



**September 10, 2020**

**To:** Transit Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Agreement for Metrolink Train Stations Platform Detectable Tiles Replacement and Painted Guidelines Restriping Project

### **Overview**

The Orange County Transportation Authority is responsible for the ongoing maintenance of the operating railroad right-of-way for the Metrolink stations in Orange County. Aligned with that responsibility, the platform detectable tiles and painted guidelines at six Metrolink stations require replacement. Board of Directors' approval is requested to execute the agreement.

### **Recommendations**

- A. Find AP Construction, Inc., the apparent low bidder, as non-responsive for failure to complete and submit the List of Subcontractors form with the bid as required by the California Public Contract Code and for failure to sign the Disclosure of Lobbying Activities form as required by the bid instructions and the Federal Transit Administration.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2413 between the Orange County Transportation Authority and Two Brothers Construction Corp., the lowest responsive, responsible bidder, in the amount of \$1,098,000, for the Metrolink train stations platform detectable tiles replacement and painted guidelines restriping project.

### **Discussion**

The Orange County Transportation Authority (OCTA) is responsible for maintaining the rail operating property within the right-of-way it owns. This obligation includes the replacement of detectable tiles and painted guidelines at Metrolink station platforms. Detectable tiles are used to provide a standardized textured yellow surface along accessible train station platforms and warn the visually impaired of hazards. The detectable tiles are required by the Americans

with Disabilities Act of 1990. The painted guideline is a four-inch wide yellow stripe with the wording "Please Wait Behind Yellow Line" stenciled to warn passengers to stand clear of the area.

OCTA staff conducted station site visits in August 2019 to verify the conditions reported in Metrolink's monthly station inspection report and recommends the replacement of the detectable tiles and restriping of the painted guidelines for the Buena Park, Fullerton, Laguna Niguel/Mission Viejo, Orange, San Clemente North Beach, and Santa Ana Metrolink stations. The Metrolink Train Stations Platform Detectable Tiles Replacement and Painted Guidelines Restriping Project (Project) will bring the tiles and striping to current standards set by the Southern California Regional Rail Authority. The Project will ensure that public transportation assets continue to meet the standards of a state of good repair. Additionally, the replacement of deteriorated detectable warning tiles and restriping the yellow-painted safety guidelines along the rail platforms will enhance the safety and provide clear warnings to passengers with and without disabilities. At the Fullerton Metrolink Station, select detectable tiles will be replaced earlier than anticipated due to damage potentially resulting from freight operations.

### ***Procurement Approach***

This procurement was handled in accordance with Board of Directors-approved procedures for public works projects. These procedures, which conform to both state and federal requirements, require that contracts are awarded to the lowest responsive, responsible bidder after a sealed bidding process.

Invitation for Bids (IFB) 0-2413 was electronically released on July 6, 2020, through OCTA's CAMMNET system. The Project was advertised on July 6 and 13, 2020, in a newspaper of general circulation. A pre-bid conference was held on July 15, 2020, and was attended by five firms. Two addenda were issued to provide the pre-bid conference registration sheets and handle administrative issues related to the IFB. On July 29, 2020, three bids were received and publicly opened.

All bids were reviewed by staff from both Contracts Administration and Materials Management and Rail Programs departments to ensure compliance with the contract terms and conditions, and technical specifications. The list of bidders and bid amounts is presented below:

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<u>Firm and Location</u>	<u>Bid Amount</u>
AP Construction, Inc. Gardena, California	\$1,089,000
Two Brothers Construction Corp. Buena Park, California	\$1,098,000
Houalla Enterprises, Ltd., doing business as Metro Builders & Engineers Group, Ltd. Newport Beach, California	\$1,119,390

The apparent low bidder, AP Construction, Inc., was deemed non-responsive for failure to complete the List of Subcontractors form as required by the California Public Contract Code Section 4104 and for failure to sign the Disclosure of Lobbying Activities form as required by the bid instructions and the Federal Transit Administration (FTA), which is providing funding for this Project.

State law requires award to the lowest responsive, responsible bidder. As such, staff recommends award to Two Brothers Construction Corp., the lowest, responsive, responsible bidder, in the amount of \$1,098,000, for the Project.

The engineer's estimate for this Project was \$1,184,950. The recommended firm's bid is 7.3 percent below the engineer's estimate and is considered by staff to be fair and reasonable.

**Fiscal Impact**

The Project was approved in the OCTA Fiscal Year 2020-21 Budget, Capital Programs Division, Account 0018-9084-C5063-TZR, and is funded through FTA funds with a Measure M2 match.

***Summary***

Based on the information provided, staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2413 to Two Brothers Construction Corp., in the amount of \$1,098,000, for the Metrolink Train Stations Platform Detectable Tiles Replacement and Painted Guidelines Restriping Project.

***Attachment***

None.

**Prepared by:**

A blue ink signature of Jason Lee, consisting of stylized initials.

Jason Lee  
Project Manager  
(714) 560-5833

**Approved by:**

A blue ink signature of James G. Beil, featuring a cursive style with a prominent 'J'.

James G. Beil, P.E.  
Executive Director, Capital Programs  
(714) 560-5646

A blue ink signature of Virginia Abadessa, written in a cursive script.

Virginia Abadessa  
Director, Contracts Administration and  
Materials Management  
(714) 560-5623