



**AMENDMENT NO. 1**

**CONTRACT QM152-15**

**BETWEEN**

**SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY**

**AND**

**PADILLA & ASSOCIATES, INC.**

**FOR DBE AND LABOR COMPLIANCE MONITORING SERVICES**

This Contract Amendment, effective July 1, 2015, is entered into by and between the Southern California Regional Rail Authority (hereinafter called "Authority") and Padilla & Associates, Inc. (hereinafter called "Contractor").

**RECITALS**

**WHEREAS:**

- I. Authority and Contractor have entered into an agreement for DBE and Labor Compliance monitoring services.
- II. The Authority hereby amends the contract under Amendment No. 1 to revise Article 2, Period of Performance to exercise the first one-year option and extend the period of performance to June 30, 2016, and revise Article 3, Payment to increase the contract authorization by \$400,000 for a new not-to-exceed contract amount of \$500,000, as approved by the Authority's Board on 6/12/15.

NOW, THEREFORE, Authority and Contractor hereby amend their Contract as follows:

- I. Amend Article 2, PERIOD OF PERFORMANCE as follows:

**2. PERIOD OF PERFORMANCE**

The period of performance shall be from February 1, 2015 to June 30, 2016, with TWO one-year options that may be exercised at the sole discretion of Authority.

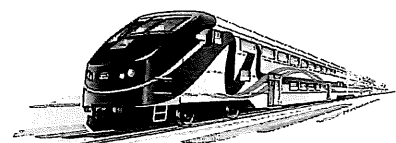
Contract No. QM152-15

Amendment No. 1

II. Amend Article 3, PAYMENT, Paragraph A, as follows:

- A. For Consultant's full and complete performance of its obligations under this Agreement. Authority's maximum cumulative payment obligation under this Agreement shall not exceed Five Hundred Thousand Dollars (\$500,000) including all amounts payable to Consultant for all costs, including but not limited to direct labor, other direct costs, subcontracts, indirect costs including but not limited to leases, materials, taxes, insurance, and profit.

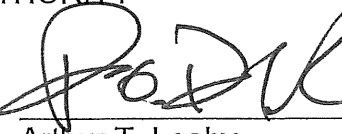
III. As hereby amended, the Contract remains in full force and effect.



Contract No. QM152-15  
Amendment No. 1

IN WITNESS WHEREOF, the parties hereto have caused this Contract Amendment to be executed as of the day and year first therein above written.

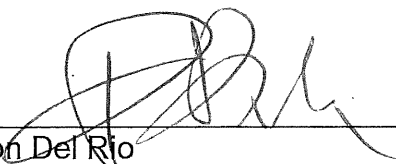
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY      PADILLA & ASSOCIATES, INC.

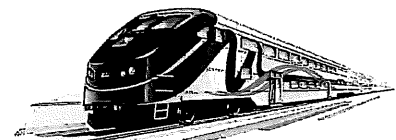
By:   
Arthur T. Leahy  
Chief Executive Officer

*General Counsel  
on behalf*

By: \_\_\_\_\_  
Patricia K. Padilla  
President

**APPROVED AS TO FORM:**

  
Don Del Rio  
General Counsel



**SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY****TRANSMITTAL DATE:** June 5, 2015**MEETING DATE:** June 12, 2015**ITEM 17****TO:** Board of Directors**FROM:** Arthur T. Leahy *ATL***SUBJECT:** Contract No. QM152-15 Disadvantaged Business Enterprise and Labor Compliance Monitoring Services – FY2015-16 Annual Contract Authorization – Padilla and Associates, Inc.**Issue**

Continued administration of the Authority's Disadvantaged Business Enterprise (DBE) and labor compliance programs is required as a condition to receive funding from the Federal Transportation Administration (FTA).

**Recommendation**

Staff recommends the Board authorize the Chief Executive Officer to amend Contract No. QM152-15 for DBE and Labor Compliance monitoring services with Padilla and Associates, Inc. to increase the contract funding authorization by \$400,000 for a new not-to-exceed contract funding authorization amount of \$500,000 for support monitoring in FY2015-16.

**Alternatives**

The Board may modify the amount of contract funding authorization requested.

**Background**

Pursuant to 49 CFR §26.47 and as a condition of continued receipt of Department of Transportation (DOT) financial assistance, the Authority is required to administer its DBE program in good faith. This includes creating opportunities for DBE's and incorporating race-conscious DBE program elements when under-utilization of DBE's is evident and when the overall DBE goal cannot be met with race-neutral measures alone.

At the April 2014 meeting, the Board approved the re-instatement of the race-conscious DBE program elements including DBE contract goals on the Authority's FTA-assisted contracts and staff has, as a condition of bid/proposal responsiveness, required prime bidders/proposers to demonstrate their intent to meet the established DBE contract goals by listing sufficient DBEs on the Authority's DBE participation listing or submit an adequate good faith effort.

### ***Procurement Approach***

Contract No. QM152-15 was awarded in April 2015 to Padilla in an amount of \$100,000 for FY2014-15 in accordance with the Authority's Contracts Administration and Procurement Policies and Procedures CON-20, Cooperative Procurement under the Chief Executive Officer's signature as a piggyback under competitively procured and awarded contracts for these services with the Orange County Transportation Authority (OCTA), California High-Speed Rail Authority (CHSRA), San Diego Association of Governments (SANDAG) and Los Angeles Metropolitan Transportation Authority (Metro) for DBE and Labor Compliance Services.

Under this contract Padilla provides assistance to the Authority to ensure compliance with the DBE program by preparing the Authority's overall triennial DBE participation goal for review and approval by the Board; preparation and submission of semi-annual and quarterly Federally required uniform reports; development of DBE participation goals on a per project basis; review of offerors compliance with goals or if goals are not met an evaluation of good faith compliance efforts; review of monthly commitment and attainment reports on projects with DBE participation; review of prompt payment and retention application on projects with DBE participation; on-site commercially useful function monitoring; development and participation in outreach strategies to conform with the race conscious requirements of 49 CFR Part 26; meetings with individual contractors who have failed to meet DBE commitments agreed to in contracts; and training for Authority's staff.

Padilla also provides labor monitoring to ensure that the Authority's capital projects comply with both federal and state requirements. In July 2014, the Department of Industrial Relations implemented new requirements for labor compliance, and Padilla will assist the Authority in revising the Labor Compliance Program to incorporate these new requirements and continue monitoring of all capital and maintenance contracts that require labor compliance.

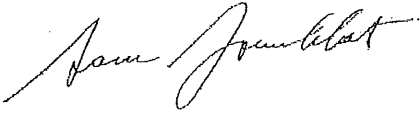
Padilla has previously provided satisfactory services for the Authority and currently has several contracts with various public agencies for similar services.

Therefore, staff is now requesting that the Board authorize the Chief Executive Officer to amend Contract No. QM152-15 increasing the funding authorization in the amount of \$400,000 for continued DBE administration and labor compliance consulting services.

### **Budget Impact**

Funding for this project has been requested in the FY2015-16 Operating and Capital budgets, which is contingent upon approval of the Board-adopted FY2015-16 Operating and Capital Budget at the June 26, 2015 Board meeting. Funding for ongoing monitoring activities will be requested in subsequent year's Budgets.

Prepared by: Sam Joumblat, Chief Financial Officer  
Lia McNeil-Kakaris, Assistant Director, Contracts and Procurement



Chief Financial Officer

# TRANSMITTAL FORM FOR APPROVAL

<b>Contract Administrator/Initiator:</b> Lia McNeil-Kakaris <b>Telephone Extension:</b> 237	<b>Signature:</b>
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<b>Agreement Number:</b> QM152-15	<b>Amendment Number:</b> 1	<b>Date:</b> June 29, 2015
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**Agreement Name:**  
 DBEW and Labor Compliance Monitoring Services

**Description:**  
 Amendment No. 1 to increase contract authority for FY15/16 as approved by the Board 6/12/15

☐ **Contract Amount–** \$400,000.00

**Vendor:** Padilla and Associates, Inc.




**Approval Needed By:** June 30, 2015

**Was Board Approval Required?** ☒ Yes ☐ No **If Yes, Date Approved by Board:**  
☒ Item attached

☐ **Approval by Purchasing Agent**

Seq #	Action Legend	Position	Name	Approval Initials	Date Approved
1	P	Contract Administrator/Initiator			
2	A/S	Review by CA&P/Purchasing Agent			
3	A/S	Chief Financial Officer			
4	A/S	General Counsel			
5	A/S	CA Sends to Vendor for Signature		Sent:	Rcvd:
6	A/S	Purchasing Agent			

☒ **Approval by Chief Executive Officer**

Seq #	Action Legend	Position	Name	Approval Initials	Date Approved
1	P	Contract Administrator/Initiator			
2	A/S	Review by CA&P/Purchasing Agent	Lia McNeil-Kakaris		6/26/15
3	A/S	Chief Financial Officer			
4	A/S	General Counsel	Don O. Del Rio		6/30/15
5	A/S	CA Sends to Vendor for Signature		Sent:	Rcvd:
6	A/S	Chief Executive Officer	Arthur T. Leahy		6/30/15

<b>ACTION LEGEND:</b> A = Approval P = Prepare S = Sign  <b>PLEASE PROCESS ACCORDING TO SEQUENCE # AND RETURN TO:</b> <b>Contracts Department Assistant</b> Southern California Regional Rail Authority One Gateway Plaza, 12 <sup>th</sup> Floor Los Angeles, CA 90012	<b>Contracts &amp; Amendments Distribution</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>Executed Original Copy:</b></td> </tr> <tr> <td>To Vendor:</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>To File</td> <td></td> </tr> <tr> <td colspan="2"><b>PDF Copy:</b></td> </tr> <tr> <td>To Contracts Drive</td> <td></td> </tr> <tr> <td>Update Contract Circulation Spreadsheet</td> <td></td> </tr> </table>	<b>Executed Original Copy:</b>		To Vendor:	✓	To File		<b>PDF Copy:</b>		To Contracts Drive		Update Contract Circulation Spreadsheet	
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To Contracts Drive													
Update Contract Circulation Spreadsheet													



Southern California Regional Rail Authority

June 30, 2015

Padilla & Associates  
211 E. City Place Drive  
Santa Ana, CA 92705

Attn: Patricia Padilla

Subject: Amendment No. 1 to Contract No. QM152-15 Disadvantaged Business Enterprise and Labor Compliance Monitoring Services

Dear Ms. Padilla:

Enclosed are two originals of Amendment No. 1 to Contract No QM152-15 Disadvantaged Business Enterprise and Labor Compliance Monitoring Services.

Please sign each document, return one original to my attention for execution, and retain one original for your files.

If you have any questions, please contact the undersigned at 213.452.0237.

Best regards,

Lia McNeil-Kakaris  
Assistant Director, Contracts & Procurement

Enclosures

Ref: QM152-15 AMEND 1 Date: 30Jun15  
Dep: Contracts Wgt: 0.15 LBS

DV:

0.00

Svcs: STANDARD OVERNIGHT  
TRCK: 5779 5376 3246

SHIPPING:  
SPECIAL:  
HANDLING:  
TOTAL:

12.93  
0.39  
0.00  
13.32

