

**Board Report**

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**File #:** 2015-0223, **File Type:** Contract

**Agenda Number:** 40.

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**REVISED**  
**CONSTRUCTION COMMITTEE**  
**JULY 16, 2015**

**SUBJECT: WESTSIDE PURPLE LINE EXTENSION PROJECT**

**ACTION: AUTHORIZE THE AWARD OF CONTRACT C1078 MAINTENANCE OF WAY/NON-REVENUE VEHICLE MAINTENANCE BUILDING**

**RECOMMENDATION**

CONSTRUCTION COMMITTEE FORWARDED WITHOUT RECOMMENDATION authorizing the Chief Executive Officer to award a 28 month firm fixed price contract, under Invitation for Bid No. C1078, with Clark Construction Group, the lowest responsive and responsible bidder for the **final design and construction of the Maintenance of Way/Non-Revenue Vehicle Maintenance Building** to be constructed as part of the Division 20 Yard and Shops expansion for a firm fixed price of \$52,830,310.

**ISSUE**

On September 19, 2013, the Board approved the use of the Design/Build delivery method for the Maintenance of Way/Non-Revenue Vehicle Maintenance Building, but did not approve the staff recommendation to authorize the CEO to award the contract after the receipt of bids. An Invitation For Bid (IFB) was advertised on September 19, 2014, under CPUC 130242 (a). Bids were received on February 6, 2015. Under CPUC 130242 (e) the contract shall be awarded to the lowest responsive and responsible bidder.

Board approval of the Recommendation is required to fulfill the scope related to the Division 20 Yard and Shops expansion and modifications as part of the requirements for the Westside Purple Line Extension Section 1 Project, as described in the Federal Transit Administration (FTA) Full Funding Grant Agreement (FFGA).

**BACKGROUND**

In April 2012, the Board of Directors certified the Final EIS/EIR for the Westside Purple Line Extension Project as a nine-mile, dual track heavy-rail transit subway project that will operate as an

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extension of the Metro Purple Line heavy rail transit subway system. The Project received the Full Funding Grant Agreement (FFGA) on May 21, 2014 for work on Section 1 (3.92 miles of twin-tunnels from Wilshire/Western to Wilshire/La Cienega, with three subway stations) that includes expansion and modifications to the Division 20 rail yard and shops facilities to support the extension of the Purple Line and the anticipated growth in service of both the Purple Line and Red Line.

In addition, the Maintenance of Way/NRV Maintenance Building is a replacement building for existing buildings that will be displaced in order to construct a turn-back facility within Division 20 beyond the existing terminus at Union Station. This area will also be required as a temporary laydown area for the C1045 Design/Build Contract (Tunnels, Stations, Trackwork, Systems and Systems Integration Testing) to allow the C1045 Contractor to stage and weld rail that will be fed into the 3.92 miles of the Westside Purple Line Extension Section 1 Project, via the existing tunnel portal located at Division 20.

Since the time of the certification of the Final EIS/EIR in 2012, staff has worked with stakeholders and the City of Los Angeles on requested changes to the Maintenance of Way/NRV Building. In 2012/13, these included accommodations for the City supported project to construct the Lucky Brand Jeans design/production facility on a portion of the identified yard expansion site and accommodations for the City's 6th Street Viaduct Replacement Project.

In 2014, residents and activists in the Arts District who had been working with the City of Los Angeles on the proposed new park and river access as part of the 6th Street Viaduct Replacement Project, raised concerns about the appropriateness of the Maintenance of Way/NRV (MOW/NRV) Building and its design adjacent to the proposed new park and river access. In response to these concerns, the Board approved Motion #83 on October 2, 2014, directing the CEO to work with the Arts District residents and other stakeholders to identify changes that could be made to the planned maintenance of way building to ensure that the building complements the proposed arts park and river walk.

Per the Board directive, Metro staff further engaged Arts District Representatives to explore their requests to develop design alternatives that would either relocate the building to an alternate site north of the 1st Street Bridge or provide design changes on the previously approved site adjacent to the future 6th Street Bridge. Attachment C provides a summary of these outreach efforts which included over 18 stakeholder meetings and more than 30 internal meetings to review and prepare the necessary analyses and responses to community requests. During this time, the stakeholders actively participated with their own proposals prepared by faculty at the Southern California Institute of Architecture and an outside architectural firm commissioned by the stakeholders to present alternative concepts and ideas.

Many of the above requests for changes and accommodations have been made and others can still be made during the Design/Build phase. However, it was determined that moving the building to a completely different site would have significant cost and schedule impacts to the Westside Purple Line Extension Project at this late stage in project development. Therefore, other alternatives were

explored during more recent meetings held between Metro and the Arts District Stakeholders to retain the MOW Building on the Metro owned site at 6th/Santa Fe. The revised site plan would maintain the current building footprint which includes rooftop parking and surface parking but reconfigures the site plan by increasing the distance to the 6th Street Bridge by moving the location of the building farther back on the current property that MTA has already acquired. Other concepts such as underground parking or a second level of rooftop parking were determined to be financially infeasible.

The revised plan will provide a building setback of at least 85 feet from the 6th Street property line and at least 50 feet from the Santa Fe Avenue property line. This will improve site lines and views of the new bridge from Santa Fe Avenue. We will also continue to explore the feasibility of pushing the building farther back from the bridge toward the northeastern property boundary if fire/life safety conditions mandated by the Los Angeles City Fire Department and operational requirements of our Division 20 Railyard Operations and Maintenance functions can be met..

We will continue to work with stakeholders and the City during the Final Design and Construction phase following the award of Contract C1078 to include possible additional elements requested by the stakeholders including landscaping, color & lighting treatments and an art component.

Metro Art staff normally work with the Project Team and Design Builder to explore how an art opportunity may be integrated. In this case, opportunities would be explored in exterior locations facing Santa Fe Avenue and the 6th Street Bridge. Opportunities may include enhanced architectural glass, grilles, panels or lighting. The Metro process convenes a Curatorial Advisory Committee of high profile Los Angeles area museum curators with a background in contemporary visual art to establish a Prequalified Artist Pool.

In the longer term, staff will work with the Los Angeles Bureau of Engineering as they develop designs for the Arts Park and River Gateway under the new 6th Street Bridge. One concept to be explored with the City would utilize some of the setback area that will be provided on the Metro owned MOW Building site to expand the Arts Plaza in return for City owned surplus properties that are expected to remain on the south side of the bridge following construction. These opportunities will be better understood when the City further develops their plans for the Arts Park and River Gateway immediately adjacent to the MOW Building site.

Board approval of the Recommendation at this time is required to maintain the overall schedule for the Westside Purple Line Extension Section 1 Project and reduce the potential of schedule delays and cost impacts.

## **DETERMINATION OF SAFETY IMPACT**

The recommended action has no impact on safety.

### **FINANCIAL IMPACT**

Funds are included in the FY16 budget for this action under Project 865518 - Westside Purple Line Extension Section 1 Project in Cost Center 8510 (Construction Project Management), and Account Number 53101 (Acquisition of Building and Structure). Since this is a multi-year project, the Executive Director of Engineering and Construction and the Project Manager will be responsible for budgeting costs in future years.

Board approval of the Recommendation at this time is required to maintain the overall schedule for the Westside Purple Line Extension Section 1 Project and reduce the potential of schedule delays and their resulting cost impacts. Staff will continue to work with Arts District Stakeholders following the award of the bid to address changes to the design on the 6<sup>th</sup>/Santa Fe approved site. As the recommended bid award amount is more than the budget line item for the Maintenance of Way/Non-Revenue Vehicle Maintenance Building included in the FTA Full Funding Grant Agreement, the additional costs related to the base scope will be funded by project contingency. In the event that further changes in the design result in new costs outside of the approved project budget, staff will return to the Board with a supplemental funding plan for approval.

### **Impact to Budget**

The sources of funds for the recommended action are Federal 5309 New Starts and Measure R 35% (Cash). The approved FY16 budget is designated for the Westside Purple Line Extension Section 1 Project and does not have an impact to operations funding sources. These funds were assumed in the LRTP for the Westside Purple Line Extension Section 1 Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the project. No other funds were considered.

### **ALTERNATIVES CONSIDERED**

The Board could decide to reject the staff Recommendation to award the C1078 Contract. However, this alternative is not recommended because there is no assurance of better prices and the Maintenance of Way/Non-Revenue Vehicle Repair Building is required to replace existing buildings that will need to be demolished on their current site to provide a site for a future turn-back facility that will be required to support increased service levels on the Red/Purple Lines and satisfy the required headways for passenger revenue service. The current building site will also be required for the C1045 (Tunnels, Stations, Trackwork, Systems and Systems Integration Testing) Design/Build Contract to provide a temporary laydown and welding area for the trackwork that will be installed in the new tunnels and stations for the Westside Purple Line Extension Project.

**NEXT STEPS**

Project staff will issue a Notice of Award, execute a contract with the recommended contractor and once bonds, insurance, and project labor agreement requirements are met, issue a Notice to Proceed.

**ATTACHMENT**

- A. Procurement Summary
- B. Motion No. 83 by Director Molina - October 2014
- C. Summary of Extended Outreach Efforts

Prepared By:

Dennis S. Mori, Executive Officer, Project Management (213-922-7221)

Tim Clark, Interim Director Contract Administration (213-922-7246)

Rick Wilson, Director Project Control (213-922-3627)

Reviewed By:

Ivan Page, Interim Executive Director, Vendor/Contract Management (213) 922-6383

Nalini Ahuja, Executive Director, Finance & Budget (213) 922-3088

Bryan Pennington, Executive Director, Engineering & Construction (213) 922-7449

Martha Welborne, FAIA, Chief Planning Officer, (213) 922-7267



Phillip A. Washington  
Chief Executive Officer

**PROCUREMENT SUMMARY  
WESTSIDE PURPLE LINE EXTENSION PROJECT  
MAINTENANCE OF WAY / NON REVENUE VEHICLE BUILDING  
/CONTRACT NO. C1078**

1.	<b>Contract Number:</b> C1078	
2.	<b>Recommended Vendor:</b> Clark Construction Group	
3.	<b>Type of Procurement (check one):</b> <input checked="" type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	A. Issued: 9/19/14	
	B. Advertised/Publicized: 9/20/14	
	C. Pre-proposal/Pre-Bid Conference: 10/15/14	
	D. Proposals/Bids Due: 2/6/15	
	E. Pre-Qualification Completed: 3/18/15	
	F. Conflict of Interest Form Submitted to Ethics: 3/12/15	
	G. Protest Period End Date: June 23, 2015	
5.	<b>Solicitations Picked up/Downloaded:</b> 61	<b>Bids/Proposals Received:</b> 2
6.	<b>Contract Administrator:</b> Zachary Munoz	<b>Telephone Number:</b> (213)922-7301
7.	<b>Project Manager:</b> Dennis Mori	<b>Telephone Number:</b> (213)922-7238

### **A. Procurement Background**

This Board Action is to approve Contract no. C1078 issued in support of Westside Purple Line Extension Project.

IFB No. C1078 was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

Invitation for Bid (IFB) No. C1078 was issued on September 19, 2014. The Notice requesting bids was published in several newspapers of general circulation on September 20, 2014. The IFB was also posted on Metro's website and notice of availability postcards were mailed to potential bidders. A Pre-Bid conference was held on October 15, 2014, with 48 firms in attendance. A total of 3 Amendments were issued.

- Amendment No. 1 issued on October 31, 2014, revised various Project Definition Documents and revised the bid due date;
- Amendment No. 2 issued on December 12, 2014, revised various Project Definition Documents, added various Reference Documents, and revised the bid due date;

- Amendment No. 3 issued on January 16, 2015, revised various Volume I Documents and Project Definition Documents.

Sixty-one firms purchased the IFB package. Metro responded to one hundred and two clarification inquiries from the plan holders. Metro received two bids at a public bid opening, held on February 6, 2015.

**B. Evaluation of Bids**

The firm recommended for award, Clark Construction Group, was found to be in full compliance with the bid requirements.

No.	Bidder Name	Bid Amount
1.	Clark Construction Group	\$52,923,000
2.	S.J. Amoroso Construction	\$57,277,000

**C. Price Analysis**

The recommended bid price has been determined to be fair and reasonable based upon adequate price competition and selection of the lowest responsive and responsible bidder.

Bidder Name	Bid Amount	Metro ICE	Negotiated or NTE amount
Clark Construction Group	\$52,923,000	\$61,119,226	N/A

As part of the IFB, Metro requested that bidders provide separate price schedules for unit prices for potential contract changes and delay compensation. These pricing schedules are not part of the base contract award, but are available to Metro to expedite negotiation of contract changes and compensable delay claims. Clark Construction Group’s Total Bid Price of \$52,923,000 included \$62,690 for unit price work for potential contract changes and \$30,000 for compensable delay compensation. These line items were included for evaluation purposes only, and are not included in the Total Contract Award amount of \$52,830,310.

**D. Background on Recommended Contractor**

Clark Construction Group (Clark) has been in operation since 1906. Clark has 4,200 employees spread across offices and jobsites throughout the United States. They have completed projects of all sizes and levels of complexity. Some of Clark’s past projects include, Washington Metropolitan Area Transit Authority Brentwood Shop Extension in Washington D.C., Anaheim Regional Transportation Intermodal Center (ARTIC) in Anaheim CA, and LAX Tom Bradley International Terminal in Los Angeles CA).



**E. (1)Small Business Participation - Design**

The Diversity and Economic Opportunity Department (DEOD) established a 20% Disadvantaged Business Enterprise (DBE) goal for design. Clark Construction Group exceeded the goal and made a 24.07% DBE commitment.

<b>DBE Goal</b>	<b>20%</b>	<b>DBE Commitment</b>	<b>24.07%</b>
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	<b>DBE</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Bobby Knox	African American	0.72%
2.	Innovative Engineering Group	Asian Pacific American	8.47%
3.	JCE Structural Engineering Group	Hispanic American	2.41%
4.	Sanchez/Kamps Associated Designs	Hispanic American	1.16%
5.	V&A	Hispanic American	11.13%
6.	AP Engineering & Testing, Inc.	Asian Pacific American	0.18%
<b>Total Commitment</b>			<b>24.07%</b>

**E. (2)Small Business Participation - Construction**

The Diversity and Economic Opportunity Department (DEOD) established a Race Conscious DBE goal of 16% for construction. To be responsive to DBE requirements, Clark Construction Group was required to identify all known DBE subcontractors at time of proposal. Clark Construction Group listed one DBE firm as noted below. In addition, Clark Construction Group was required to submit a DBE Contracting Plan identifying construction opportunities to meet its DBE commitment. Clark Construction Group must update its Contracting Plan monthly, as contract work is bid and awarded to DBE firms. DEOD reviewed and approved the Contracting Plan submitted by Clark Construction Group.

<b>DBE Goal</b>	<b>16%</b>	<b>DBE Commitment</b>	<b>16%</b>
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	<b>DBE</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	BBC Electric	African American	1.95%
2.	TBD	TBD	14.05%
<b>Total Commitment</b>			<b>16.00%</b>

**F. All Subcontractors Included with Recommended Contractor’s Proposal**

	<b>Subcontractor</b>	<b>Services Provided</b>
1.	Gruen & Associates	Urban Design
2.	Bobby Knox	Specifications
3.	Exponent	Life Safety
4.	Gannett Fleming	Structural Engineering
5.	Innovative Engineering Group	Mechanical Engineering
6.	JCE Structural Engineering Group, Inc.	Structural Engineering
7.	Menlo Scientific	AV/Acoustics
8.	Sanchez/Kams Associated Design	Environmental Graphics
9.	TK1SC	Low Voltage Engineering
10.	V&A	Civil Engineering
11.	Haley & Aldrich	Geotech
12.	AP Engineering & Testing, Inc.	Lab Testing
13.	McMurray Stern	High Density Storage
14.	Letner Roofing Company	Metal Panels
15.	Control Air Conditioning	HVAC & Plumbing
16.	Cosco	Fire Sprinklers
17.	Neal Electric	Electrical
18.	BBC Electric	Electrical Supplier

**G. Living/Prevailing Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable on Professional Service Contracts listed below that are \$25,000.00 or greater and have a contract term of three (3) months or more. The LW/SCWRP will apply to professional service contracts for Asphalt and Concrete Repair, Facility and Building Maintenance, Food Services, Janitorial and Custodial, Landscaping, Laundry Services, Moving Services, Office and Clerical (copier maintenance, facsimile maintenance, courier mailing, photographic, printing, collections), Parking Lot Management, Pest Control, Security, Street Sweeping, Towing, Trash Collection, Tree Trimming, Weed Abatement and Debris Removal; and any other Service or labor determined by Metro’s Board of Directors, Executive Management or DEOD, to meet the intent of the Policy.

**H. Prevailing Wage Applicability**

Prevailing wages are applicable on Public Works contracts that are funded by State/Local and/or Federal dollars. The California Labor Code requires the payment of prevailing wages on state and local contracts in excess of \$1,000; and in the case of federally assisted projects, Federal Labor Standards Provisions require the payment of prevailing wages for contract in excess of \$2,000.

In the event that this Contract is subject to the provisions of California law regarding Public Works, including, but not limited to California Labor Code Sections 227, 1021, and 1720 through and including 1861, together with all applicable regulations (e.g. Title 8 California Code of Regulations, Section 16001 et. seq.), prevailing wages will be applicable to the contract. In addition to the requirements for payment of prevailing wages set forth in the Labor Compliance Manual, this Contract, if federally funded, is also subject to payment of prevailing wages under federal law by the Davis Bacon Act, as determined by the US Department of Labor. All pertinent federal and state statutes and regulations, including but not limited to those referred to above will be incorporated by reference into the contract document.

Motion by Director Molina

October 2, 2014

Metro is planning to construct a new maintenance of way building at the south portion of the Division 20 maintenance facility to accommodate additional service due to the subway expansion. In 2012, the project was environmentally cleared as a part of the Westside Subway. More recently, the City of Los Angeles unveiled plans for the Sixth Street viaduct replacement project which includes an arts park and performance space as well as a river gateway tunnel connection under the rail yard to the Los Angeles River.

Residents and activists in the Arts District only recently became aware of the proposed maintenance of way building after working collaboratively with the City of Los Angeles on the proposed new park and river access for a number of years. The community has raised concerns about the appropriateness of the new building and its design adjacent to the proposed new park and river access. Metro is now ready to procure a design builder for the maintenance of way building. It is imperative that Metro address the community's concerns prior to selecting a design/build contractor for the project.

**I THEREFORE MOVE** that the Board direct the CEO to work with Arts District residents and other stakeholders to identify changes that can be made to the planned maintenance of way building, to ensure that the building compliments the proposed arts park and river walk, and report back to the Board at the November Board meeting.

**SUMMARY OF EXTENDED  
OUTREACH EFFORTS WITH  
ARTS DISTRICT STAKEHOLDERS**

**OCTOBER 2014 – JULY 2015**

Date	Activities	Internal Metro Meetings	Meetings with Arts District Stakeholders
October 2, 2014	Metro Board Motion to work with stakeholders on MOW building	-	-
October 2014 - March 2015	Stakeholder requested review of alternative site feasibility assessment to move MOW building north of 1 <sup>st</sup> Street	20	8
May 2015 – July 2015	Refocused reviews of changes to original site owned by Metro at 6 <sup>th</sup> /Santa Fe	10	10
<b>TOTAL MEETINGS</b>		<b>30</b>	<b>18</b>



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