

**Board Report**

File #: 2015-1600, **File Type:** Contract

Agenda Number: 31.

**CONSTRUCTION COMMITTEE
NOVEMBER 19, 2015**

SUBJECT: UNIVERSAL CITY PEDESTRIAN BRIDGE, CONTRACT NO. C1043

ACTION: AUTHORIZE INCREASE IN CONTRACT MODIFICATION AUTHORITY

RECOMMENDATION

APPROVING an increase in Contract Modification Authority (CMA) for **pending and future Contract Modifications in the amount of \$400,000 for Contract No. C1043 Universal City Pedestrian Bridge, awarded to Griffith Company**, increasing the total CMA from \$2,142,500 to \$2,542,500. This action does not affect the Life of Project budget.

ISSUE

To date the Contract is 52% complete and several unforeseen conditions have impacted construction activities. As a result, staff requests additional CMA in the amount of \$400,000, to prevent possible delay to the construction completion.

Staff is not requesting an increase to the Life of Project (LOP) budget at this time. However, project contingency has fallen below 1.5% due to the aforementioned changes with 52% of construction complete. Staff is monitoring the LOP budget closely and should staff identify a need to increase the LOP, they will return to the Board at a later date.

DISCUSSION

Metro issued the Notice to Proceed (NTP) for Design-Build (DB) Contract No. C1043 for the Universal City Pedestrian Bridge Project in January 2014. As of September 30, 2015, the Contractor, Griffith Company (Griffith) has completed all design activities and is approximately 52% complete with construction.

Some of the significant change orders executed to date include relocation of the transformer necessary to power the bridge equipment, modification of the structural member fabrication to meet more stringent code requirements, and implementation of major foundation design modifications to comply with the findings of the most current geotechnical report.

In addition to the above, Griffith has submitted several additional requests for contract changes,

including time extensions, which are currently under staff review. As of the end of September 2015, executed Contract Modifications equal \$1,098,719, unexecuted Contract Modifications total \$725,000, and pending Contract Modifications under review are \$718,781, for a grand total of \$2,542,500. All Contract Modifications are included as Attachment B.

The current approved CMA is \$2,142,500; therefore, staff is requesting additional CMA in the amount of \$400,000 to ensure that construction can proceed without any interruptions and avoid potential delays. The Universal City Pedestrian Bridge project is scheduled for substantial completion in late January 2016 with final acceptance in March 2016.

DETERMINATION OF SAFETY IMPACT

The Board action will not have an impact on established safety standards.

FINANCIAL IMPACT

The FY16 budget includes \$8,660,000 in Cost Center 8510 (Construction Contracts/Procurement), Project 809382 (Universal City Pedestrian Bridge). The Life-of-Project (LOP) budget for this project is \$27,300,000. Since Contract No. C1043 is a multi-year contract, the Cost Center Manager and Executive Director, Program Management, will be accountable for budgeting the cost in future years.

Impact to Budget

The sources of funds for this project are Proposition A 35% and contribution from NBC Universal. Proposition A 35% is eligible for rail operating and capital funds. No other sources were considered as these funds are programmed for this project.

ALTERNATIVES CONSIDERED

The Board may choose to not authorize an increase to the CMA. This alternative is not recommended because without the availability of CMA construction may be interrupted causing a delay to contract completion.

NEXT STEPS

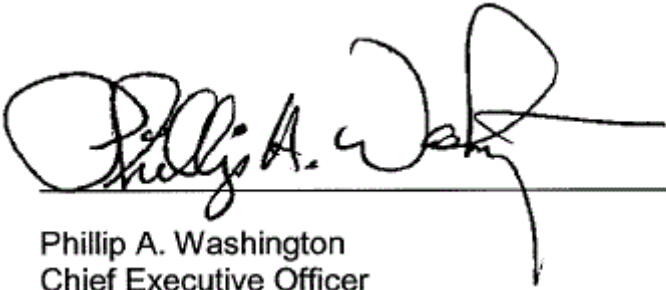
Upon receipt of additional CMA, staff will continue to negotiate and execute contract modifications.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Log
Attachment C - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

UNIVERSAL CITY PEDESTRIAN BRIDGE
CONTRACT NO. C1043

1.	Contract Number: C1043		
2.	Contractor: Griffith Company		
3.	Mod. Work Description: Increase Contract Modification Authority (CMA) for pending modifications to support ongoing project.		
4.	Contract Work Description: See Attachment B		
5.	The following data is current as of: October 9,2015		
6.	Contract Completion Status:		
	Bids/Proposals Opened:	7/25/13	% Completion \$s: 52%
	Contract Awarded:	11/14/13	% Completion time: 81%
	NTP:	1/9/14	Original Contract Days: 730
	Original Complete Date:	1/9/16	Change Order Days: 55
	Current Est. Complete Date:	3/3/16	Suspended Days: 0
	Total Revised Days:		785
7.	Financial Status:		
	Contract Award:	\$21,425,000	
	Total Contract Modifications Approved:	\$1,098,719	
	Current Contract Value:	\$22,523,719	
	Total Contract Modification Authority Requested Additional CMA (See Attachment B)	\$2,142,500	
	Contract Administrator: Diana Sogomonyan	Telephone Number: (213) 922-7243	
8.	Project Manager: Milind Joshi	Telephone Number: (213) 893-7117	

A. Contract Action Summary

This Board action is to approve an increase in Contract Modification Authority (CMA).

The pending contract modifications will be processed in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Price performing design and construction work of a new pedestrian bridge, hardscape plazas and landscaping, and a right turn lane.

History of the original procurement:

The Board authorized the Chief Executive Officer to solicit and award a Design-Build (D/B) contract for the Universal City Pedestrian Bridge on July 26, 2012, per Settlement Agreement and Pedestrian Crossing Agreement dated July 10, 2012, between Universal NBC and LACMTA.

Life of Project Budget was approved for increase by Board of Directors on October 24, 2013 in the amount of \$27,300,000 and Metro's Chief Executive Officer approved Contract award to Griffith Company, a General Contractor located in Brea, California, on October 28, 2013. Griffith Company was determined to be the lowest price technically qualified responsible bidder and was awarded the D/B Contract on November 14, 2013. Griffith Company's price of \$21,425,000 was determined to be fair and reasonable, based on adequate price and competition. The CMA of \$2,142,500 was established per the Contract Price.

Notice to Proceed was issued to Griffith Company on January 9, 2014, with Period of Performance of 730 Calendar Days.

Refer to Attachment B for modifications issued to date to add/delete work, and the proposed modification currently pending authorization.

B. Cost/Price Analysis

The negotiated price for the proposed changes that is merited will be determined to be fair and reasonable based upon clarification of scope of work, fact finding, an independent cost estimate, cost analysis, technical evaluation, and audit as required.

See list of pending changes in Attachment B.

CONTRACT MODIFICATION/CHANGE LOG

UNIVERSAL CITY PEDESTRIAN BRIDGE
CONTRACT NO. C1043

Mod/CO No.	Description	Status	Contract Value (A)	Mod/CO Value (B)	Board Approved CMA (C)
N/A	Initial Award		\$21,425,000		\$2,142,500
CO No. 1	Perforated Panel Design Change	Approved		\$46,637	
Mod No. 1	Conversion to Metro CADD Standards	Approved		\$49,251	
Mod No. 3	Transformer Relocation (Design Change)	Approved		\$38,520	
Mod No. 5	Additional Traffic Control	Approved		\$37,733	
Mod No. 6	Additional Plaza Lighting	Approved		\$91,781	
Mod No. 7	CIDH Pile Installation and Pile Splice Zone	Approved		\$46,083	
Mod No. 8	Transformer Relocation (Construction)	Approved		\$320,000	
Mod No. 10	Bridge Mid Chord Connection (Design and Construction)	Approved		\$468,714	
Subtotal – Approved Changes				\$1,098,719	
Mod No. 4	Revise DEOD SBE Contract Compliance Manuel	Pending		\$0.00	
TBD	Design Directive Drawings for CSS (CN NO. 10)	Pending		\$57,000	
TBD	Field Directive Labor Materials (Museum Signage) (CN No. 11)	Pending		\$3,000	
TBD	Use CIDH Pile Foundation and Grade Beams in Place of Spread Footings (CN No. 13)	Pending		\$425,000	
TBD	Perforated Metal Wall Panels Design and Construction (CN No. 14)	Pending		\$200,000	
TBD	Silicate Carbide Asphalt	Pending		\$103,000	
TBD	TIA 6: Design Changes Metal Cladding	Pending		\$100,000	
TBD	Material Hauling Off-site	Pending		\$70,000	
TBD	Differing Site Conditions Including Concrete at Water	Pending		\$120,000	

	Line, Drain Line and Unknown Duckbank				
TBD	HVAC Scope	Pending		\$200,000	
TBD	Painting Specification Change	Pending		\$7,000	
TBD	TIA 1: LABOE Pushover Analysis	Pending		\$50,000	
TBD	Additional Traffic Control for UNBC	Pending		\$30,000	
TBD	Miscellaneous	Pending		\$38,781	
Subtotal – Pending Changes				\$1,443,781	
Subtotal Approved and Pending Changes				\$2,542,500	
TBD	Holding Tanks at Station 1-3	Pending		(\$100,000)*	
Subtotal Approved and Pending Changes Including Credits				\$2,442,500	
Total Contract Value(Including Approved and Pending Changes and Credits)			\$23,867,500		
				\$21,425,000 + \$2,442,500 =	
Prior CMA Authorized by the Board					\$2,142,500
Approved Changes					\$1,098,719
Remaining CMA for Future Changes					\$1,043,781
Pending Changes					\$1,443,781
Increased CMA for this Recommended Action					\$400,000*

*Credit value totaling \$100,000 is not included in the CMA request.

DEOD SUMMARY

UNIVERSAL CITY PEDESTRIAN BRIDGE / C1043

A. Small Business Participation

Griffith Company made a 10% Small Business Enterprise (SBE) commitment for this solicitation. The project is 52% complete and the current SBE participation is 9.01%.

SMALL BUSINESS COMMITMENT	10% SBE	SMALL BUSINESS PARTICIPATION	9.01% SBE
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	SBE Subcontractors	% Commitment	% Participation ¹
1.	Excelsior Elevator	8.37%	5.02%
2.	Intueor Consulting	0.83%	1.70%
3.	Diaz Yourman	0.80%	1.24%
4.	Precision Engineering	Added	0.32%
5.	RT Engineering	Added	0.19%
6.	Langford & Carmichael	Added	0.11%
7.	Morgner Technology Management	Added	0.43%
Total Commitment		10.00%	9.01%

¹Current Participation = Total Actual amount Paid-to-Date to SBE firms ÷ Total Actual Amount Paid-to-date to Prime.

B. Project Labor Agreement / Construction Careers Policy (PLA/CCP)

The Contractor has committed to complying with PLA/CCP requirements for this project. This project is 52% complete and the contractor is not achieving the 40% Targeted Worker Goal at 32.89%, achieving the 20% Apprentice Worker Goal at 26.62%, and achieving the Disadvantaged Worker Goal at 10.31%). Staff has met with the contractor on several occasions throughout the project to address meeting the hiring goals for this project. The contractor has ensured staff that they will achieve the hiring targets for this project, and staff will continue to monitor and report the contractor's progress toward meeting the PLA/CCP goals.

C. Living Wage Service Contract Worker Policy

The Living Wage and Service Contract Worker Retention Policy is not applicable to this modification.

D. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).