

**Board Report**

File #: 2022-0824, **File Type:** Contract**Agenda Number:** 5.

**PLANNING AND PROGRAMMING COMMITTEE
JANUARY 18, 2023****SUBJECT: EASTSIDE TRANSIT CORRIDOR PHASE 2****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Contract No. AE51242000 with Cordoba/HNTB Design Partners, Inc. to continue advanced conceptual engineering support in the amount of \$17,958,254, increasing the total current contract value from \$17,556,103 to \$35,514,357 and extend the period of performance from February 28, 2023 to June 30, 2024.

ISSUE

This is a request to authorize additional funds for engineering professional services under Contract No. AE51242000. A Contract Modification is necessary to continue Advanced Conceptual Engineering (ACE) for high-risk project elements and to continue coordination with key Metro departments and stakeholders in order to move the project toward the selection of the project delivery method. Advancing this engineering work, such as geotechnical investigation, utility identification, and tunneling analysis, will help to mitigate risks for the project which could have a detrimental effect on the overall cost and schedule, and provide the engineering information required for Metro to finalize the selection of the eventual project delivery method.

BACKGROUND

Eastside Transit Corridor Phase 2 is an approximately 9-mile light rail transit extension from the existing Metro L (Gold) Line serving the cities and communities of Commerce, Montebello, Pico Rivera, Santa Fe Springs, Whittier, and unincorporated East Los Angeles and West Whittier-Los Nietos. At the December 2022 Board meeting (Agenda Item 2022-0684), the Board approved the Locally Preferred Alternative (LPA) to Greenwood Station with design options, and authorized staff to also include in the final environmental impact report the full Project alignment to Whittier per California Environmental Quality Act (CEQA). The project will also reinstate the National Environmental Policy Act (NEPA) to pursue federal funding.

Consistent with previous Board requests and staff responses in February and April, 2022 respectively, and as environmental work proceeds, the advancement of engineering activities is needed to minimize future risks and move the project toward the selection of the delivery method.

Board approval is needed for engineering services per Modification No. 5, to Contract No. AE51242000, with Cordoba/HNTB Design Partners, Inc. to advance engineering support. This effort will focus on high-risk project elements that will benefit from early design and coordination, including ongoing coordination with program management, geotechnical and subsurface/tunneling analysis, identification of utility conflicts, hazardous material evaluation, and right-of-way updates.

DISCUSSION

To support the project into the next phase, it is critical that Metro advance engineering and utility-related work, among other strategies, to help streamline preconstruction-related work and identify/mitigate risks. A contract modification is needed to advance engineering support services that will help inform further development of the project scope, schedule, and budget. Advancement of work related to items such as utility conflicts and relocations, right-of-way acquisition, and permitting/construction requirements with third-party agencies are critical next steps of the project development. Engineering activities that will be completed as part of this contract modification include further geotechnical and utility investigation, as well as exploration, refining, and confirming significant project scope design elements. Advancement of these activities also supports advancement of third-party coordination with agencies and utility owners which is anticipated to begin later this year.

Additionally, the team will continue studying various project delivery methods in conjunction with Program Management and the Early Intervention Team and will continue to evaluate and define risks in accordance with Metro and FTA risk analysis and risk register requirements.

Risks

Not pursuing engineering activities and deferring this work to a later phase in the project development, would likely increase cost and schedule risks for the project.

DETERMINATION OF SAFETY IMPACT

Approval of the contract modification will not impact the safety of Metro's customers or employees.

FINANCIAL IMPACT

The FY 2022-23 budget contains approximately \$8 million in Cost Center 4310 (Mobility Corridors), Project 460232 for professional services. Since this is a multi-year contract modification, the Cost Center Manager and Chief Planning Officer will be responsible for budgeting in future years.

Impact to Budget

The source of funds for this action will be Measure R 35% Transit Capital funds dedicated for this project. These funds are not eligible for Bus and Rail Operations.

EQUITY PLATFORM

Approving the execution of the contract modification will support the anticipated benefits of the proposed Project and not result in any harm or unintentional burdens. This action will allow further

engineering exploration and analysis of high-risk project elements that could minimize or mitigate impacts along the alignment. This action will help streamline project delivery for the proposed project, which aims to provide high-quality transit to historically underserved and equity focus communities.

The engineering consultant's DBE made a 54.91% Disadvantaged Business Enterprise (DBE) commitment. The current level of DBE participation is 52.46%. Based on the contract's completion level, there is a shortfall of 2.45% due to not initiating work on the last remaining task in the contract. The last task is to support the project's Final Environmental Impact Report phase, which is scheduled to begin in early 2023. The last task in the contract will activate three (3) DBE subcontractors that have not started work. These subcontractors are responsible for drilling, lab work, and design which are a priority for this contract modification. The consultant has included six (6) DBE subcontractors to perform the proposed modification.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project supports the following strategic plan goals identified in Vision 2028: Goal 1: Provide high-quality mobility options that enable people to spend less time traveling, Goal 3: Enhance communities and lives through mobility and access to opportunity, and Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board may decide not to approve the contract modification; however, this is not recommended as it may delay the subsequent project phases and would increase future project risks would negatively impact the overall project costs.

NEXT STEPS

Upon Board approval, staff will execute Contract Modification No. 5 to Contract AE51242000 with Cordoba HNTB Design Partners, Inc. for engineering activities and commence work as discussed in this report.

ATTACHMENTS

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

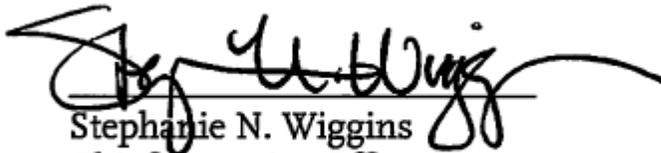
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Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

EASTSIDE TRANSIT CORRIDOR PHASE 2 – A.C.E. DESIGN/URBAN
DESIGN SERVICES/AE51242000

1.	Contract Number: AE51242000		
2.	Contractor: Cordoba HNTB Design Partners, Inc.		
3.	Mod. Work Description: Continue advanced conceptual engineering support for high-risk project elements and extend the period of performance through 6/30/2024.		
4.	Contract Work Description: Advanced conceptual engineering design/urban design services for the Eastside Transit Corridor Phase 2 Project.		
5.	The following data is current as of: 12/01/2022		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	10/25/2018	Contract Award Amount: \$15,365,829
	Notice to Proceed (NTP):	11/07/2018	Total of Modifications Approved: \$2,190,274
	Original Complete Date:	11/06/2021	Pending Modifications (including this action): \$17,958,254
	Current Est. Complete Date:	06/30/2024	Current Contract Value (with this action): \$35,514,357
7.	Contract Administrator: Samira Baghdikian		Telephone Number: (213) 922-1033
8.	Project Manager: Jenny Cristales-Cevallos		Telephone Number: (213) 547-4256

A. Procurement Background

This Board Action is to approve Contract Modification No. 5 issued to continue engineering services for high-risk project elements of the advanced conceptual engineering design/urban design services for the Eastside Transit Corridor Phase 2 Project. This Contract Modification also extends the period of performance from February 28, 2023 through June 30, 2024.

This Contract Modification was processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

On October 25, 2018, the Board awarded firm fixed price Contract No. AE51242000 to Cordoba HNTB Design Partners, Inc. in the amount of \$15,365,829 to provide the advanced conceptual engineering (ACE) design and urban design services for the Eastside Transit Corridor Phase 2 Project for work in support of the reinitiated environmental clearance study.

A total of 4 modifications have been executed to date.

Refer to Attachment B - Contract Modification/Change Order Log.

B. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), cost analysis, technical analysis, fact finding, and negotiations. Staff successfully negotiated a savings of \$15,402,346.

Proposal Amount	Metro ICE	Negotiated Amount
\$33,360,600	\$13,421,171	\$17,958,254

The variance between the ICE and negotiated amount is due to additional design needs to be addressed based on the results of exploratory tasks included in the scope of work, such as geotechnical, utilities, and tunneling. The findings from these tasks may require revisiting and/or revising the Advanced Conceptual Engineering design to make adjustments to avoid and/or reduce key risks.

CONTRACT MODIFICATION/CHANGE ORDER LOG

EASTSIDE TRANSIT CORRIDOR PHASE 2 – A.C.E. DESIGN/URBAN
DESIGN SERVICES/AE51242000

Mod. No.	Description	Status (approved or pending)	Date	\$ Amount
1	Additional scoping meetings and associate work.	Approved	03/12/2020	\$24,909
2	Proceed with one build alternative including additional refinements, reallocation of tasks no longer required due to withdrawal of SR60 and combined alternative from further study and extend period of performance (POP) through 11/7/22.	Approved	02/11/2021	\$2,165,365
3	No cost POP extension through 12/30/22.	Approved	08/25/2022	\$0
4	No cost POP extension through 2/28/23.	Approved	11/28/2022	\$0
5	Continuation of advanced conceptual engineering for high-risk project elements and extend POP through 6/30/24.	Pending	Pending	\$17,958,254
	Modification Total:			\$20,148,528
	Original Contract:		10/25/2018	\$15,365,829
	Total:			\$35,514,357

DEOD SUMMARY

EASTSIDE TRANSIT CORRIDOT PHASE 2 PROJECT – ADVANCED CONCEPTUAL
ENGINEERING (ACE)/AE51242000**A. Small Business Participation**

Cordoba HNTB Design Partners, A Joint Venture (CHDP) made a 54.91% Disadvantaged Business Enterprise (DBE) commitment. Based on payments, the project is 81% complete and the current level of DBE participation is 52.46%, representing a shortfall of 2.45%.

CHPD has a shortfall mitigation plan on file. CHPD contends that the DBE shortfall is a result of not initiating work on the last remaining task in the contract. The last task is to support the project's Final Environmental Impact Report phase, which is scheduled to begin in early 2023. The last task in the contract will activate the three (3) DBE subcontractors that have not started work. These subcontractors are responsible for drilling, traffic control, lab work, and design which are a priority for this contract modification. CHPD included six (6) DBE subcontractors to perform on the proposed modification.

The Diversity & Economic Opportunity Department (DEOD) will continue to monitor CHPD's efforts to meet and exceed its commitment.

Small Business Commitment	DBE 54.91%	Small Business Participation	DBE 52.46%
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	DBE Subcontractors	Ethnicity	% Committed	Current Participation¹
1.	Cordoba Corporation	Hispanic American	35.78%	35.26%
2.	D'Leon Consulting Engineers Corporation	Hispanic American	4.02%	3.30%
3.	Diaz Consultants, Inc.	Hispanic American	4.29%	3.65%
4.	Environmental Treatment and Technology dba Advanced Technology Laboratories	Hispanic American	0.60%	0.00%
5.	J&H Drilling, Co., Inc.	Hispanic American	0.42%	0.00%
6.	Lenax Construction Services, Inc.	Caucasian Female	2.35%	2.28%
7.	MLA Green, Inc. dba Studio-MLA	Hispanic American	1.11%	0.57%

8.	V&A, Inc.	Hispanic American	4.19%	3.88%
9.	Wagner Engineering & Survey, Inc.	Caucasian Female	2.15%	2.09%
10.	Vicus LLC	Caucasian Female	Added	1.43%
11.	Synergy Traffic Control, Inc. (formerly E-NOR Traffic Control	Black American	Added	0.00%
	Total		54.91%	52.46%

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

B. Living Wage and Service Contract Worker Retention Policy Applicability

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

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. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.

An illustration of a Metro Rail train at a station platform. The train is yellow and black with 'Metro Rail' and 'Go Metro' branding. The platform has a red awning and several people, including a cyclist, are shown. The background features palm trees and a blue sky. A large yellow tree trunk is on the left side of the image.

Next stop: further east.

EASTSIDE TRANSIT CORRIDOR PHASE 2

Planning and Programming

January 18, 2023



Metro

Recommendation

CONSIDER:

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Contract No. AE51242000 with Cordoba/HNTB Design Partners, Inc. to continue advanced conceptual engineering support in the amount of \$17,958,254, increasing the total current contract value from \$17,556,103 to \$35,514,357 and extend the period of performance from February 28, 2023 to June 30, 2024.

Engineering Activities

- Benefits of advancing engineering work:
 - Mitigate risks for the project
 - Effect on overall cost and schedule
 - Provide engineering information required to select the project delivery method
- Focus on high-risk project elements and ongoing coordination with program management on the following engineering activities:
 - Geotechnical and subsurface/tunneling analysis
 - Identification of utility conflicts
 - Hazardous material evaluation
 - Right-of-way updates
- This action is consistent with the report back provided to the Board in April 2022 (2022-0274)