95M, as described in the "Summary of Cost Proposal". Therefore, it is our recommendation to accept the fee proposal and proceed with awarding the contract to HNTB.

Kind Regards,




Kevin B. Scott
Project Lead & General Manager of Security
Bi-State Development

COMPARISON OF HNTB ORIGINAL COST PROPOSAL AND FINAL FEE

	Original Proposal	Reason for Reduction	Final Fee
<u>Overhead Burden</u>	147% \$2,522,921.44	HNTB was instructed to use the firm's Federally Audited Overhead rate (as well as their subconsultants).	138% \$2,129,071.76
<u>Fixed Fee</u>	12% for HNTB \$508,787.44	HNTB was requested to reduce the fixed fee percentage to be in line with MoDOT's "Allowed Profit Curve".	10% for HNTB \$367,042.54
Direct Costs (travel/meals/printing/mail)	\$97,500.00	HNTB was asked to reduce their direct costs during negotiations, including travel & printing.	\$78,300.00
<u>Labor Costs - Consultants</u>			
KAI Enterprises, Inc. (MBE)	\$1,845,566.31	As requested by BSD, the price was reduced in the areas of training, Quality Assurance/Quality Control, and time spent on site at each of the locations.	\$1,652,790.01
ABNA Engineering, Inc. (DBE)	\$239,364.74	Price increased during negotiations due to better understanding of the project's surveying needs.	\$272,609.36
Kivindyo Engineering Services, Inc. (DBE)	\$279,424.62	Price was reduced due to a better understanding of the utilities that will be encountered at each location.	\$251,482.16
Custom Engineering, Inc. (DBE)	\$546,887.72	Price was reduced in the areas of training, Quality Assurance/Quality Control, and time spent on site at each of the locations.	\$477,012.99
Code Consultants, Inc.	\$346,896.90	As requested by BSD, the scope of work being performed by Code Consultants, Inc. was reduced by HNTB, resulting in a reduction in cost.	\$178,924.64
<u>Labor Costs - HNTB</u>	\$1,716,973.89	At the request of BSD, the price was reduced in the areas of training, Quality Assurance/Quality Control, and time spent on site at each location. HNTB also reduced their hours for the completion of plans between 90% and 100% design.	\$1,541,353.63
TOTAL COST	\$8,104,323.06		\$6,948,587.09
% Change			-16.6%

Memorandum

TO: Mr. Taulby Roach, President & CEO
FROM: Tammy Fulbright, CFO 
DATE: August 5, 2022
SUBJECT: **Funding for the Design Phase of the Secure Platform Project**

Synopsis

The Secure Platform Plan encompasses gates, fencing, and cameras, for 39 Metrolink stations throughout the region. The financial support for this project includes funding from St. Louis County, St. Louis City, and St. Clair County Transit District, our funding partners. Private donors have committed to supporting this important project financially with more than \$10 million. Federal Stimulus funds apportioned to Bi-State Development will also provide financial support for this project.

Kevin Scott, General Manager of Security and the Project Manager for the Secure Platform Plan, provided a cost for the design phase in the amount of \$6.95 million. Existing grants programmed for the design of the barrier system and federal stimulus funds are available to fund this portion of the project. The grant funds consist of 5307 federal formula funds and these funds are strictly for the use of transit-related capital.

Bi-State Development has a strong financial strategy and the financial capacity to fully execute a venture of such great significance to the region.

SPP MEETINGS WITH HNTB REGARDING DESIGN FEE

SPP Fee Internal Review Meeting – July 14, 2022 @ 10:00 a.m.

Kevin Scott, Chris Poehler, Tim Nittler, Scott Streckfuss, Andrew Ghiassi, Carol Gates, Tom Curran

SPP Fee Meeting with HNTB – July 15, 2022 @ 10:00 a.m.

Mark Grossenbacher, Kevin Scott, Chris Poehler, Tim Nittler, Scott Streckfuss, Andrew Ghiassi, Carol Gates, Tom Curran, Darren Curry, Kelly Haidnyak

SPP Fee Negotiation with HNTB – July 18, 2022 @ 10:00 a.m.

Mark Grossenbacher, Selena Asire and John Pesa (HNTB), Kevin Scott, Chris Poehler, Tim Nittler, Scott Streckfuss, Andrew Ghiassi, Carol Gates, Tom Curran, Kelly Haidnyak, Darren Curry, Martin Gulley

SPP Fee Negotiation with HNTB – July 22, 2022 @ 9:00 a.m.

Mark Grossenbacher, Selena Asire and John Pesa (HNTB), Kevin Scott, Scott Streckfuss, Chris Poehler, Tim Nittler, Carol Gates, Tom Curran

SPP Fee Negotiation with HNTB – July 22, 2022 @ 2:00 p.m.

Mark Grossenbacher, Kevin Scott, Chris Poehler, Tim Nittler, Carol Gates, Tom Curran

WHY IS THE NEGOTIATED PRICE HIGHER THAN THE INDEPENDENT COST ESTIMATE?

The Independent Cost Estimate (ICE) for the Secure Platforms Project (SPP) was created by Bi-State's Engineering Department and our General Engineering Consultant, WSP, during the development of the Scope of Work for SPP prior to the Design RFP Procurement process. The ICE was originally higher (\$5.85 million) but was reduced to \$4.2 million after review and discussion of what Bi-State perceived would be a simplistic design. During negotiations, HNTB explained that the design was not as basic as what we were hoping, and that plan set would most likely be over 1,000 sheets for the 39 stations where we will be constructing gates and fences.

The ICE was created on January 17-19, 2022, prior to the beginning of the RFP process.

The assumptions that went into development the ICE were based on the Scope of Work that was developed by Metro and reviewed by WSP. Metro assumed a more simplistic approach to the design than what HNTB is currently proposing.

Risk factors are significant because of the many unknowns for retrofitting the existing MetroLink alignment and the scarcity of real-world examples of going from an open to a closed system. Los Angeles did construct barriers and gates for a portion of its light rail system about ten years ago, and several other transit agencies are now exploring this possibility due to security concerns.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI - ILLINOIS METROPOLITAN DISTRICT
AWARDING A SINGLE BID CONTRACT TO HNTB
FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DESIGN
FOR THE METROLINK SECURE PLATFORM PLAN**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency"/ "BSD") is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the "Board of Commissioners"); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the "Compact") to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), requires Board approval of all Non-competitive ("sole source or single bid") Procurements exceeding \$100,000; and

Whereas, Solicitation 22-RFP-327128-CG - MetroLink Stations Secure Platform-Design Services was issued on June 3, 2022, and the request for proposals was advertised in BSD's iSupplier Portal; and

Whereas, in response to the solicitation, one (1) proposal was received from HNTB, and the proposal was forwarded to an evaluation team, composed of staff from BSD's Engineering and Safety Departments; and

Whereas, upon review and evaluation of the proposal received from HNTB, confirmed that the technical proposal met the requirements, qualifications and experience in accordance with the scope of work described within the solicitation; and

Whereas, since the HNTB's cost proposal significantly exceeded the Independent Cost Estimate, negotiations were held and costs were identified that could be reduced, including: Overhead Burden, Fixed Fee, and Labor Hours for HNTB and Sub-consultants; upon conclusion of discussion, BSD's Project Team requested submission of the firm's revised cost proposal; and

Whereas, the Project Team feels that the revised cost proposal will adequately address the needs of the Secure Platform Project; and

Whereas, it is feasible, necessary and in the public interest for the Agency to authorize the President & CEO to enter into a contract for MetroLink Secure Platform design services with HNTB for \$6,948,587.09, plus a five percent (5%) contingency, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Sole Source Contract. The Board of Commissioners hereby authorizes the President & CEO to enter into a contract for MetroLink Secure Platform design services with HNTB for \$6,948,587.09, plus a five percent (5%) contingency, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contracts and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and HNTB.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Payment of Expenses. The Executive Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Contracts.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 11th day of August, 2022.

In Witness Whereof, the undersigned has hereto subscribed his signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners