



Board Report

File #: 2020-0589, File Type: Contract

Agenda Number: 13.

PLANNING AND PROGRAMMING COMMITTEE OCTOBER 14, 2020

SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT - FIELD INVESTIGATION OF UTILITIES

ACTION: AUTHORIZE A CONTRACT MODIFICATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to execute Modification No. 00009 to Contract No. AE58083E0129 with Gannet Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for field confirmation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segment A (Oxnard Blvd to Covello St.), in the amount of \$1,691,789 increasing the total Contract amount from \$62,028,016 to \$63,719,805.

BACKGROUND

The East San Fernando Valley (ESFV) Light Rail Transit Project (Project) is a light rail system that will extend north from the Van Nuys Metro Orange Line station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles with 14 at-grade stations. Light rail trains will operate in the median of Van Nuys Boulevard for 6.7 miles to San Fernando Road. From there, they will transition onto existing Metro right-of-way and follow a shared corridor with Metrolink and freight for 2.5 miles to the Sylmar/San Fernando Metrolink Station.

On June 28, 2018, the Metro Board approved the Locally Preferred Alternative (LPA) as Alternative 4: Light Rail Transit (LRT). The Final Environmental Impact Statement (EIS) / Environmental Impact Report (EIR) are expected to be presented to the Metro Board for certification before end of 2020 along with the FTA issuing a Record of Decision (ROD).

Metro continues to advance the Project design in anticipation of the procurement for a Design Build contractor to begin in 2021 and conclude with a selection in 2022. Groundbreaking for construction is scheduled to begin in 2022. The schedule for advancing the design, which includes utility investigations, and preparing solicitation documents is critical to achieve groundbreaking in 2022 and completion in time for the Olympics.

ISSUE

The recommended Contract Modification includes field investigations of utilities along Van Nuys Blvd

to identify the location of existing utilities and to determine if those utilities can remain in place or require relocation. Gannett Fleming, Inc, the ESFV Engineering Consultant for Metro, will conduct this field investigation work as part of their Phase 1 Preliminary Engineering work.

Utility relocation, particularly for underground utilities is one of the major risk in any new rail project. Early and extensive investigations and engineering to identify utility locations, conditions and remediation strategies has proven to be a lesson learned and best practice on Metro projects. This action will greatly assist in mitigating utility risk.

DISCUSSION

In 2019, Metro awarded to Gannett Fleming, Inc. a cost plus fixed fee (CPFF) contract for Architecture Engineer (AE) services to advance the design for the design build project delivery method (Phase 1), support during the solicitation process (Phase 2) and design support during construction (Phase 3) for the Project. As part of Phase 1, Gannett Fleming compiled existing utility as-built information into composite utility drawings and conducted non-invasive field investigation work to initially verify the as-built information. In order to confirm the initial investigation and provide accurate information on the contract drawings, Gannett Fleming will conduct more thorough field investigations of utilities to identify the existing utility locations and use this information to determine if there is a conflict with the proposed project alignment. The more thorough field investigation work will consist of potholing and slot trenching at specific locations along the 9.2 miles of Project alignment.

In an effort to effectively manage the Project, the alignment was divided into four (4) segments identified as Segments A thru D, with each approximately 2-miles in length. For the field investigation work as defined in the Architectural Engineering contract, this segmented approach was implemented. Therefore, a contract modification is anticipated to implement potholing and trenching for each segment for a total of four (4) contract modifications. In order to keep the design moving forward, this request is for Segment A (Oxnard Blvd to Covello St). A separate request for the remaining three segments will be presented at a future Board meeting.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an adverse impact on safety standards for Metro.

FINANCIAL IMPACT

This Project is funded on a fiscal year basis under Project number 865521 East San Fernando Valley Transit Corridor, cost center 8510, under various accounts including Professional/Technical Services and \$12.8m is included in the FY21 Adopted Budget. This is a multi-year project requiring expenditure authorizations in fiscal year increments until a Board Authorized Life of Project Budget is adopted. It is the responsibility of the Cost Center Manager, Project Manager and Chief Program Management Officer to budget for this project in the future fiscal years and within the cumulative budget limit for the affected fiscal year.

Impact to Budget

Sources of funds for the recommended actions are Measure M 35% and State Grants. There is no impact to Operations eligible funding. No other funds were considered

ALTERNATIVES CONSIDERED

The Metro Board could decide not to approve this contract modification. Staff does not recommend this alternative because this utility investigation work is necessary for Metro to make informed decisions concerning existing utilities and will assist the Design Build contractors during the procurement process with accurate information.

NEXT STEPS

Upon Metro Board adoption, staff will complete negotiations and execute the contract modification and will return at a future board meeting for approval of the remaining contract modifications for Segments B-D.

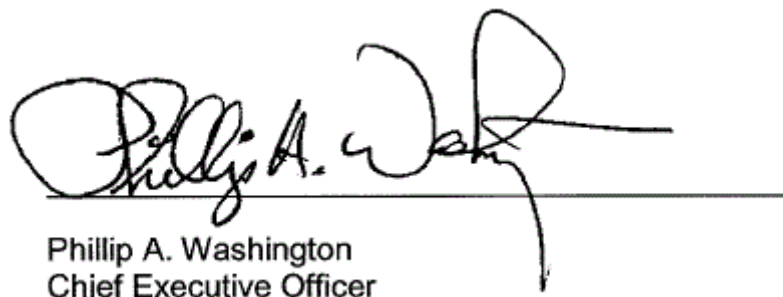
ATTACHMENTS

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

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

| | | | |
|----|--|---------------------------------|---|
| 1. | Contract Number: AE58083E0129 | | |
| 2. | Contractor: Gannett Fleming, Inc. | | |
| 3. | Work Description: Perform field investigation of utilities consisting of slot trenching and utility pot holing along Van Nuys Blvd., for the East San Fernando Valley Transit Corridor Project Segment A (Oxnard Blvd to Covello St.). | | |
| 4. | Contract Work Description: Engineering design and oversight services for the ESFV Transit Corridor Project. This action is for SOW required under part of Task 2.2.8.3 Field Confirmation of Conflicts in Phase 1 development of Preliminary Engineering (PE) design. | | |
| 5. | The following data is current as of: 9/23/20 | | |
| 6. | Contract Completion Status | | Financial Status |
| | Contract Awarded: | 7/25/19 | Contract Award Amount: \$61,974,852 |
| | Notice to Proceed (NTP): | 8/15/19 (Contract Execution) | Total of Modifications Approved: \$53,164 |
| | Original Complete Date: | 8/15/28 | Pending Modifications (including this action): \$1,691,789 |
| | Current Est. Complete Date: | 8/15/28 | Current Contract Value (with this action): \$63,719,805 |
| 7. | Contract Administrator: Diana Sogomonyan | | Telephone Number: (213) 922-7243 |
| 8. | Project Manager: Monica Born | | Telephone Number: (213) 418-3097 |

A. Procurement Background

On July 25, 2019, the Board of Directors approved award of Contract No. AE58083E0129 to Gannett Fleming, Inc. in support of the East San Fernando Valley Transit Corridor Project, a proposed light rail system that will extend north from the Van Nuys Metro Orange Line Station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles. Consultant's Scope of Services consists of three phases: Preliminary Engineering (PE); Solicitation Support (SS); and Design Support During Construction Services (DSDC). The Period of Performance for the Contract is nine (9) years from execution date of the contract.

Two (2) Contract Modification have been approved and issued to date and six (6) Contract Modifications are in progress and pending negotiations and/or approval. This action is to authorize staff to execute Contract Modification No. 00009 for field confirmation of conflicts consisting of utility potholing and slot trenching at specific locations along the 9.2 miles of Project alignment, where potential conflicts due to existing utilities have been identified. This Scope of work is part of Consultant's

Phase 1 Preliminary Engineering work; however, completion of this Field Confirmation of Conflicts was contingent upon completion of initial investigation of existing utilities and identification of conflicts (tasks identified under Scope of Services subsections 2.2.8.1 and 2.2.8.2 of the Contract), and therefore, was not included in the Contract amount at time of award. This field work was only to be priced when more information was available upon the initial investigation tasks. Consultant can only begin with the work for Subsections 2.2.8.3 Field Confirmation of Conflicts upon Metro’s issuance of a contract MOD for the costs and a written authorization to proceed.

This Contract Modification will be processed in accordance with Metro’s Acquisition Policy. Contract No. AE58083E0129 is a Cost Reimbursable Contract with cost plus fixed fee (CPFF).

(Refer to Attachment B – Contract Modification/Change Order Log)

B. Cost/Price Analysis

The recommended price for the modifications is determined to be fair and reasonable based upon fact finding, technical evaluation, cost analysis, and negotiations. The Contract Modification will be processed in accordance with Procurement Policies and Procedures, within the additional funding requested.

| PROPOSAL | INDEPENDENT COST ESTIMATE | NEGOTIATED AMOUNT |
|----------------|---------------------------|-------------------|
| \$1,691,792.68 | 1,788,601 | 1,691,789 |

CONTRACT MODIFICATION/CHANGE ORDER LOG

EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

| Mod. No. | Description | Status (approved or pending) | Date | \$ Amount |
|-----------------|--|---|-------------|---------------------|
| 00001 | Contract Conforming and Clarifications | Approved | 11/12/19 | \$0.00 |
| 00002 | Underground Utility Detection Services along Van Nuys Blvd. | Canceled | 5/28/20 | \$0.00 |
| 00003 | Geotechnical Test Plan and Hazardous Material Work Plan | Approved | 8/24/20 | \$53,164 |
| 00004 | Underground Utility Detection Services Along Van Nuys Blvd. – Segment A | Pending | TBD | TBD |
| 00005 | Underground Utility Detection Services Along Van Nuys Blvd. – Segment B | Pending | TBD | TBD |
| 00006 | Underground Utility Detection Services Along Van Nuys Blvd. – Segment C | Pending | TBD | TBD |
| 00007 | Underground Utility Detection Services Along Van Nuys Blvd. – Segment D | Pending | TBD | TBD |
| 00008 | Advanced Planning for Slot Trenching and Utility Potholing on Van Nuys Boulevard – Segment A | Pending | TBD | TBD |
| 00009 | Slot Trenching and Utility Pot Holing – Segment A | Pending | TBD | \$1,691,789 |
| | Approved Modification Total: | | | \$53,164 |
| | Original Contract: | | | \$61,974,852 |
| | This Board Action | | | \$1,691,789 |
| | New Total: | | | \$63,719,805 |

DEOD SUMMARY

EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

A. Small Business Participation

Gannett Fleming, Inc. (Gannett) made a 25.29% Small Business Enterprise (SBE) and 5.54% Disabled Veteran Business Enterprise (DVBE) commitment. The project is 16% complete and the current participation is 13.17% SBE and 3.41% DVBE, which represents a 12.12% SBE shortfall and 2.13% DVBE shortfall. The contract is in the early stages but DEOD will continue to monitor the contract progress to ensure the Contractor meets or exceeds its commitments.

| | | | |
|----------------------------------|----------------------------------|-------------------------------------|----------------------------------|
| Small Business Commitment | 25.29% SBE 5.54% DVBE | Small Business Participation | 13.17% SBE 3.41% DVBE |
|----------------------------------|----------------------------------|-------------------------------------|----------------------------------|

| | SBE Subcontractors | % Committed | Current Participation¹ |
|-----|-----------------------------------|--------------------|--|
| 1. | BA Inc. | 1.66% | 0.00% |
| 2. | Cross Spectrum Acoustics | added | 0.00% |
| 3. | Diaz Consultants, Inc. | 1.44% | 1.30% |
| 4. | FPL and Associates, Inc. | 5.95% | 3.16% |
| 5. | Here Design Studio, LLC | 0.60% | 0.00% |
| 6. | Lenax Construction Services, Inc. | 0.29% | 0.00% |
| 7. | PacRim Engineering Inc. | 2.18% | 0.00% |
| 8. | Ramos Consulting Services, Inc. | 8.28% | 5.24% |
| 9. | Sanchez Kamps Associates Design | 0.59% | 0.00% |
| 10. | Zephyr UAS, Inc. | 4.30% | 3.47% |
| | Total | 25.29% | 13.17% |

| | DVBE Subcontractors | % Committed | Current Participation¹ |
|----|----------------------------|--------------------|--|
| 1. | Casamar Group, LLC | 5.54% | 2.56% |
| 2. | E-Nor Innovations Inc. | Added | 0.85% |
| | Total | 5.54% | 3.41% |

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

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will 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).