

**Board Report**

File #: 2017-0510, **File Type:** Contract**Agenda Number:** 34.

**CONSTRUCTION COMMITTEE
SEPTEMBER 21, 2017****SUBJECT: METRO BLUE LINE PEDESTRIAN SAFETY ENHANCEMENTS AT GRADE
CROSSINGS****ACTION: AUTHORIZATION FOR LIFE OF PROJECT BUDGET ADJUSTMENT AND
CONTRACT MODIFICATION AUTHORITY****RECOMMENDATION**

APPROVE:

- A. TRANSFERRING \$1,250,000 in underruns from Project 204071 (Metro Blue Line Station Refurbishments) into Project 205104 (Metro Blue Line Pedestrian Safety Enhancements at Grade Crossings Project) thereby adjusting the Life of Project (LOP) budget for Project 205104 from \$30,175,000 to \$31,425,000.

- B. INCREASING the Contract Modification Authority (CMA) for Contract C1086 with Icon West Inc. in the amount of \$2,100,000 from \$1,298,000 to \$3,398,000.

ISSUE

The Metro Blue Line (MBL), which opened in 1990, is Metro's oldest rail line. Since its opening, Metro has continuously worked to improve safety along the line. This Pedestrian Safety Enhancement at Grade Crossing project is an important project to improve safety for the high numbers of pedestrians of all ages at the many crossings. The major feature is new train-activated pedestrian crossing gates, but also includes other improvements such as ADA warning ramps and sidewalk improvements approaching the crossings.

Although they are separate projects, both this MBL Pedestrian Safety Enhancement at Grade Crossings and the MBL Station refurbishment projects are managed together. Project 204071 (Metro Blue Line Station Refurbishments) was completed well under budget in 2016 with an underrun of approximately \$6 million. The LOP budget for the Metro Blue Line Pedestrian Safety Enhancements Project (205104) was approved at the July 2015 Board in an amount of \$30,175,000, which included

all final design, Metro construction work and Union Pacific Railroad (UPRR) construction work. All work agreements within the UPRR right of way and license requirements for this project were executed on January 15, 2016, under the Metro/UPRR Public Highway At-Grade Crossing Improvement Agreement for an estimated amount of \$10,663,000. The Metro Design/Bid/Build contract C1086, in the amount of \$12,980,074, was awarded to Icon West Inc. on September 14, 2015, and the notice to proceed (NTP) was issued on October 12, 2015. The contractual schedule for completion of this project is October 10, 2017, as shown on Attachment A. Due to the design and construction contract modifications, the current plan is to finish the construction in March 2018 upon board approval of the CMA and LOP adjustment requested herein.

This adjustment addresses all current and future direct and indirect cost impacts, and will provide sufficient LOP funding and CMA to cover the increased costs through completion of the project.

DISCUSSION

During the construction period, there were various factors that contributed to contract changes and increased costs. The changes were mainly due to unforeseen site conditions, City requirements, and UPRR systems related changes at the project site as listed below:

- Existing underground utilities not shown on the as-built record drawings required relocation.
- Unforeseen site conditions during excavation.
- Changes due to UPRR installation of new signal houses.
- UPRR track work involved replacement/installation of new track concrete panels at crossings that required full street closures.
- Additional design changes due to existing field conditions to meet ADA requirements.
- Relocation of street light and signal pull boxes away from ADA curb ramps as required by the City of Los Angeles.
- Construction costs associated with the delay of acquiring private parcels for the project at Nadeau, Florence and Gage crossings.

The current available CMA for construction is \$1,298,000. This amount is insufficient to cover all the above additional construction changes as required for this project. The total rough order of magnitude estimate for all the changes to complete the project is anticipated to be \$3,398,000. Thus, an additional CMA of \$2,100,000 is needed as shown on Attachment B.

Given the CMA increase described above, the current LOP will need to be increased by \$1,250,000 with a total amount of \$31,425,000 as shown on Attachment D.

DETERMINATION OF SAFETY IMPACT

Upon completion of this project, the newly installed 108 active pedestrian gates will provide safer pedestrian crossings at 27 intersections along the Metro Blue Line alignment. Additionally, extraneous benefits to Metro operator and the surrounding community can be realized with the potential reduction of at-grade crossing accidents.

FINANCIAL IMPACT

The funds required in FY18 for this project are included in the adopted budget. Upon board approval the LOP budget will be increased by \$1,250,000 in Cost Center 8510 (Construction Contracts/Procurement) Project 205104 (Metro Blue Line Pedestrian Safety Enhancements at Grade Crossings). Since this is a multi-year project, the Project Manager, Cost Center Manager, and Chief Program Management Officer will be responsible for budgeting the cost in future fiscal years.

Impact to Budget

If recommendation A is approved, the \$1,250,000 LOP adjustment will be funded using project savings and underruns from Project 204071 as discussed above. This source is eligible for bus and rail operating and capital improvements.

ALTERNATIVES CONSIDERED

The Board may choose to not authorize the adjustments to the LOP Budget and CMA for this project. This alternative is not recommended because rejection of the LOP budget and CMA increase would prohibit staff from completing this critical Metro Blue Line Pedestrians Safety Enhancements at Grade Crossings Project. Additionally, delay to the construction of this project could jeopardize MBL pedestrian safety at grade crossings, expose Metro to claims by the Contractor and prohibit UPRR staff from completing the required works as stated in the Metro/UPRR agreement.

NEXT STEPS

Upon Board approval, Metro's construction management staff will issue the necessary contract modifications to continue moving the project forward with the goal of reaching substantial completion and commissioning all those pedestrian and swing gates by March 2018.

The contractor, Icon West, Inc., is shown on Attachment C as having a DEOD goal compliance deficiency. The deficiency is mainly due to the insufficient CMA required to execute the contract modifications which resulted in a work force reduction. Upon Board approval, the Contractor is committed to increase their work force immediately to meet or exceed the DEOD goals once work resumes. The attached Targeted Worker Summary Report for June 2017 shows that Icon West, Inc.

is exceeding the DEOD goals requirement.

ATTACHMENTS

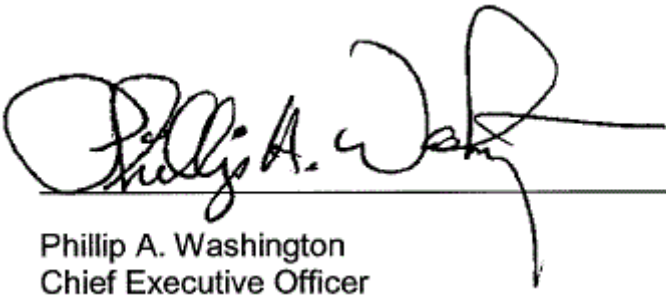
- Attachment A - Procurement Summary
- Attachment B - Contract Modification
- Attachment C - DEOD Summary
- Attachment D - Funding/Expenditure Plan

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

METRO BLUE LINE PEDESTRIAN SAFETY ENHANCEMENTS AT GRADE
CROSSINGS/C1086

1.	Contract Number: C1086		
2.	Contractor: Icon West, Inc.		
3.	Work Description: Installation of pedestrian and swing gates, pedestrian warning devices and reconstruction curb ramps for ADA compliance		
4.	The following data is current as of: 7/25/17		
5.	Contract Status: Approved		
	Bids/Proposals Opened:	3	Contract Award Amount: \$12,980,074.00
	Contract Awarded:	9/14/15	Total of Modifications Approved: \$1,296,203.00
	NTP:	10/12/15	Current Contract Value: \$14,276,277.00
	Original Complete Date:	10/10/17	Current Est. Complete Date: 3/30/18
6.	Contract Administrator: Helen Gates-Bryant		Telephone Number: 213-922-1269
7.	Project Manager: David Chong		Telephone Number: 213-922-5213

A. Procurement Background

On September 14, 2015, Contract No. C1086 was awarded to Icon West, Inc., in the amount of \$12,980,074.00, for the installation of pedestrian and swing gates, pedestrian warning devices, and the reconstruction of existing curb ramps for ADA compliance at 27 grade crossing intersections along the Metro Blue Line corridor in the City of Long Beach, City of Compton, City of Los Angeles and the County of Los Angeles.

Attachment B shows that 17 contract modifications have been issued to date to add work and eight contract modifications are currently pending. Additionally, potential redesign, ADA, pull box, lighting and crossing improvements, and other changes, as required at the 12 remaining crossings have been included. To date there have been no claims, and the project does not foresee any potential claims.

B. Cost/Price Analysis

The recommended price of any future changes will be determined to be fair and reasonable based upon one or a combination of the following: An independent cost estimate, cost analysis, price analysis, technical evaluation, fact finding, and negotiations.

ATTACHMENT B

CONTRACT MODIFICATION/CHANGE ORDER LOG

**METRO BLUE LINE PEDESTRIAN SAFETY ENHANCEMENTS AT GRADE
CROSSINGS/C1086**

Mod. no.	Description	Status (approved or pending)	Cost		
			Contract Value	Mods.	Board Approved CMA
N/A	Initial Contract Award	Approved	\$12,980,074.00		\$1,298,007.00
1	Watchperson Support – Additional on track protection required by California Public Utilities Commission (CPUC) GO 175-A	Approved	\$13,076,765.00	\$96,691.00	
2	Watchperson Support – Additional on track protection required by California Public Utilities Commission (CPUC) GO 175-A	Approved	\$13,170,089.00	\$93,324.00	
3	Administrative Change – Add Provisional Sum Language	Approved	\$13,170,089.00	\$0.00	
4	Watchperson Support – Additional on track protection required by California Public Utilities Commission (CPUC) GO 175-A	Approved	\$13,264,591.00	\$94,502.00	
5	Utility Impacts – Long Beach, Compton, LA City and LA County	Approved	\$13,401,439.00	\$136,848.00	
6	Additional Surveying for Design Changes at several locations	Approved	\$13,433,695.00	\$32,256.00	
7	Watchperson Support – Additional on track protection required by California Public Utilities Commission (CPUC) GO 175-A	Approved	\$13,597,311.00	\$163,616.00	
8	Gate Arm Tip Light Wiring	Approved	\$13,648,045.00	\$50,734.00	
9	ADA Design Changes (Spring St.)	Approved	\$13,656,346.00	\$8,301.00	
10	Watchperson Support – Additional on track protection required by California Public Utilities Commission (CPUC) GO 175-A	Approved	\$13,730,354.00	\$74,008.00	
11	Grade Crossing Changes (Wardlow)	Approved	\$13,845,402.00	\$115,048.00	
12	Full Road Closures, Traffic Control Plans and Permits	Approved	\$13,953,074.00	\$107,672.00	

13	Manville Redesign Interconnect Cable @ UPRR C&S Room Power Feed Current Testing (Civil Work)	Approved	\$14,023,868.00	\$70,794.00	
14	COLA UPRR Full Road Closures Traffic Control Plan Design	Approved	\$14,085,818.00	\$61,950.00	
15	Watchperson Support – Additional on track protection required by California Public Utilities Commission (CPUC) GO 175-A	Approved	\$14,172,846.00	\$87,028.00	
16	New Interconnect Cable at UPRR Crossing House (Electrical Work)	Approved	\$14,263,232.00	\$90,386.00	
17	City of Compton Permit Fee	Approved	\$14,276,277.00	\$13,045.00	
18	LA City Striping Plan Revision	Pending	\$	\$53,583.00	
19	108th Street Redesign	Pending	\$	\$4,575.00	
20	Greenleaf Redesign – ADA Changes	Pending	\$	\$70,322.00	
21	92nd Street Redesign	Pending	\$	\$37,015.44	
22	Myrrh Street Redesign – Signal Foundation & ADA Changes	Pending	\$	\$41,589.86	
23	LAPD Night & Noise Variance Fees	Pending	\$	\$3,542.00	
24	Compton Blvd Redesign – ADA & CPUC Walk Direction Changes	Pending	\$	\$11,623.00	
25	Adjust New Signage – Reduction	Pending	\$	(\$4,050.80)	
26	Potential Redesign, ADA, Pull Box, Lighting & Crossing Improvements and Other Changes as required at the 12 remaining crossings	Pending	\$	\$1,417,224.50	
Subtotal – Approved Modifications			\$	\$1,296,203.00	\$
Subtotal – Pending Changes/Modifications			\$	\$1,635,424.00	\$
Subtotal Totals: Mods. + Pending Changes/Modifications			\$	\$2,931,627.00	\$
Subtotal – Pending Claims			\$	\$0.00	\$
Total: Mods + Pending Changes/Mods + Possible Claims			\$	\$2,931,627.00	\$
Previous Authorized CMA			\$	\$1,298,007.00	\$
CMA Necessary to Execute Pending Changes/Mods + Possible Claims			\$	\$1,635,424.00	\$
Total CMA including this Action			\$	\$3,398,007.00	\$
CMA Remaining for Future Changes/Mods after this Action			\$	\$466,380.00	\$

DEOD SUMMARY

**METRO BLUE LINE PEDESTRIAN SAFETY ENHANCEMENTS AT GRADE
CROSSINGS/C1086**

A. Small Business Participation

Icon West, Inc. made a 15.14% Small Business Enterprise (SBE) commitment. The project is 80% complete and current SBE participation is 12.63%, representing a shortfall of 2.51%. The Prime explained the shortfall is due to a sudden slowdown in the progress of the work. Metro's Project Manager confirmed that the shortfall is mainly due to insufficient Contract Modification Authority (CMA) to execute contract modifications. Upon Board approval of the proposed modification, Icon West, Inc. is expected to meet its SBE commitment once work resumes and is completed.

Small Business Commitment	15.14% SBE	Small Business Participation	12.63% SBE
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	SBE Subcontractors	% Committed	Current Participation¹
1.	Alameda Construction Services	9.65%	6.79%
2.	AZ Construction, Inc. (dba Ace Fence)	5.49%	5.35%
3.	Visible Graphics (Added)	0.00%	0.49%
	Total	15.14%	12.63%

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

B. 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).

C. Living Wage Service Contract Worker Retention Policy Applicability

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

D. Project Labor Agreement/Construction Careers Policy

The Contractor is complying with PLA/CCP requirements for this project. This project is 93.02% complete (based on total construction labor hours expended, divided by the total estimated construction labor hours in the approved Employment Hiring Plan) and the contractor is achieving the 40% Targeted Worker Goal at 60.49%, achieving the 20% Apprentice Worker Goal at 24.44%, and achieving the 10% Disadvantaged Worker Goal at 12.22%. Staff will continue to monitor and report the contractor's progress toward meeting the goals of the PLA/CCP through the end of the project.

**ATTACHMENT D
FUNDING/EXPENDITURE PLAN**

Project 205104 – MBL Pedestrian Safety Enhancement At-Grade Crossings

Use of Funds	FY16	FY17	FY18	FY19	Capital Costs Total
Construction Phase (By Metro and Contractor)					
Construction Contract Bid (C1086)	\$ 2,581,500	\$ 6,508,900	\$ 2,821,600	\$ -	\$ 11,912,000
-Concrete Panels (By Metro)	\$ -	\$ 211,000	\$ 10,000	\$ -	\$ 221,000
-Flagging (By Metro)	\$ 162,000	\$ 358,900	\$ 79,100	\$ -	\$ 600,000
-Utilities Conflicts (Allowance)	\$ 43,400	\$ 506,600	\$ -	\$ -	\$ 550,000
-Outside Curb ADA Compliance	\$ -	\$ 569,000	\$ -	\$ -	\$ 569,000
-Small Parcel Acquisition/Easement	\$ -	\$ 80,900	\$ 200,000	\$ -	\$ 280,900
Subtotal Metro Construction Phase	\$ 2,786,900	\$ 8,235,300	\$ 3,110,700	\$ -	\$ 14,132,900
Construction Phase (By Union Pacific)					
-UPRR Concrete Panels	\$ -	\$ 823,500	\$ 1,006,500	\$ -	\$ 1,830,000
-UPRR Active Warning Devices	\$ 1,817,300	\$ 3,526,900	\$ 1,027,800	\$ -	\$ 6,372,000
-UPRR Flagging	\$ 142,100	\$ 271,500	\$ 186,400	\$ -	\$ 600,000
-UPRR ROW Acquisition/Easement	\$ 470,000	\$ -	\$ -	\$ -	\$ 470,000
-Contingency on UP Work (T & M) @15%	\$ -	\$ -	\$ -	\$ 1,391,000	\$ 1,391,000
Subtotal Union Pacific Construction Phase	\$ 2,429,400	\$ 4,621,900	\$ 2,220,700	\$ 1,391,000	\$ 10,663,000
Construction Soft Costs					
Engineering (DSDC, RFI, Submittals Review)	\$ 166,900	\$ 676,300	\$ 316,800	\$ -	\$ 1,160,000
Construction Management	\$ 216,500	\$ 726,900	\$ 328,800	\$ -	\$ 1,272,200
Third Party (City of LA et al.)	\$ 68,700	\$ 22,400	\$ 190,900	\$ 20,000	\$ 302,000
Agency Costs: Project Control, Procurement support, Safety, Communications, etc.	\$ 120,600	\$ 155,000	\$ 101,300	\$ 120,000	\$ 496,900
Contract Modification Authority (C1086)	\$ -	\$ 1,296,400	\$ 2,101,600	\$ -	\$ 3,398,000
Subtotal Soft Costs	\$ 572,700	\$ 2,877,000	\$ 3,039,400	\$ 140,000	\$ 6,629,100
Construction Phase Total	\$ 5,789,000	\$ 15,734,200	\$ 8,370,800	\$ 1,531,000	\$ 31,425,000
Total Project Cost	\$ 5,789,000	\$ 15,734,200	\$ 8,370,800	\$ 1,531,000	\$ 31,425,000
Source of Funds	FY16	FY17	FY18	FY19	Capital Costs Total
Prop C 25% Bond	\$ 5,789,000	\$ 15,734,200	\$ 8,370,800	\$ 1,531,000	\$ 31,425,000
Total Project Funding	\$ 5,789,000	\$ 15,734,200	\$ 8,370,800	\$ 1,531,000	\$ 31,425,000