



May 23, 2018

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer
Janet Sutter, Executive Director
Internal Audit

Subject: Cooperative Agreement with Metrolink for the Control Point Fourth Project, Internal Audit Report No. 18-504

Overview

The Internal Audit Department has completed an audit of the cooperative agreement with the Southern California Regional Rail Authority for the Control Point Fourth Project. The purpose of the audit was to assess controls in place to ensure compliance with agreement terms, policies, and procedures. Based on the audit, controls are generally adequate; however, several weaknesses have been identified in the process for selecting contractors for these projects. As a result, the Internal Audit Department recommended that Orange County Transportation Authority project management staff implement oversight controls to determine that contractors are procured in compliance with guidelines and best practices.

Recommendation

Direct staff to implement one recommendation provided in the Cooperative Agreement with Metrolink for the Control Point Fourth Project, Internal Audit Report No. 18-504.

Background

The Control Point Fourth Project (Project) is a track and signal improvement on the Orange subdivision railroad in the City of Santa Ana. The Project consists of a new power turnout to the Union Pacific Railroad (UPRR) spur, replacing an existing hand-thrown turnout, and construction of a new power derail on the UPRR connecting track, as well as associated signal and communications modifications necessary for a control point at Fourth Street.

In 2012, Orange County Transportation Authority (OCTA) staff secured \$4 million in Federal Transit Administration (FTA) grant funds for construction of the Project. On July 29, 2016, OCTA entered into Cooperative Agreement No. C-6-1208 with the Southern California Regional Rail Authority (Metrolink) for the design and construction of the Project, in an amount not to exceed \$3,971,200. Metrolink acts as the lead agency and utilizes existing, competitively procured on-call contractors for signal design, signal installation, and track construction. OCTA provides project management oversight and funds the Project through quarterly advances, based on cash flow projections.

Discussion

On April 9, 2018, the Board of Directors requested that this item be continued and revised to include Metrolink's management response to the audit findings by the Metrolink Internal Audit Department (Metrolink Internal Audit). Additional information has been added below regarding Metrolink's management response and status of corrective actions.

The Internal Audit Department (Internal Audit) found that contractors procured to perform design and engineering services and signal construction activities were selected by the Metrolink project manager without obtaining competitive proposals from all contractors on the on-call bench.

In addition, several issues related to the procurement process for track construction were reported in an audit by Metrolink Internal Audit in the Contract Audit: Veolia Transportation Maintenance and Infrastructure, Inc (VTMI). The audit included review of the Contract Task Order (CTO) issued for the Project and outlined several weaknesses and violation of FTA guidelines. The audit found that staff regularly issues time and materials CTO's, which are considered the least preferable strategy by the FTA, without documenting how this type of contract was determined to be most appropriate. Also, the CTO issued to VTMI for construction and rehabilitation work on the Project was not within the scope of work for the contract. Finally, the audit cited a lack of records of negotiation. Metrolink management responded that procedures would be revised by July 16, 2018 to incorporate recommended changes to practices, and training will be provided to applicable staff within four weeks of the revised policy issuance date. Also, Metrolink management agreed to incorporate audit recommendations related to the contract scope of work into a new contract expected to be awarded in the summer of 2019. All Metrolink outstanding recommendations are tracked and reported to the member agencies and Metrolink's Board of Directors on a quarterly basis.

Internal Audit recommended that OCTA project management staff review with Metrolink staff the process for procuring contractors for OCTA projects to ensure compliance with regulatory guidelines and best practices. Management agreed and indicated that staff will inquire of Metrolink as to the procurement process for future OCTA projects.

In addition, OCTA project management staff reported that Metrolink has invited OCTA participation in the evaluation and selection of contractors for a project now underway.

Summary

Internal Audit has completed an audit of the Cooperative Agreement with Metrolink for the Control Point Fourth Project.

Attachment

- A. Cooperative Agreement with Metrolink for the Control Point Fourth Project, Internal Audit Report No. 18-504

Prepared by:



Janet Sutter
Executive Director
714-560-5591