

AMENDMENT NO. 3 TO CONTRACT NO. 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, 2017, 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. Effective June 12, 2015, the Authority amended 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.
- III. Effective April 10, 2016 the Authority awarded the contract under Amendment No. 2 to revise Article 2, Period of Performance to exercise the second one-year option and extend the Period of Performance to June 30, 2017, and revise Article 3, Payment to increase the contract authorization by \$100,000 for a new not-to-exceed contract amount of \$600,000, as approved by the Authority's Board on April 8, 2016.

- IV. The Authority hereby amends the contract under Amendment No. 3 to revise Article 3, Payment to increase the contract authorization by \$600,000 for a new not-to-exceed contract amount of \$1,200,000, as approved by the Authority's Board on June 10, 2016.

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

- I. 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 One Million Two Hundred Thousand Dollars (\$1,200,000) including all amounts payable to Consultant for all costs, including but not limited to leases, materials, taxes, insurance, and profit.

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

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

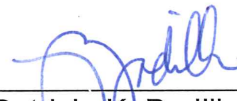
SOUTHERN CALIFORNIA REGIONAL RAIL PADILLA & ASSOCIATES, INC.
AUTHORITY

By:



Arthur T. Leahy
Chief Executive Officer

By:



Patricia K. Padilla
President

APPROVED AS TO FORM:



DON DEL RIO
GENERAL COUNSEL

Padilla

& ASSOCIATES

Specialized Management, Public Contract Compliance Monitoring,
Training & Strategic Outreach Consulting

July 8, 2016

Metrolink
One Gateway Plaza, Floor 12
Los Angeles, Ca. 90012

Attn: Lia McNeil-Kakaris

Subject: Contract No. QM152-15
Disadvantaged Business Enterprise and Labor Compliance
Amendment No. 3

Dear Ms. McNeil-Kakaris:

Attached is the fully executed original of Amendment No. 3 to Contract No. QM152-15,
Disadvantaged Business Enterprise and Labor Compliance Monitoring Services, for your file.

Should you have any questions regarding this Amendment, please feel free to contact me.

Regards,



Patricia K. Padilla
President

Enclosure

Corporate Office

211 E. City Place Drive
Santa Ana, CA. 92705
Phone (714) 973 - 1335
Fax: (714) 973 - 1229



SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

TRANSMITTAL DATE: June 3, 2016**MEETING DATE: June 10, 2016****ITEM 14****TO: Board of Directors****FROM: Arthur T. Leahy** *ATL***SUBJECT: Contract No. QM152-15 – Disadvantaged Business Enterprise (DBE) and Labor Compliance Monitoring Services – FY2016-17 Annual Contract Funding 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

It is recommended that 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 \$600,000 for a new not-to-exceed contract funding authorization amount of \$1,200,000 for DBE and labor monitoring support in FY2016-17. This authorization is contingent upon approval of the Board-adopted FY2016-17 Operating and Capital Budget at the June 24, 2016 Board meeting.

Alternatives

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

Strategic Goal Alignment

This item aligns with the strategic goal of *improving organizational efficiency* and will provide compliance with statutory and regulatory requirements.

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, prime bidders/proposers are required 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 February 2015 under the Chief Executive Officer's authority to Padilla for an initial period of five months with three one-year options for a not-to-exceed amount of \$100,000. Padilla provided an initial assessment of the Authority's DBE and Labor Compliance program and started compliance services effective July 1, 2015. This contract is annually funded and the Board at the June 2015 and April 2016 meetings, approved \$500,000 of contract funding authorization for continued DBE administration and labor compliance consulting services for FY2015-16. The current contract expires June 30, 2017. The total not-to-exceed contract funding authorization is \$600,000.

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. Currently, Padilla monitors 96 contracts and subcontracts subject to DBE requirements.

Padilla also provides labor monitoring to 20 active contracts 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 assisted the Authority in revising the Labor Compliance Program to incorporate these new requirements and continues monitoring of all capital and maintenance contracts that require labor compliance.

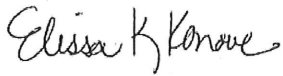
Padilla has provided satisfactory services for the Authority.

Therefore, it is recommended that the Board authorize the Chief Executive Officer to approve \$600,000 of contract authority for Contract No. QM152-15 with Padilla for FY2016-17 to enable continued DBE administration and labor compliance consulting services.

Budget Impact

Funding for DBE and Labor Compliance monitoring is included in the FY2016-17 Operating and Capital Budget and is contingent upon approval of the Board-adopted FY2016-17 Operating and Capital Budget at the June 24, 2016 Board meeting. Funding for subsequent years will be requested in future budgets.

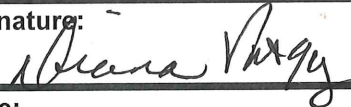
Prepared by: Lia McNeil-Kakaris, Assistant Director, Contracts and Procurement



Elissa K. Konove
Deputy Chief Executive Officer

TRANSMITTAL FORM FOR APPROVAL

Contract Administrator/Initiator: Diana Vasquez
Telephone Extension: 294

Signature: 

Agreement Number:
QM152-15

Amendment Number:
3

Date:
June 27, 2016

Agreement Name:
DBE and Labor Compliance Monitoring Services

Description:
Amendment No. 3 to increase contract authority for FY 16-17 as approve by Board 6/10/16

☐ **Contract Amount–** \$1,200,000.00

Vendor: Padilla and Associates, Inc.

Approval Needed By: June 30, 2016

Was Board Approval Required? ☒ Yes ☐ No


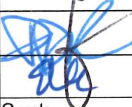
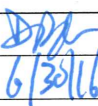

If Yes, Date Approved by Board: June 10, 2016

☒ **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	Deputy Chief Executive 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		6/28/16
3	A/S	Deputy Chief Executive Officer	Elissa Konove		6/29/16
4	A/S	General Counsel	Don O. Del Rio		6/29/16
5	A/S	CA Sends to Vendor for Signature		Sent:	Rcvd:
6	A/S	Chief Executive Officer	Arthur T. Leahy		6-30-16

ACTION LEGEND:

A = Approval P = Prepare S = Sign

PLEASE PROCESS ACCORDING TO SEQUENCE # AND RETURN TO:

Contracts Department Assistant
 Southern California Regional Rail Authority
 One Gateway Plaza, 12th Floor
 Los Angeles, CA 90012

Contracts & Amendments Distribution

Executed Original Copy:

To Vendor:

To File

PDF Copy:

To Contracts Drive

Update Contract Circulation Spreadsheet

INTEROFFICE MEMORANDUM

DATE: June 28, 2016

TO: Lia McNeil-Kakaris

FROM: Diana Vasquez

SUBJECT: Contract QM152-15 DBE and Labor Compliance Monitoring Services, Amendment No.3

Contract No. QM152-15 was awarded by the Chief Executive Officer to Padilla and Associates, Inc. on February 1, 2015. The contract provides DBE and Labor Compliance monitoring services.

Amendment No. 1 to Contract No. QM152-15 the Authority amended the contract 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.

Amendment No. 2 to Contract No. QM152-15 increases the contract authority by \$100,000 for a not-to-exceed contract amount of \$600,000 as approved by the Board on the April 8, 2016 meeting.

Amendment No. 3 to Contract No. QM152-15 increases the contract authority by \$600,000 for a not-to-exceed contract amount of \$1,200,000 as approved by the Board on the June 10, 2016 meeting.

A one-year option will be exercised for FY 2016-17 extending the period of performance to June 30, 2017.

The period of performance remains unchanged to be in effect from February 1, 2015 to June 30, 2017, with a single one-year option remaining to be exercised at the sole discretion of the Authority.

