

**Board Report**

File #: 2017-0137, **File Type:** Contract**Agenda Number:** 33

**CONSTRUCTION COMMITTEE
MAY 18, 2017****SUBJECT: METRO RED LINE (MRL) METRO ORANGE LINE (MOL) NORTH HOLLYWOOD
STATION WEST ENTRANCE****ACTION: AUTHORIZATION FOR CONTRACT MODIFICATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to execute a final Modification to Contract C1013R, with Skanska USA Civil West California District Inc., for the **design and construction of the west entrance at the North Hollywood Station on the Metro Red Line**, in the amount \$1,261,770, adjusting the total current contract price from \$15,743,901.61 to \$17,005,671.61 within the life of project budget.

ISSUE

This action is necessary to execute a final Contract Modification with Skanska USA. This final Modification represents staff's efforts through negotiations to settle various unforeseen field conditions and construction changes encountered on the project that impacted both scope and schedule. This Contract Modification is required to close-out the Contract, and does not affect the Life of Project (LOP) budget. Through aggressive management and partnership with the contractor, staff delivered this project on-time and under the LOP budget.

DISCUSSION**Findings**

Metro issued the Notice to Proceed (NTP) for Design-Build (DB) Contract No. C1013R for the Metro Red Line - Metro Orange Line North Hollywood West Entrance on February 11, 2014. The west entrance was opened to public on August 15, 2016.

During the course of construction, the Contractor requested numerous design and construction changes. Significant changes included design provisions and inclusion of a knock out panel for future escalator expansion, additional communications or SCADA system design and construction

required to improve the safety functions of the existing North Hollywood system, increase in scope for procurement and installation of Metro Furnished Equipment, differing site conditions encountered during excavation, and time extension and related overhead due to compensable delays encountered.

Considerations

Staff has evaluated the merit of the requested changes and has followed Metro processes and procedures to validate and negotiate the change requests. A list of executed (approved) and unexecuted (pending) modifications is included in Attachment B.

There is no change in the approved LOP amount of \$23,077,401.

DETERMINATION OF SAFETY IMPACT

There is no safety impact associated with this action.

FINANCIAL IMPACT

This action requires an additional \$1.26 million in FY17 for the Metro Orange Line to Metro Red Line Hollywood Pedestrian Underpass in project 204122 due to staff closing out the contract earlier than expected. Upon Board approval, staff will re-allocate funds from a project with fungible funding source underutilizing its FY17 budget. No increase to the Agency's FY17 budget is sought at this point. This increase in the yearly project cashflow does not impact the approved project LOP for 204122 of \$23,077,401.

Impact to Budget

Prop A 35% bond will be used to fund the Contract Modification. This source is appropriate, and is eligible for capital improvements to rail operations.

ALTERNATIVES CONSIDERED

The Board may choose not to authorize the increase in contract price. This alternative is not recommended, as staff would be unable to issue the final Contract Modification and close out the contract.

NEXT STEPS

Upon obtaining Board approval, Metro will issue the final Contract Modification and proceed with Contract closeout.

ATTACHMENTS

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

Prepared by:

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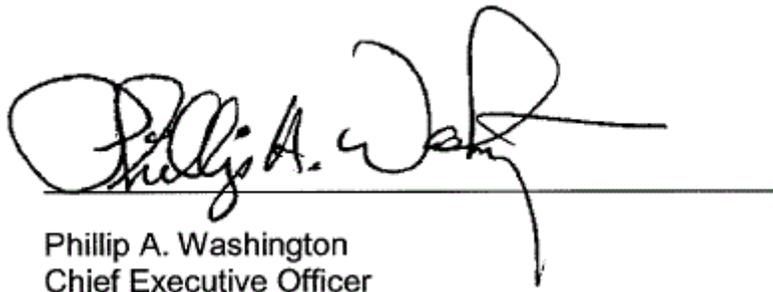
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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

MRL/MOL NORTH HOLLYWOOD STATION WEST ENTRANCE
CONTRACT NO. C1013R

1.	Contract Number: C1013R		
2.	Contractor: Skanska USA Civil West California District Inc.		
3.	Mod. Work Description: Settlement of various Requests for Change, Change Notices, Change Orders, and Time Related Overhead, for close-out of Contract.		
4.	Contract Work Description: Provide the final design and construction of an approximately 150-foot underground pedestrian passage (under Lankershim Boulevard) from the west mezzanine level of the existing Metro Red Line North Hollywood subway station at Lankershim Boulevard to the platform of the existing Orange Line BRT station west of Lankershim Boulevard.		
5.	The following data is current as of: 3/2/17		
6.	Contract Completion Status:		
	Bids/Proposals Opened:	10/14/13	% Completion \$s: 99.68%
	Contract Awarded:	12/30/13	% Completion time: 100%
	NTP:	2/11/14	Original Contract Days: 730
	Original Complete Date:	2/11/16	Change Order Days: 243
	Current Est. Complete Date:	10/11/16	Suspended Days: 0
	Total Revised Days:		973
7.	Financial Status:		
	Contract Award:	\$14,825,000	
	Total Contract Modifications Approved:	\$918,901.61	
	Current Contract Value:	\$15,743,901.61	
	Contract Administrator: Diana Sogomonyan	Telephone Number: 213.922.7243	
8.	Project Manager: Milind Joshi	Telephone Number: 213.922.7985	

A. Contract Action Summary

This Board Action is to approve authorization for Metro Chief Executive Officer (CEO) to execute Modification No. 20 to Contract No. C1013R, for the settlement of various Requests for Change, Change Notices, Change Orders, and Time Related Overhead, for closing out the subject contract. This Contract Modification will be processed in accordance with Metro's Acquisition Policy. This is a firm fixed price Contract.

On September 22, 2011, the Board of Directors authorized the CEO to solicit and award design-build contracts for renovation, repair and construction at Metro rail facilities, pursuant to Public Utilities Code Section 130242. On December 12, 2013, Metro CEO authorized the award of firm fixed price Contract No. C1013R to

Skanska USA Civil West California District Inc., the lowest price, responsive and responsible bidder, for the period of performance of 730 calendar days after Notice to Proceed, in the total contract amount of \$14,825,000. Notice to Proceed was issued on February 11, 2014.

Seventeen Contract Modifications and three Contract Change Orders have been executed on the Contract to date. Modification No. 20, in the amount of \$1,261,770 will allow the settlement of various issues on the Contract and close-out the Contract. Refer to Attachment B for further details on modifications issued to date adding work, and the proposed Modification currently pending authorization.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon a cost analysis, technical analysis, fact finding, and negotiations. This recommendation is a settlement agreement of various Requests for Change, Change Notices, Change Orders, and Time Related Overhead, for closing out the subject contract where no one item was greater than the audit threshold requirements of \$1,000,000 for construction changes.

Item No.	Changes	Proposal amount	Metro ICE	Negotiated amount
1	Mod No. 20	\$1,317,280	\$803,825	\$1,261,770

CONTRACT MODIFICATION/CHANGE ORDER LOG

MRL/MOL NORTH HOLLYWOOD STATION WEST ENTRANCE
CONTRACT NO. C1013R

Mod./CO No.	Description	Status (approved or pending)	Cost		
			Contract Value	Mods.	Board Approved CMA
N/A	Initial Contract Award	Approved	\$14,825,000		\$1,482,500
Mod 1	Removal of Lead Abatement	Approved	\$14,837,736	\$12,736	
Mod 2	Additional Excavation Decking	Approved	\$14,883,352	\$45,616	
Mod 3	Artwork Removal and Reinstallation	Approved	\$14,955,575	\$72,223	
Mod 4	Additional "Down" Escalator Design Options	Approved	\$15,129,961.61	\$174,386.61	
Mod 5	Design Directive Drawings for CSS	Approved	\$15,164,498.61	\$34,537	
Mod 6	Additional Spec Sections to be Added to the Contract	Approved	\$15,167,090.61	\$2,592	
Mod 7	Milestone Revision	Approved	\$15,198,590.61	\$31,500	
Mod 8	Revise DEOD Contract Compliance Manual (RC-FTA)	Canceled	\$15,198,590.61	\$0.00	
Mod 9	Additional Existing Coupler Testing Program at KOP	Approved	\$15,209,308.61	\$10,718	
Mod 10	Milestone Revision Due to Critical Days for Mods 2 and 4	Approved	\$15,222,808.61	\$13,500	
Mod 11	Reinstallation of Art Mural at New Location	Approved	\$15,258,493.61	\$35,685	
Mod 12	Milestone Revision Due to LADWP and DSC (CN #00016.1)	Approved	\$15,314,695.61	\$56,202	
Mod 13	Location of Condensing Unit 1	Approved	\$15,396,722.61	\$82,027	
Mod 14	Revised Metro Grand Pylon (Station Marker) to Metro Pin	Approved	\$15,429,949.61	\$33,227	
Mod 15	Additional Design Work for Support of Excavation due to Addnl. LABOE Comments	Approved	\$15,441,360.61	\$11,411	
Mod 16	Contract Mod to SP (Exhibit SA-1 and SA-2) and GC (Sections GC 33.4, 34.7.3, and 34.10)	Approved	\$15,441,360.61	\$0.00	
Mod 17	Differing Site Conditions Due to Location of KOP Formsavers and Conduit (CN #00022)	Approved	\$15,551,335.61	\$109,975	
Mod 18	Add Abrasive Striping on Nosings for Granite Stairs	Approved	\$15,562,001.61	\$10,666	
Mod 19	Haul Off Excess Soil Material	Canceled	\$15,622,001.61	\$0.00	
CO 3	Additional SCADA Point Connections	Approved	\$15,622,001.61	\$60,000	

CO 4	Additional Intersection Improvements	Approved	\$15,623,901.61	\$1,900	
CO 5	Added Scope - Contractor to Furnish/Install Equipment Identified as Metro Furnished Items	Approved	\$15,743,901.61	\$120,000	
Mod 20	Settlement of Various Issue Leading to Close Out	Pending	\$17,005,671.61	\$1,261,770	
Subtotal – Approved Modifications				\$918,901.61	
Subtotal – Pending Changes/Modifications				\$1,261,770	
Subtotal Totals: Mods. + Pending Changes/Modifications			\$2,180,671.61		
Subtotal – Pending Claims			\$0.00		
Total: Mods + Pending Changes/Mods + Possible Claims			\$2,180,671.61		
Previous Authorized CMA			\$1,482,500		
CMA Necessary to Execute Pending Changes/Mods + Possible Claims			\$698,172		
Total CMA including this Action			\$2,180,672		
CMA Remaining for Future Changes/Mods after this Action			\$0.00		

DEOD SUMMARY

MRL/MOL NORTH HOLLYWOOD STATION WEST ENTRANCE / C1013R

A. Small Business Participation

Skanska West made a 10.57% Disadvantaged Business Enterprise (DBE) commitment. The project is 92% complete. Skanska is exceeding their goal commitment with a current DBE participation of 11.78%.

Small Business Commitment	10.57% DBE	Small Business Participation	11.78% DBE
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	DBE Subcontractors	Ethnicity/Gender	% Committed	Current Participation ¹
1.	Anil Verma	Asian Subcontinent/Male	0.27%	0.27%
2.	LIN Consulting	Asian Pacific/Male	0.54%	0.47%
3.	Coast Surveying	Hispanic/Male	0.06%	0.16%
4.	Morgner Construction	Hispanic/Female	0.64%	0.74%
5.	The Solis Group (TSG)	Hispanic/Female	0.49%	0.45%
6.	MTGL, Inc.	Hispanic/Female	1.82%	2.82%
7.	Excelsior Elevator	Asian Pacific/Female	5.07%	4.70%
8.	Lucas Builders	Asian Subcontinent/Female	0.24%	0.59%
9.	CGO Construction	African American/Male	0.12%	0.10%
10.	Clean Up America	African American/Male	0.08%	0.19%
11.	ACE Fence Company	Asian Pacific/Female	0.11%	0.14%
12.	Hammer Down Transp.	African American/Male	0.30%	0.31%
13.	Pre-Con Products	Hispanic/Male	0.00%	0.02%
14.	Coleman Construction	African American/Female	0.60%	0.59%
15.	Force 1 & Associates	Hispanic/Male	0.23%	0.23%
	Total		10.57%	11.78%

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

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

PLA/CCP reporting shows the 40% Targeted Worker attainment at 57.79%, the 20% Apprentice Worker attainment at 24.28% and the 10% Disadvantaged Worker attainment at 15.78%.

C. 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).

D. Living Wage Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is not applicable to this Contract.