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File #: 2022-0836, File Type: Contract

Agenda Number: 22.

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**CONSTRUCTION COMMITTEE  
JANUARY 19, 2023**

**SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT - INCREASE TO GANNETT FLEMING, INC., CONTRACT MODIFICATION AUTHORITY**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

AUTHORIZE:

- A. an increase in the contract modification authority (CMA) for Contract AE58083E0129 with Gannet Fleming, Inc, in the not-to-exceed amount of \$25,985,967, thus increasing the current not-to-exceed CMA amount from \$12,394,970 to a new CMA amount not-to-exceed \$38,380,937, thereby increasing the contract value to \$111,863,617 should all modifications be executed; and
- B. the Chief Executive Officer to negotiate and execute any contract modifications within and up to the authorized total CMA amount.

**BACKGROUND**

The East San Fernando Valley Light Rail Transit Corridor project (Project) is a light rail system that is street running in the middle of Van Nuys Boulevard and will extend north from the G-Line Van Nuys station to the Metrolink Sylmar/San Fernando station, a total of 9.2 miles with 14 at-grade stations. The Metro Board certified the Final Environmental Impact Report (FEIR) on December 3, 2020. The Project achieved a Record of Decision on January 29, 2021. The Project has mostly completed the preliminary engineering design phase, with street improvements and guideway design advanced to 60 percent to reduce the risk associated with geometric/spatial constraints. All other design elements (utilities, stations, maintenance facility, and systems) are presently designed to 30 percent. The final design for select advanced utility relocations is also being advanced, consistent with undertaking advance utility work to expedite the project schedule and reduce overall project risk.

Included in the Project FEIS/EIR was the initial operating segment (IOS), defined as the southern 6.7 miles of the Project alignment. The IOS, also more recently identified as the Southern Segment, is street running in the middle of Van Nuys Boulevard and includes 11 at-grade stations along with the maintenance facility. The remaining northern 2.5-mile environmentally cleared segment, more

recently identified as the Northern Segment, is going through additional analysis as directed by the Board in December 2020 and is not included in the Southern Segment.

To comply with the Measure M schedule commitments, the Southern Segment is proceeding into the next phase of final design and construction through a Progressive Design Build (PDB) contractor procurement. This began in August 2022, with an anticipated award date in early 2023.

## **ISSUE**

In 2019 Metro awarded Gannett Fleming, Inc. a cost-plus fixed fee (CPFF) contract for Architecture Engineer (AE) services for a not-to-exceed amount of \$61,974,852 to complete three phases: Phase 1 - complete preliminary engineering; Phase 2 - provide support during the solicitation process; and Phase 3 - provide design support during construction for the Project. The original contract CMA was a not-to-exceed \$12,394,970, and \$741,680 remains to date. The dollar amount of approved modifications and change orders from the CMA is \$11,653,290, and Board approved contract modifications have been made to the contract in the amount of \$11,507,828, which has increased the not-to-exceed contract price to \$85,135,970.

Throughout Phase 1, the contract modifications incorporated additional work to reduce the risk associated with known cost drivers such as utility conflicts, geotechnical and hazardous soils field investigations, real estate verifications, and resolution of third-party issues. As the Project scope has advanced, staff identified additional work activities which are needed, in advance of the future PDB contractor, to improve coordination with third parties and that will address key project risks. Therefore, based upon the anticipated pending and unallocated contract modifications, the increase to the CMA is \$25,985,967.

## **DISCUSSION**

Staff is requesting an increase to the CMA to incorporate additional scope elements shown below. As part of the base scope and the previously approved contract modifications, the Project team has compiled existing utility as-built information, developed 30% composite utility drawings, and conducted some utility, geotechnical, and hazardous soils field investigation work. Additional elements have been identified that will benefit the Project through the refinement of design resolution of known cost drivers and risk reduction. Those elements are:

- Advance the utility relocation designs, including the composite utility rearrangement plans, from 30% to 60%.
  - This work will incorporate information gleaned from field investigations to date and will further define horizontal and vertical locations of adjusted utilities. The designer will utilize 3D modeling to perform clash detection and will continue coordinating with the City and County of Los Angeles and other utility owners

within the corridor. The work performed will be provided to the PDB contractor, who will advance the design from 60% to final design. This additional work performed now will reduce the likelihood of typical delays to the Project that stem from utility investigation, utility design, and third-party coordination;

- Advance designs to support DWP vault relocations and adjustments.
  - Throughout Phase 1, staff have coordinated with DWP to protect in place, adjust, or relocate conflicting DWP infrastructure. Due to the complex utility corridor along the alignment and the required coordination with DWP design, it has been determined that certain elements of coordination and design of DWP infrastructure should be controlled by Metro and completed under the subject contract. Staff has identified seven DWP utility design packages that will be completed under this contract. The 100% designs will be provided to the PDB Contractor for pricing and construction. Structuring the DWP design and project workflow this way will allow staff to continue work on critical path activities during the procurement and on-boarding of the PDB Contractor.
  
- Evaluate and analyze existing County of Los Angeles (County) storm drains through field investigation and analysis.
  - Staff continues to collaborate with the County to develop protect in place measures for three major existing storm drains that are located directly within the track alignment. Agreement to protect these critical pieces of infrastructure eliminates the need for costly and disruptive construction required to relocate. Through the development of work plans, additional field investigation and geotechnical and structural analysis has been identified that will provide the County with the necessary information needed to approve protect in place measures. Once the County has accepted Metro's analysis and design, the PDB Contractor will price and construct the protections. Structuring this work in this manner will allow staff to continue to work on critical path activities during the procurement and on-boarding of the PDB Contractor; and,
  
- Develop property impact statements (PIS) to support the real estate acquisition process.
  - The PIS will require survey work on impacted properties, detailed design plans

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for improvements, and justification for each acquisition. These PIS are required for the critical path process of acquiring properties and temporary construction easements.

The Phase 1 elements identified above will continue advancing critical path activities and assist in mitigating risk. The advancement of these elements has been identified and is being pursued in accordance with lessons learned and best practices on previous Metro projects. Phase 2 support during the solicitation process was provided by Gannett Fleming and is nearing completion, with minor scope items remaining. The scope of work for Phase 3 design support during construction remains the same, with Gannett Fleming performing such things as design, submittal, and request for information reviews during Phase 2 of the progressive design/build contract. 10% unallocated contract modification authority is being added to Phases 1, 2, and 3 to account for unknowns that occur during the pursuit of base scope work. The base scope of work and contract price for Phase 2 and Phase 3 of the contract will not be revised. This board action and subsequent modifications, in addition to the execution of Phase 2 and Phase 3 of the contract, represent the complete and total scope for this Gannett Fleming contract. The PDB Contractor will perform all future design works, supplemented as necessary by Metro Project Management support contracts.

### **Equity Platform**

The Gannett Fleming contract has SBE commitments (see Attachment C), and this action does not change the small business commitment.

The Project will serve 11 new stations along Van Nuys Blvd, traveling through Arleta, Pacoima, Panorama City, and Van Nuys, and will improve connections and access to key destinations while connecting transit users to the growing network in the San Fernando Valley. The Project study area average of 0.53 zero-vehicle households per acre is 77% higher than the 0.30 County average. Equity Focus Communities (EFC) are within walking and biking distance to the proposed stations. The Project will improve access for East San Fernando Valley transit riders in EFCs along the existing route to additional destinations such as colleges, hospitals, museums, open spaces, recreational and natural attractions, Metrolink, and Metro G-Line (providing bus and rail connections to San Fernando Valley).

Overall, the project team considers ways to limit or minimize construction activities throughout the design process. For example, the County storm drains are being evaluated to protect-in-place (not relocating) and thus reducing the amount of construction activities adjacent to the communities along the Project alignment. Also, for the real estate transactions, Metro will adhere to the guidelines established by the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601-4655 (URA). The URA is a federal act designed to ensure

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uniform, consistent, fair, and equitable treatment of all property owners impacted by federally funded projects.

To date, Metro Community Relations (CR) staff have met with the local neighborhood councils and have provided updates on the Project to their respective boards. Additionally, CR staff meet regularly with representatives from the local council district offices and provide frequent updates on upcoming construction, mitigation plans/efforts, and our outreach efforts to the local community. Bilingual (Spanish) CR staff have also attended local community meetings and special events to directly engage with community stakeholders along with the distribution of Project and Metro marketing material in bilingual formats. CR staff have also been visiting the small businesses along the alignment and have been providing bilingual project information along with business resources available through Metro.

In addition, the Project will have Eat Shop Play (ESP) and Business Solution Center (BSC) small business mitigation programs available to businesses along the Project corridor. ESP is a pilot advertising and community engagement program that promotes small businesses impacted by the construction of the new line by providing marketing services. The ESP program allows for collecting and tracking demographic and neighborhood data that will help Metro better understand current conditions and timely assessment of programs. Also, the Project will have a Community Leadership Council (CLC), an advisory body to the Project, comprised of a diverse group of fifteen (15) individuals who live, work, attend school, or own a business or commercial property in the neighborhoods within the project area: Arleta, Pacoima, Panorama City, and Van Nuys. The ESP and CLC programs are aligned with internal policies and processes to elevate front-line personnel and supervisors' needs and perspectives.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will not impact the safety of Metro's customers or employees.

### **FINANCIAL IMPACT**

This Project is funded on a fiscal year basis under Cost Center 8510 Project number 865521 East San Fernando Valley Light Rail Transit Corridor under various accounts, including professional and technical services. The funding of \$25,985,967 is included in the FY23 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**

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

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports the following strategic goals:

Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling.

The purpose of the Project is to provide high-capacity transit service in the San Fernando Valley.

Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system.

The at-grade light rail system will attract bus ridership and improve the trip experience for users of the transportation system.

Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity.

With 11 stations, including connections to Metro G-Line and Metrolink, the ESFV enhances mobility to the community.

Strategic Goal 4: Transform LA County through regional collaboration and national leadership.

Collaboration with the elected officials, citizens, and Metro patrons of San Fernando Valley continues to positively impact the Project.

### **ALTERNATIVES CONSIDERED**

A separate procurement(s) could be considered for the recommended work. Also, the work could be conducted by the PDB contractor. Staff does not recommend these alternatives because schedule impacts to pursue a separate procurement or waiting for the PDB contractor would delay the project and potentially jeopardize the ability to meet the 2028 to 2030 delivery schedule.

### **NEXT STEPS**

Upon Metro Board adoption, staff will complete negotiations and execute the contract modifications.

### **ATTACHMENTS**

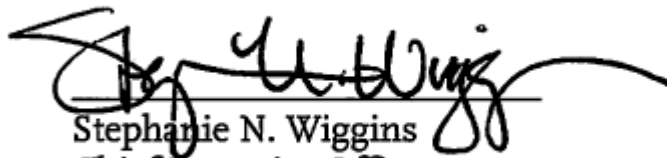
Attachment A - Procurement Summary  
Attachment B - Contract Modification / Change Order Log  
Attachment C - DEOD Summary

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Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

1.	<b>Contract Number:</b> AE58083E0129		
2.	<b>Contractor:</b> Gannett Fleming, Inc.		
3.	<b>Work Description:</b> Increase the contract modification authority (CMA) for Contract AE58083E0129 with Gannett Fleming, Inc. in the not-to-exceed amount of \$25,985,967, an increase from \$12,394,970 to an amount not-to-exceed \$38,380,937.		
4.	<b>Contract Work Description:</b> Engineering design and oversight services for the East San Fernando Valley (ESFV) Transit Corridor Project.		
5.	<b>The following data is current as of:</b> 12/12/22		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	7/25/19	<b>Contract Award Amount:</b> \$61,974,852
	<b>Notice to Proceed (NTP):</b>	8/15/19 (Contract Execution)	<b>Total of Contract Changes Approved:</b> \$23,161,118.23
	<b>Original Complete Date:</b>	8/15/28	<b>Pending Modifications (including this action):</b> \$25,985,967
	<b>Current Est. Complete Date:</b>	8/15/28	<b>Current Contract Value (with this action):</b> \$111,863,617
7.	<b>Contract Administrator:</b> Diana Sogomonyan		<b>Telephone Number:</b> (213) 922-7243
8.	<b>Project Manager:</b> Monica Born		<b>Telephone Number:</b> (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.

Thirty-one (31) Contract Modifications (MODs) and fourteen (14) Contract Change Orders (CO) have been approved and executed to date, two COs of which have been superseded and converted to a Contract Modification (superseded has been included in the total contract Mods shown). Nineteen (19) Contract Changes are pending, currently at various stages of review for processing and finalization.



This Board action will authorize the increase of the Contract Modification Authority (CMA) amount for the negotiation and execution of pending contract changes, both identified and anticipated, for contract scope of work: Phase 1 – completion of Preliminary Engineering (PE) design; Phase 2 - support during the solicitation process for the Progressive Design-Build contract; and, Phase 3 - design support during construction for the Project. This Board action will also authorize the CEO to negotiate and execute any contract modification, within and up to the authorized total CMA amount.

Contract No. AE58083E0129 is a Cost Reimbursable Fixed Fee Contract (CPFF).

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

**B. Cost/Price Analysis**

The cost for any Contract change will be reviewed and analyzed for fair and reasonableness, upon completion of fact finding, technical evaluation, cost analysis, and negotiations. All Contract Modifications will be processed in accordance with Metro's Acquisition Policy, within and up to the additional CMA authorized.

**CONTRACT MODIFICATION/CHANGE ORDER LOG**

**EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT**

<b>Mod./ CO No.</b>	<b>Description</b>	<b>Status</b>	<b>Date</b>	<b>\$ Amount</b>	<b>Board Approved CMA</b>
N/A	Initial Award		7/25/19	\$61,974,852	\$12,394,970
MOD 1	Contract Conforming and Clarifications	Approved	11/12/19	\$0.00	
MOD 2	Underground Utility Detection Services along Van Nuys Blvd.	Canceled	5/28/20	\$0.00	
MOD 3	Geotechnical Test Plan and Hazardous Material Work Plan	Approved	8/24/20	\$53,164	
MOD 4	Underground Utility Detection Services Along Van Nuys Blvd. – Segment A	Approved	10/14/20	\$437,646	
MOD 5	Underground Utility Detection Services Along Van Nuys Blvd. – Segment B	Approved	11/5/20	\$481,156	
MOD 6	Underground Utility Detection Services Along Van Nuys Blvd. – Segment C	Approved	11/5/20	\$358,665	
MOD 7	Underground Utility Detection Services Along Van Nuys Blvd. – Segment D	Approved	11/5/20	\$74,079	
MOD 8	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment A	Approved	11/5/20	\$159,832	
MOD 9	Utility Investigation - Potholing and Slot Trenching for Segment A	Approved	11/23/20	\$1,691,789	
MOD 10	Coordination With Third Party Utility Owners to Assess Utility Conflicts	Approved	4/12/21	\$734,547	
MOD 11	Preliminary Engineering of Composite Utility Rearrangement Plans	Approved	2/23/21	\$738,979	
MOD 12	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment B	Approved	3/23/21	\$150,153	

MOD 13	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment C	Approved	3/23/21	\$140,163	
MOD 14	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment D	Approved	4/6/21	\$101,777	
MOD 15	Utility Investigation - Potholing and Slot Trenching for Segment B	Approved	2/25/21	\$1,772,143	
MOD 16	Utility Investigation - Potholing and Slot Trenching for Segment C	Approved	2/25/21	\$1,565,506	
MOD 17	Utility Investigation - Potholing and Slot Trenching for Segment D	Approved	3/1/21	\$627,590	
MOD 18	Geotechnical Subsurface Investigation	Approved	9/1/21	\$987,531	
MOD 19	Additional Coordination with Third Party Utility Owners to Assess Utility Conflicts	Approved	6/28/21	\$534,376	
MOD 20	Van Nuys Blvd. Re-Design Level of Effort	Approved	9/22/21	\$715,901	
MOD 21.1	Additional Level of Effort for Completion of Phase 1 - Preliminary Engineering	Approved	9/3/21	\$670,630	
MOD 22	Utility Investigation - Additional Potholing for Segment A	Approved	8/29/22	\$271,045	
MOD 23	Coordination With Telecommunication Utility Owners to Assess Utility Conflicts	Approved	1/13/22	\$678,682	
MOD 24	Advanced Planning for Geotechnical Subsurface Investigation	Approved	11/10/21	\$567,906	
MOD 26	Advance Utility Design for Advance Utility Relocation (AUR) for LADWP Power Underground Design 2 & 3	Approved	2/11/22	\$1,926,053	
MOD 27	Update Various Preliminary Engineering 30-60% Design and Reports to Complete CPUC Applications	Approved	2/11/22	\$2,937,216	
MOD 28	Caltrans Project Study Report/Project Report (PSR/PR)	Approved	4/29/22	\$499,350	
MOD 33	Update Preliminary Engineering 30-60% Design	Approved	3/22/22	\$299,520	

	and Reports for IOS Northern Terminus at Van Nuys & San Fernando				
MOD 34	Hazardous Materials Environmental Site Assessment (ESA) - Phase II	Approved	4/29/22	\$450,554	
MOD 35	Advance Utility Design for Advance Utility Relocation (AUR) for LADWP Power Underground Design 4	Approved	8/9/22	\$483,491	
MOD 37	Storm Drain BI36 In-Situ Work Plan	Approved	6/23/22	\$116,757	
	<b>Subtotal Approved Modifications (Mods):</b>			<b>\$20,226,201</b>	
CO 1	Coordination With Third Party Utility Owners to Assess Utility Conflicts (See Mod 10)	Superseded	11/4/20	\$0.00	
CO 2	Utility Investigation - Additional Potholing for Segment A (See Mod 22)	Superseded	8/29/22	\$0.00	
CO 3	Advance Utility Design for Advance Utility Relocation (AUR) for LADWP Power Underground Design 1	Approved	9/22/21	\$595,966	
CO 4	Segment A, B, and C Additional Roadway Striping Restoration	Approved	12/20/21	\$76,326	
CO 5	Segments A, B and C Asphalt Thickness and Recessed Plates	Approved	1/5/22	\$191,932	
CO 6	Additional Planning Effort Due to Field Investigation for Segments A, B and C	Approved	1/25/22	\$153,433	
CO 7	Additional Labor and Equipment for Traffic Control Plan Implementation During Potholing in Segment A	Approved	8/29/22	\$221,453	
CO 8	Additional Labor and Equipment for Traffic Control Plan Implementation During Potholing in Segment B	Approved	8/29/22	\$277,597	
CO 9	Bid Support for Advance Utility Adjustments (AUA) Design 1	Approved	8/17/22	\$33,300	

CO 10	Hot Patch Paving for Geotechnical and Environmental Site Assessment Field Investigation	Approved	9/13/22	\$260,518	
CO 11	Advance Utility Design for Utility Adjustment (UA) for LADWP Power Underground Design 5	Approved	9/26/22	\$312,185	
CO 12	Advance Utility Design for Utility Adjustment (UA) for LADWP Power Underground Design 6	Approved	9/26/22	\$238,974.23	
CO 13	Additional Labor and Equipment for Traffic Control Plan Implementation During Potholing Seg. C	Approved	10/25/2022	\$229,749	
CO 14	Design for Utility Adjustment (UA) for LADWP Power Underground Design 7	Approved	12/13/2022	\$343,484	
	<b>Subtotal Approved Change Orders (COs):</b>			<b>\$2,934,917.23</b>	
	<b>Subtotal Approved Changes (Mods and COs):</b>			<b>\$23,161,118.23</b>	
TBD	Segment A, B, and C Additional Roadway Striping Restoration (CO 4)	Pending	TBD	\$41,657	
TBD	Segments A, B and C Asphalt Thickness and Recessed Plates (CO 5)	Pending	TBD	\$101,358	
TBD	Additional Labor and Equipment for Traffic Control Plan Implementation During Potholing Seg. A (CO 7)	Pending	TBD	\$55,032	
TBD	Additional Labor and Equipment for Traffic Control Plan Implementation During Potholing Seg. B (CO 8)	Pending	TBD	\$65,789	
TBD	Hot Patch Paving for Geotechnical and Environmental Site Assessment Field (CO 10)	Pending	TBD	\$67,183	
TBD	Advance Utility Design for Utility Adjustment (UA) for LADWP Power Underground Design 5 (CO 11)	Pending	TBD	\$108,516	
TBD	Advance Utility Design for Utility Adjustment (UA) for LADWP Power Underground Design 6 (CO 12)	Pending	TBD	\$105,916	

TBD	Additional Labor and Equipment for Traffic Control Plan Implementation During Potholing Seg. C (CO 13)	Pending	TBD	\$49,184	
TBD	Design for Utility Adjustment (UA) for LADWP Power Underground Design 7 (CO 14)	Pending	TBD	\$140,301	
TBD	Engineering Analysis for LADWP Maintenance Hole Relocation (CN 36)	Pending	TBD	\$153,543	
TBD	Design for Utility Adjustment (UA) for LADWP Power Underground Design 8 (CN 38)	Pending	TBD	\$1,531,380	
TBD	BI666 & Van Laurel In-Situ Work Plans (CN 46)	Pending	TBD	\$63,049	
TBD	Additional Potholing in Seg. C	Pending	TBD	\$233,792	
TBD	Asphalt Premium Charge for Nighttime Patching of Potholing and Trenching	Pending	TBD	\$228,634	
TBD	Impact Statements for Partial Plats & TCEs	Pending	TBD	\$5,440,000	
TBD	30% to 60% Composite Utility Rearrangement Drawings	Pending	TBD	\$4,400,000	
TBD	BI36 In-Situ Analysis - Implementation	Pending	TBD	\$4,000,000	
TBD	BI666 In-Situ Analysis - Implementation	Pending	TBD	\$2,000,000	
TBD	Van Laurel In-Situ Analysis - Implementation	Pending	TBD	\$2,000,000	
	<b>Subtotal Pending Changes<sup>1</sup>:</b>			<b>\$20,785,334</b>	
TBD	Phase 1 Scope of Services (Preliminary Engineering) <sup>2</sup>	Pending	TBD	\$2,078,533	
TBD	Phase 2 Scope of Services (Procurement Support) <sup>3</sup>	Pending	TBD	\$286,100	
TBD	Phase 3 Scope of Services (Design Services During Construction) <sup>4</sup>	Pending	TBD	\$2,836,000	
	<b>Subtotal Unallocated Contract Changes</b>			<b>\$5,200,633</b>	
	<b>SUMMARY OF CONTRACT PRICE AND CONTRACT MODIFICATIONS</b>				
	<b>Original Contract:</b>			<b>\$61,974,852</b>	

	Changes & Modifications Implemented Under Board Approved CMA			\$11,653,290	
	Subtotal of Board Approved Contract Modifications			\$11,507,828	
	<b>Total Approved Contract Changes</b>			<b>\$23,161,118.23</b>	
	<b>Current Contract Value</b>			<b>\$85,135,970.23</b>	
	<b>Subtotal of Pending and Unallocated Changes</b>			<b>\$25,985,967</b>	
	<b>SUMMARY OF CONTRACT MODIFICATION AUTHORITY (CMA)</b>				
	<b>Original Board Approved CMA</b>				<b>\$12,394,970</b>
	<b>Remaining Board Approved CMA</b>				<b>\$741,680</b>
	<b>Additional CMA Required (this Board Action)</b>				<b>\$25,985,967</b>
	<b>Total CMA with this Board Action</b>				<b>\$38,380,937</b>
	<b>Current Contract Value + Remaining Board Approved CMA + Additional CMA Required (this Board Action)</b>			<b>\$111,863,617</b>	

Notes:

Note 1: Dollar amounts are based on estimated rough order magnitude (ROM) developed by Metro Project Management and/or Request for Change or Cost Schedule Proposal amounts submitted by the Consultant. These totals represent the anticipated Not-To-Exceed (NTE) amounts that will be required to negotiate and close out the CO in a Contract Modification.

Note 2: Phase 1 Scope of Services (Preliminary Engineering) estimated amount is based on 10% of \$20,785,334 (current subtotal pending changes amount).

Note 3: Phase 2 Scope of Services (Procurement Support) estimated amount is based on 10% of \$2,861,000 (anticipated phase 2 base contract amount).

Note 4: Phase 3 Scope of Services (Design Services During Construction) estimated amount is based on 10% of \$28,360,000 (anticipated phase 3 base contract amount).

**DEOD SUMMARY**

**EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR – UTILITY  
ADJUSTMENT DESIGN FOR DWP / CONTRACT NO. AE58083E0129**

**A. Small Business Participation**

Gannett Fleming (Gannett) made a 25.29% Small Business Enterprise (SBE) commitment and a 5.54% Disabled Veteran Business Enterprise (DVBE) commitment for the contract. Based on payments, the contract is 60% complete and the current SBE participation is 18.97% and the current DVBE participation is 5.85%, representing an 6.32% SBE shortfall. Gannett is exceeding the DVBE commitment by 0.32%.

Gannett has a shortfall mitigation plan on file. Gannett explained that the SBE shortfall is due to the work starting later than originally anticipated. Gannett further explained why SBE firms, Lenax Construction and Here LA, had not been utilized to date, noting that Lenax voluntarily withdrew from the project prior to executing a subcontract and work to be performed by Here LA has not been requested by Metro.

Gannett also addressed the underutilization of the other small business firms, Diaz Consultants, FPL & Associates, PacRim, Ramos CS, SKA Design, Zephyr UAS, and Casamar Group, stating it is mainly attributable to some areas of the design scope being put on-hold to accommodate further Metro studies. Gannett contends, per their plan, that the shortfall will be mitigated over the life of the contract as subsequent years of work are realized and SBE/DVBE participation increases. Gannett further reported it has redirected tasks to SBE subcontractors to make up for the current shortfall and anticipates a significant ramp up in the SBE/DVBE participation levels during Years 4 through 9.

The Diversity & Economic Opportunity Department (DEOD) will continue to monitor Gannett’s effort to meet or exceed their commitments.

<b>Small Business Commitment</b>	<b>25.29% SBE 5.54% DVBE</b>	<b>Small Business Participation</b>	<b>18.97% SBE 5.86% DVBE</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	BA, Inc.	1.66%	2.16%
2.	Diaz Consultants, Inc, dba Diaz Yourman & Associates	1.44%	1.30%
3.	FPL & Associates, Inc.	5.96%	4.09%
4.	Here Design Studio, LLC (Here LA)	0.60%	0.00%
5.	Lenax Construction Services, Inc. (LENAX)	0.29%	0.00%



6.	PacRim Engineering, Inc.	2.18%	1.81%
7.	Ramos Consulting Services, Inc.	8.27%	5.71%
8.	Sanchez/Kamps Associates Design dba SKA Design	0.59%	0.24%
9.	Zephyr UAS, Inc.	4.30%	2.93%
10.	Cross-Spectrum Acoustics Inc.	ADDED	0.36%
11.	MPF, Inc	ADDED	0.37%
	<b>Total</b>	<b>25.29%</b>	<b>18.97%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Casamar Group, LLC	5.54%	2.51%
2.	E-NOR Innovations, Inc. (Synergy Traffic Control, Inc.)	ADDED	3.34%
	<b>Total</b>	<b>5.54%</b>	<b>5.85%</b>

<sup>1</sup>Current 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.