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**Agenda - Final**

**Thursday, August 20, 2020**

**10:30 AM**

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## **Construction Committee**

*Janice Hahn, Chair*

*Paul Krekorian, Vice Chair*

*Kathryn Barger*

*Jacquelyn Dupont-Walker*

*Robert Garcia*

*John Bulinski, non-voting member*

*Phillip A. Washington, Chief Executive Officer*

**METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES**  
(ALSO APPLIES TO BOARD COMMITTEES)

**PUBLIC INPUT**

A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for one (1) minute per item, or at the discretion of the Chair. A request to address the Board must be submitted electronically using the tablets available in the Board Room lobby. Individuals requesting to speak will be allowed to speak for a total of three (3) minutes per meeting on agenda items in one minute increments per item. For individuals requiring translation service, time allowed will be doubled. The Board shall reserve the right to limit redundant or repetitive comment.

The public may also address the Board on non agenda items within the subject matter jurisdiction of the Board during the public comment period, which will be held at the beginning and/or end of each meeting. Each person will be allowed to speak for one (1) minute during this Public Comment period or at the discretion of the Chair. Speakers will be called according to the order in which their requests are submitted. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

Notwithstanding the foregoing, and in accordance with the Brown Act, this agenda does not provide an opportunity for members of the public to address the Board on any Consent Calendar agenda item that has already been considered by a Committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the Committee on the item, before or during the Committee's consideration of the item, and which has not been substantially changed since the Committee heard the item.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

**CONDUCT IN THE BOARD ROOM** - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

**REMOVAL FROM THE BOARD ROOM** The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

- a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
- c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. Any other unlawful interference with the due and orderly course of said meeting.

**INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD**

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## DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

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## LIMITED ENGLISH PROFICIENCY

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**NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA**

**CALL TO ORDER****ROLL CALL****APPROVE Consent Calendar Items: 30 and 31.**

**Consent Calendar items are approved by one motion unless held by a Director for discussion and/or separate action.**

CONSENT CALENDAR

- 30. SUBJECT: EXECUTE CONTRACT MODIFICATION FOR EIGHT (8)  
DEPOT CHARGERS FOR ORANGE LINE ELECTRIC BUS  
CHARGING STATIONS, INCREASE CONTRACT  
MODIFICATION AUTHORITY AND STAFF DELEGATION  
AUTHORITY**

[2020-0061](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE Modification No. 14 to Contract No. OP28367-001, Part D, awarded to New Flyer of America, to add eight (8) additional Depot Chargers for the Metro Orange Line buses and charging infrastructure at Firm Fixed price of \$1,138,133, increasing the Contract Value from \$73,289,973 to \$74,428,108.
- B. INCREASE the Contract Modification Authority (CMA) from 10% to 15% of the total base and option contract values to \$10,113,208 for Contract No. OP28367-001 Part D with New Flyer of America, Inc.
- C. INCREASE the Contract Modification Authority amount from 10% to 15% of the total base and option of contract values to \$11,795,724 for Contract OP28367-002, Part C, with BYD Coach & Bus, LLC.
- D. INCREASE staff delegation authority with El Dorado National (California), Inc. ("ENC") for future contract modifications for Contract No. OP28367-000, Part A, to a not to exceed amount of \$1,000,000 for each contract modification action.
- E. INCREASE staff delegation authority with New Flyer of America for future contract modifications for Contract No. OP28367-003, Part B, to a not to exceed amount of \$1,000,000 for each contract modification action.
- F. INCREASE staff delegation authority with BYD Coach & Bus, LLC for future contract modifications for Contract No. OP28367-002, Part C, to a

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not to exceed amount of \$1,000,000 for each contract modification action.

**Attachments:**      [Attachment A-B - New Flyer Procurement Summary and Modification Log](#)  
[Attachment A-B2 - DEOD Summary Part B - New Flyer of America - CNG Buses](#)  
[Attachment C-D - BYD Procurement Summary and Modification Log](#)  
[Attachment C-D2 - DEOD Summary - BYD](#)  
[Attachment E-F - ElDorado Procurement Summary and Modification Log](#)  
[Attachment E-F2 - DEOD Summary - El Dorado National California, Inc](#)  
[Attachment G-H - New Flyer of America, Inc. Procurement Summary and Modific](#)  
[Attachment G-H2 - DEOD Summary Part B - New Flyer of America - CNG Buses](#)

31. **SUBJECT:      DIVISION 11 AND 22 HVAC AND ROOF REPLACEMENT**      [2020-0318](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 3 to Contract No. C56872C1142 with Archico Design Build Inc. to provide Heating, Ventilation and Air Conditioning (HVAC) replacement and additional roofing replacement and increase the contract price by \$1,820,450.00 from \$6,570,294.00 to \$8,390,744.00.

**Attachments:**      [Attachment A - Procurement Summary](#)  
[Attachment B - Contract Modification/Change Order Log](#)  
[Attachment C - DEOD Summary](#)

**NON-CONSENT**

32. **SUBJECT:      PROGRAM MANAGEMENT MAJOR PROJECT STATUS REPORT**      [2020-0462](#)

**RECOMMENDATION**

RECEIVE oral report on the Major Project Status by the Chief Program Management Officer.

**Attachments:**      [Attachment A - Program Management Major Project Status Report](#)

33. **SUBJECT:      WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT**      [2020-0351](#)

**RECOMMENDATIONS**

CONSIDER:

- A. AMENDING the Life-of-Project (LOP) budget by \$200,000,000 for the Westside Purple Line Extension Section 1 Project (Project) of \$2,778,879,593 to \$2,978,879,593 using the fund sources as summarized in Attachment A, consistent with the provisions of the

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Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment B), and

- B. AUTHORIZING the use of \$200,000,000 representing unused Expo Phases 1 and 2 funds for the proposed LOP Budget increase.

**Attachments:**      [Attachment A - WPLE 1 Funding-Expenditure Plan](#)  
[Attachment B - WPLE 1 Measure R and Measure M Unified Cost Management I](#)  
[Attachment C - WPLE 1 Project Projected Breakdown of Cost Allocation](#)

34. **SUBJECT: I-5 NORTH CAPACITY ENHANCEMENTS PROJECT UPDATE** [2020-0524](#)

**RECOMMENDATION**

RECEIVE AND FILE status report on the I-5 North Capacity Enhancements Project (I5 NCEP), including Construction Support Services Contract update and Construction Issue for Bid status.

35. **SUBJECT: CALTRANS UPDATE** [2020-0519](#)

**RECOMMENDATION**

RECEIVE report by the Caltrans District Director on Delivery of Projects on I-5.

48. **SUBJECT: I-5 NORTH HOV & TRUCK LANE ENHANCEMENT CONSTRUCTION SUPPORT SERVICES CONSULTANT (CSSC) CONTRACT ACTION: APPROVE RECOMMENDATIONS** [2020-0491](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. Negotiate and execute a 5-year cost-plus fixed fee Contract No. PS67828 with Hill International, Inc. to provide Construction Support Services for the I-5 North HOV & Truck Enhancement Project (Project), in an amount not-to-exceed \$50,000,000, and exercise 2 one-year options, when deemed appropriate; and
- B. Authorize the CEO to execute individual Contract Modifications within the Board approved Life of Project Budget.

**Attachments:**      [Attachment A - Procurement Summary](#)  
[Attachment B - DEOD Summary](#)

**SUBJECT: GENERAL PUBLIC COMMENT**[2020-0535](#)

RECEIVE General Public Comment

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

**Adjournment**



Board Report

File #: 2020-0061, File Type: Contract

Agenda Number: 30.

CONSTRUCTION COMMITTEE  
AUGUST 20, 2020

**SUBJECT: EXECUTE CONTRACT MODIFICATION FOR EIGHT (8) DEPOT CHARGERS FOR ORANGE LINE ELECTRIC BUS CHARGING STATIONS, INCREASE CONTRACT MODIFICATION AUTHORITY AND STAFF DELEGATION AUTHORITY**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE Modification No. 14 to Contract No. OP28367-001, Part D, awarded to New Flyer of America, to add eight (8) additional Depot Chargers for the Metro Orange Line buses and charging infrastructure at Firm Fixed price of \$1,138,133, increasing the Contract Value from \$73,289,973 to \$74,428,108.
- B. INCREASE the Contract Modification Authority (CMA) from 10% to 15% of the total base and option contract values to \$10,113,208 for Contract No. OP28367-001 Part D with New Flyer of America, Inc.
- C. INCREASE the Contract Modification Authority amount from 10% to 15% of the total base and option of contract values to \$11,795,724 for Contract OP28367-002, Part C, with BYD Coach & Bus, LLC.
- D. INCREASE staff delegation authority with El Dorado National (California), Inc. ("ENC") for future contract modifications for Contract No. OP28367-000, Part A, to a not to exceed amount of \$1,000,000 for each contract modification action.
- E. INCREASE staff delegation authority with New Flyer of America for future contract modifications for Contract No. OP28367-003, Part B, to a not to exceed amount of \$1,000,000 for each contract modification action.
- F. INCREASE staff delegation authority with BYD Coach & Bus, LLC for future contract modifications for Contract No. OP28367-002, Part C, to a not to exceed amount of \$1,000,000 for each contract modification action.

**ISSUE**



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Following contract award of Metro's Zero Emission Buses (ZEB) program there have been lessons learned regarding operational efficiencies and advances in vehicle and charging equipment technologies. Staff's recommendations address the need to respond to the rapid pace of potential changes necessary to operate ZEBs efficiently as changes in technology occur. For example, Metro has adopted the same depot charging solution for both ZEB contractors New Flyer and BYD, which was not available at time of award. This offers the same benefits as the standardization of the on-route charging. Further, the onset of COVID-19 has necessitated changes to Metro's operating services.

Recommendation A will allow for operational efficiencies to be realized. Currently, only two (2) of the ten (10) charging locations at Division 8 are equipped with chargers. Approval of Recommendation A will permit the remaining charging locations to be equipped with chargers.

Recommendation B and C will allow Metro and the Contractor to negotiate future change orders in a timely manner to ensure that the maximum cost and schedule benefits can be realized. This increase in Contract Modification Authority (CMA) is also necessary to address the rapidly evolving technologies in Zero Emission Buses (ZEB) and infrastructure.

Additionally, this recommendation will allow for Metro to quickly execute any pilot technical solutions in response to COVID-19. Recommendations D, E, and F are being requested to address the expectation that those contracts will have similar constraints. Project Management will manage all respective CMA within the previously approved Life of Project Budgets for the affected projects. The CMA increases requested by this action do not include the value of the Options exercised and approved by the Board, however it is part of the total percentage of CMA requested.

Recommendations D, E, and F will allow Metro and the Contractor to negotiate future change orders in a timely manner to ensure that the maximum cost and schedule benefits are realized. The request for an increase in staff delegation authority from \$500,000 to \$1,000,000 for individual contract changes is consistent with Board authorizations for other Rolling Stock programs, such as for the light rail vehicle Contracts P3010 and P2550, and 60-foot New Flyer Electric Buses under Contract OP28367-001, Part D.

## **BACKGROUND**

In April 2016 Metro's Board of Directors authorized staff to solicit a procurement for a combination of up to 1000 40-foot and 60-foot CNG or Zero Emission Buses. In July 2017 the Board Authorized five Contracts for 295 CNG Buses and 100 Zero Emission Buses of various sizes, totaling \$379,381,178. At the time of Base Contract award, it was not known what quantity or combination of Buses staff would recommend for subsequent Option vehicle purchases, therefore CMA could not be adequately defined. In September 2019 the Board further authorized the exercise of 259 CNG buses and 40 Zero Emission Buses totaling \$301,061,732. This Board action requests CMA on the total combination of the Base and Option Contract values awarded.

## **DISCUSSION**

Approval of Recommendation B, C, D, E and F increases the Contract Modification Authority which

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allows for Metro staff to address unforeseen changes to be successfully negotiated and addressed with Bus Manufacturers in an expedited manner thus minimizing impact to the project schedule. Additionally, this will allow for Metro to quickly execute any pilot technical solutions in response to COVID-19.

### **DETERMINATION OF SAFETY IMPACT**

Recommendations B, C, D, E and F will allow Metro to quickly negotiate and execute any modifications needed in response to COVID-19.

### **FINANCIAL IMPACT**

Budget for this action is included in the Life of Project (LOP) budgets of Capital project(s) 201057 - El Dorado 40 Foot CNG Buses, 201073 - New Flyer 60 Foot Zero Emission Buses, 201076 - New Flyer 60 Foot CNG Buses, and 201077 - BYD 40 Foot Zero Emission Buses. Subject to board approval, the FY21 budget will include \$208 million for bus acquisitions, charging infrastructure purchases, and installation.

Because the respective projects require multi-year contracts, the Cost Center Manager, and Project Manager will be responsible for future fiscal year budgeting.

#### Impact to Budget

The combined funding for these projects include Federal, State and Local sources including Green Funds. Additionally, staff will continue to pursue all additional grant and rebate opportunities as they materialize. This will ensure that the Bus Acquisition and Electrification Program remain within the Board adopted LOP budgets.

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

This item supports the following Strategic Goals 1) Provide high-quality mobility options that enable people to spend less time traveling and 5) Provide responsive, accountable, and trustworthy governance within the Metro organization.

### **ALTERNATIVES CONSIDERED**

Staff considered remaining with the limited number of chargers. This alternative was not selected as it lessens Metro's ability to charge the vehicles at Division 8 in a timely manner and raise maintenance and operational costs of the electric bus deployments.

### **NEXT STEPS**

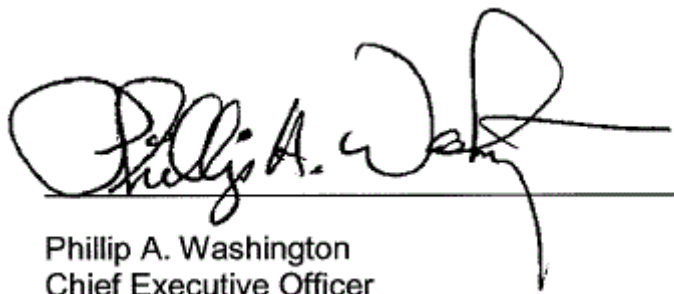
Upon Board approval, staff will execute the Contract Modification with New Flyer of America, and staff will negotiate and execute within staff authority future contract modifications.

**ATTACHMENTS**

- Attachment A - OP28367-001 New Flyer of America, Inc. Procurement Summary
- Attachment B - OP28367-001 New Flyer of America, Inc. Contract Modification Log
- Attachment C -OP28367-002 BYD Coach & Bus, LLC Procurement Summary
- Attachment D - OP28367-002 BYD Coach & Bus, LLC Contract Modification Log
- Attachment E - OP28367-000 EIDorado National (California), Inc. Procurement Summary
- Attachment F - OP28367-000 EIDorado National (California), Inc. Contract Modification Log
- Attachment G - OP28367-003 New Flyer of America, Inc. Procurement Summary
- Attachment H - OP28367-003 New Flyer of America, Inc. Contract Modification Log

Prepared by: Steve Schupak, Electric Vehicle Program Manager (213) 617-6294

Reviewed by: James T. Gallagher, Chief Operations Officer (213) 418-3108  
Debra Avila, Chief Vendor/Contract Management Officer (213) 418-3051



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Phillip A. Washington  
Chief Executive Officer

**DEOD SUMMARY****NEW FLYER OF AMERICA, INC. - 60' LOW FLOOR ZERO EMISSION BUSES/  
OP28367-001****A. Small Business Participation**

New Flyer of America, Inc., a Transit Vehicle Manufacturer (TVM), is on the Federal Transit Administration's (FTA) list of eligible TVMs. New Flyer of America, Inc. reported that it submitted its overall Disadvantaged Business Enterprise (DBE) goal of 3.50% to FTA for FY20, in compliance with 49 Code of Federal Regulations (CFR) Section 26.49(a)(1). TVMs submit overall DBE goals and report participation directly to FTA annually.

**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 is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

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

**E. Local Employment Plan**

Local Employment Plan Program is applicable on this contract. Staff will monitor progress on all LEP commitments, including the contractual commitments in creating employment opportunities in the State of California and the 40% commitment to hire disadvantaged workers.

## PROCUREMENT SUMMARY

NEW FLYER OF AMERICA, INC. - 60' LOW FLOOR ZERO EMISSION BUSES/  
OP28367-001

1.	<b>Contract Number:</b> OP28367-001		
2.	<b>Contractor:</b> New Flyer of America, Inc. (NFA)		
3.	<b>Mod. Work Description:</b> Procure 8 additional units of depot charging equipment; Increase Contract Modification Authority		
4.	<b>Contract Work Description:</b> Procure 60' Low-Floor ZE transit buses		
5.	<b>The following data is current as of:</b> 07/24/20		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	07/27/17	<b>Contract Award Amount:</b> \$60,050,097
	<b>Notice to Proceed (NTP):</b>	11/15/17	<b>Total of Modifications Approved:</b> \$13,239,876
	<b>Original Complete Date:</b>	09/16/19	<b>Pending Modifications (including this action):</b> \$1,138,133
	<b>Current Est. Complete Date:</b>	11/30/20	<b>Current Contract Value (with this action):</b> \$74,428,106
7.	<b>Contract Administrator:</b> Elizabeth Hernandez		<b>Telephone Number:</b> (213) 922-7334
8.	<b>Project Manager:</b> Steve Schupak		<b>Telephone Number:</b> (213) 922-6652

**A. Procurement Background**

1. This Board Action is to approve Contract Modification No. 14 for Contract OP28367-001 issued in support of Metro's bus fleet electrification program and replacement plan for the manufacture and delivery of 40 units of 60' zero emission buses from New Flyer of America Inc. This Modification is to procure 8 additional units of depot charging equipment for the G (Orange) Line in the amount of \$1,138,133, including tax.

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

2. Further, this Board Action is to approve an increase in the Contract Modification Authority from 10% to 15% (\$10,113.208) to procure 60' ZE buses from New Flyer of America, Inc.

On July 27, 2017, the Board awarded Contract No.: OP28367-001 New Flyer of America, Inc. for the manufacture and delivery of the 35 units of 60' ZE transit buses in the Not-To-Exceed amount of \$60,050,097. On March 22, 2018, the Board

approved the exercise of 5 option buses for a firm fixed price of \$7,371,287. Contract Modification Nos. 1 through 13 were issued within staff delegated authority.

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

**B. Cost/Price Analysis**

The recommended price of \$1,138,133, including tax, has been determined to be fair and reasonable based upon MAS audit findings, an independent cost estimate, cost analysis, technical evaluation, fact finding, and negotiations.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
\$1,344,012	\$1,433,771	\$1,138,133

The recommendation for an increase in the Contract Modification Authority from 10% to 15% (\$10,113,208) ensures that the maximum cost and schedule benefits are realized. Additionally, this will allow for Metro to quickly execute any technological advancements and solutions in response to COVID-19.

## CONTRACT MODIFICATION/CHANGE ORDER LOG

NEW FLYER OF AMERICA, INC. - 60' LOW FLOOR ZERO EMISSION BUSES/  
OP28367-001

Mod. no.	Description	Status (approved or pending)	Date	\$ Amount
1	Add 5 option buses to the base buy from 35 to 40 vehicles; and increase opportunity and depot charging equipment	Approved	03/22/18	\$7,371,287
2	Pilot buses battery capacity upgrade from 250kWh to 320 kWh	Approved	08/30/18	\$226,384
3	Production buses battery upgrade from 250kWh to 320 kWh	Approved	10/25/18	\$2,792,074
4	Optional Bus Configurations	Approved	11/13/18	\$485,933
5	Update Special Provision-38 Terms	Approved	01/09/19	\$0
6	Training Aids and E-Learning Modules	Approved	08/13/19	\$1,514,419
7	Modify bus configurations	Approved	10/23/19	(\$30,107)
8	Modify project delivery terms	Approved	10/29/19	\$0
9	Modify contract payment terms	Approved	02/25/20	\$0
10	Depot charging equipment changes	Approved	02/27/20	\$26,017
11	Upgrade of 4 on-route charging equipment	Approved	06/1/20	\$ 853,869
12	Update changes on Pricing Forms	Approved	06/23/20	\$0
13	Modify project delivery terms	Approved	07/13/20	\$0
14	Procure 8 additional units of depot charging equipment	Pending	TBD	\$1,138,133
	<b>Modification Total:</b>			<b>\$14,378,009</b>
	<b>Original Contract:</b>			<b>\$60,050,097</b>
	<b>Total:</b>			<b>\$74,428,106</b>

**DEOD SUMMARY****BYD COACH & BUS, LLC - SIXTY 40' ZERO EMISSION TRANSIT BUSES/  
OP28367-002****A. Small Business Participation**

BYD Coach and Bus, LLC, a Transit Vehicle Manufacturer (TVM), is on the Federal Transit Administration's (FTA) list of eligible TVMs. BYD Coach and Bus, LLC reported that it submitted its overall Disadvantaged Business Enterprise (DBE) goal of 3% to FTA for FY20, in compliance with 49 Code of Federal Regulations (CFR) Section 26.49(a)(1). TVMs submit overall DBE goals and report participation directly to FTA annually.

**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 is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

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

**E. Local Employment Plan**

Local Employment Plan Program is applicable on this contract. Staff will monitor progress on all LEP commitments, including the contractual commitments in creating employment opportunities in the State of California and the 10% commitment to hire disadvantaged workers.



## PROCUREMENT SUMMARY

**BYD COACH & BUS, LLC - SIXTY 40' ZERO EMISSION TRANSIT BUSES/  
OP28367-002**

1.	<b>Contract Number:</b> OP28367-002		
2.	<b>Contractor:</b> BYD Coach & Bus LLC		
3.	<b>Mod. Work Description:</b> Increase Contract Modification Authority		
4.	<b>Contract Work Description:</b> Procure 40' ZE transit buses		
5.	<b>The following data is current as of:</b> 07/16/20		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	07/27/17	<b>Contract Award Amount:</b> \$47,774,723
	<b>Notice to Proceed (NTP):</b>	11/15/17	<b>Total of Modifications Approved:</b> \$(146,930)
	<b>Original Complete Date:</b>	8/16/19	<b>Pending Modifications (including this action):</b> \$30,863,440
	<b>Current Est. Complete Date:</b>	11/01/21	<b>Current Contract Value (with this action):</b> \$78,491,233
7.	<b>Contract Administrator:</b> Elizabeth Hernandez		<b>Telephone Number:</b> (213) 922-7334
8.	<b>Project Manager:</b> Julio Rodriguez		<b>Telephone Number:</b> (213) 922-6603

**A. Procurement Background**

This Board Action is to approve an increase in the Contract Modification Authority from 10% to 15% (\$11,795,724) for Contract OP28367-002 to procure 40' ZE buses from BYD Coach & Bus, LLC. and staff delegated authority to negotiate and execute future contract modifications in the not-to-exceed amount of \$1,000,000.

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

On July 27, 2017, the Board awarded Contract No.: OP28367-002 to BYD Coach & Bus, LLC. for the manufacture and delivery of the 60 units of 40' ZE transit buses in the Not-To-Exceed amount of \$47,774,723. On September 19, 2019, the Board authorized the exercise of 40 option buses in the amount of \$30,863,440.

Contract Modification Nos. 1 through 4 were issued with staff delegated authority.

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

## **B. Cost/Price Analysis**

The recommendation to increase the CMA from 10% to 15% and for staff delegated authority to negotiate and execute future change orders in the not-to-exceed amount of \$1,000,000 for each contract modification action ensure that the maximum cost and schedule benefits are realized. Additionally, this will allow for Metro to quickly execute any technological advancements and solutions in response to COVID-19. The recommended option was determined to be fair and reasonable based on cost analysis at the time of the original contract award.

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## BYD COACH &amp; BUS, LLC - SIXTY 40' ZE TRANSIT BUS/OP28367-002

<b>Mod. no.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Update Special Provision-38 Terms	Approved	01/09/19	<b>\$0</b>
2	Optional Bus Configuration	Approved	12/03/19	<b>\$326,780</b>
3	Modify project delivery terms	Approved	12/27/19	<b>\$0</b>
4	Modify bus configurations	Approved	04/16/20	<b>\$(473,710)</b>
	Exercise of Option	Pending	TBD	<b>\$30,863,440</b>
	<b>Modification Total:</b>			<b>\$30,716,510</b>
	<b>Original Contract:</b>			<b>\$47,774,723</b>
	<b>Total:</b>			<b>\$78,491,233</b>

**DEOD SUMMARY****EL DORADO NATIONAL CALIFORNIA, INC. - 40' LOW FLOOR CNG BUS/  
OP28367-000****A. Small Business Participation**

El Dorado National California, Inc., a Transit Vehicle Manufacturer (TVM), is on the Federal Transit Administration's (FTA) list of eligible TVMs. El Dorado National California, Inc. reported that it submitted its overall Disadvantaged Business Enterprise (DBE) goal of 3.72% FTA for FY20, in compliance with 49 Code of Federal Regulations (CFR) Section 26.49(a)(1). TVMs submit overall DBE goals and report participation directly to FTA annually.

**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 is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

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

**E. Local Employment Plan**

Local Employment Plan Program is applicable on this contract. Staff will monitor progress on all LEP commitments, including the contractual commitments in creating employment opportunities in the State of California and the 10% commitment to hire disadvantaged workers.

## PROCUREMENT SUMMARY

EL DORADO NATIONAL CALIFORNIA, INC. - 40' LOW FLOOR CNG BUS/  
OP28367-000

1.	<b>Contract Number:</b> OP28367-000		
2.	<b>Contractor:</b> El Dorado National California, Inc. (ENC)		
3.	<b>Mod. Work Description:</b> Increase Contract Modification Authority		
4.	<b>Contract Work Description:</b> Procure 40' Low-Floor CNG transit buses		
5.	<b>The following data is current as of:</b> 07/16/20		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	06/29/17	<b>Contract Award Amount:</b> \$203,567,748
	<b>Notice to Proceed (NTP):</b>	09/01/17	<b>Total of Modifications Approved:</b> \$190,105,203
	<b>Original Complete Date:</b>	11/29/19	<b>Pending Modifications (including this action):</b> 0
	<b>Current Est. Complete Date:</b>	10/31/21	<b>Current Contract Value (with this action):</b> \$393,672,951
7.	<b>Contract Administrator:</b> Elizabeth Hernandez		<b>Telephone Number:</b> (213) 922-7334
8.	<b>Project Manager:</b> Kwesi Annan		<b>Telephone Number:</b> (213) 922-5953

**A. Procurement Background**

This Board Action is to approve an increase in staff delegated authority to negotiate and execute future contract modifications in the not-to-exceed amount of \$1,000,000. for Contract OP28367-000 to procure 40' CNG buses from El Dorado National California, Inc. (ENC).

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

On June 29, 2017, the Board awarded Contract No.: OP28367-000 to El Dorado National California, Inc. (ENC) for the manufacture and delivery of the 295 units of 40' CNG transit buses base buy in the Not-To-Exceed amount of \$203,567,748. On September 26, 2019, the Board approved the exercise of the options for 259 buses for a firm fixed price of \$189,369,145. Contract Modification Nos. 1 through 13 were issued within staff delegated authority.

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

## **B. Cost/Price Analysis**

The recommendation for staff delegated authority to negotiate and execute future change orders in the not-to-exceed amount of \$1,000,000 for each contract modification action ensures that the maximum cost and schedule benefits are realized. Additionally, this will allow for Metro to quickly execute any technological advancements and solutions in response to COVID-19.

## CONTRACT MODIFICATION/CHANGE ORDER LOG

EL DORADO NATIONAL CALIFORNIA, INC. - 40' LOW FLOOR CNG BUS/  
OP28367-000

Mod. no.	Description	Status (approved or pending)	Date	\$ Amount
1	Exercise Optional Configuration Items - Special Tools and Diagnostic Test Equipment	Approved	11/06/17	\$1,722,225
2	Credit for modifications to vehicle configuration	Approved	12/03/17	(\$2,030,332.)
3	Credit for modifications to vehicle configuration	Approved	12/27/17	(\$67,666)
4	Conformed Technical Specifications	Approved	01/19/18	\$0
5	Upgrades on vehicle configuration	Approved	02/06/18	\$355,714
6	Modify fire suppression system	Approved	04/23/18	\$0
7	Modify bike rack configuration	Approved	10/03/18	(\$102,361)
8	Modify flooring configuration	Approved	10/26/18	\$98,972
9	Exercise Optional Configuration Training Aids Items	Approved	11/14/18	\$349,646
10	Modify Contract terms	Approved	01/09/19	\$0
11	Metro requested modifications	Approved	01/15/19	\$279,870
12	Conformed Technical Specifications	Approved	01/17/19	\$0
13	Exercise Optional Configuration Items	Approved	02/08/19	\$104,586
14	Exercise Option to procure 259 buses	Approved	09/20/19	\$189,369,145
15	Change Orders on the Option Buy	Approved	02/21/20	(\$26,779)
16	Ethernet Cabling Change Order	Approved	07/08/20	\$52,183
17	Modify Contract Term	Approved	07/09/20	\$0
	<b>Modification Total:</b>			<b>\$190,105,203</b>
	<b>Original Contract:</b>			<b>\$203,567,748</b>
	<b>Total:</b>			<b>\$393,672,951</b>

## DEOD SUMMARY

**SIXTY-FIVE 60' ARTICULATED CNG TRANSIT BUS / OP28367-003 (Group B)****A. Small Business Participation**

New Flyer of America, Inc., a Transit Vehicle Manufacturer (TVM), is on the Federal Transit Administration's (FTA) list of eligible TVMs. New Flyer of America, Inc. reported that it submitted its overall Disadvantaged Business Enterprise (DBE) goal of 3.50% to FTA for FY20, in compliance with 49 Code of Federal Regulations (CFR) Section 26.49(a)(1). TVMs submit overall DBE goals and report participation directly to FTA annually.

**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 is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

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

**E. Local Employment Plan**

Local Employment Plan Program is applicable on this contract. Staff will monitor progress on all LEP commitments, including the contractual commitments in creating employment opportunities in the State of California and the 40% commitment to hire disadvantaged workers.



## PROCUREMENT SUMMARY

## SIXTY FIVE 60' ARTICULATED CNG TRANSIT BUS / OP28367-003 (Group B)

1.	<b>Contract Number:</b> OP28367-003		
2.	<b>Contractor:</b> New Flyer of America, Inc		
3.	<b>Mod. Work Description:</b> Increase Contract Modification Authority		
4.	<b>Contract Work Description:</b> Procure 60' Low-Floor CNG transit buses		
5.	<b>The following data is current as of:</b> 07/16/20		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	07/27/2017	<b>Contract Award Amount:</b> \$67,688,610
	<b>Notice to Proceed (NTP):</b>	01/30/18	<b>Total of Modifications Approved:</b> \$74,210,127
	<b>Original Complete Date:</b>	03/30/20	<b>Pending Modifications (including this action):</b> \$1,109,757
	<b>Current Est. Complete Date:</b>	01/22/21	<b>Current Contract Value (with this action):</b> \$143,008,494
7.	<b>Contract Administrator:</b> Wayne Okubo		<b>Telephone Number:</b> (213) 922-7466
8.	<b>Project Manager:</b>		<b>Telephone Number:</b>

**A. Procurement Background**

This Board Action is to approve an increase in staff delegated authority to negotiate and execute future contract modifications in the not-to-exceed amount of \$1,000,000 for Contract OP28367-003 to procure 60' CNG buses from New Flyer of America, Inc.

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

On July 27, 2017, the Board awarded Contract No.: OP28367-003 to New Flyer of America, Inc for the manufacture and delivery of the 65 units of 60' CNG transit buses base buy in the Not-To-Exceed amount of \$67,688,610. On September 26, 2019, the Board approved the exercise of the options for 70 buses for a price not to exceed \$73,457,860.

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

## **B. Cost/Price Analysis**

The recommendation to increase the CMA from 10% to 15% and for staff delegated authority to negotiate and execute future change orders in the not-to-exceed amount of \$1,000,000 for each contract modification action ensures that the maximum cost and schedule benefits are realized. Additionally, this will allow for Metro to quickly execute any technological advancements and solutions in response to COVID-19. The recommended option was determined to be fair and reasonable based on cost analysis at the time of the original contract award.

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## SIXTY FIVE 60' ARTICULATED CNG TRANSIT BUS / OP28367-003 (Group B)

<b>Mod. no.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Optional Vehicle Configurations	Approved	10/11/19	\$501,397
2	Optional Vehicle Configurations	Approved	10/11/19	\$224,499
3	Exercise Option for 70 Vehicles	Approved	11/21/19	\$73,457,860
4	Add Payment Discount Terms	Approved	1/24/20	\$ 0
5	Configuration Changes	Approved		\$26,371
6	Training Aids	Pending		\$707,965
7	Additional Configuration Changes	Pending		(\$4,748)
8	TAP Retrofit	Pending		\$22,965
9	Optional Special Tools	Pending		\$383,575
	<b>Modification Total:</b>			<b>\$75,319,884</b>
	<b>Original Contract:</b>			<b>\$67,688,610</b>
	<b>Total:</b>			<b>\$143,008,494</b>



## Board Report

File #: 2020-0318, File Type: Contract

Agenda Number: 31.

### CONSTRUCTION COMMITTEE AUGUST 20, 2020

**SUBJECT: DIVISION 11 AND 22 HVAC AND ROOF REPLACEMENT**

**ACTION: APPROVE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 3 to Contract No. C56872C1142 with Archico Design Build Inc. to provide Heating, Ventilation and Air Conditioning (HVAC) replacement and additional roofing replacement and increase the contract price by \$1,820,450.00 from \$6,570,294.00 to \$8,390,744.00.

#### **ISSUE**

Archico Design Build Inc. is contracted to provide roof replacement at Metro Operating Divisions 11 and 22. During the project, a need for the replacement of the HVAC equipment at these locations was identified. Due to Archico Design Build Inc. removing the existing HVAC equipment as part of the scope of work for the roof replacement, it has been identified that replacement equipment can be added as part of the new scope of work. Maintenance of Way Engineering seeks board approval to modify the current contract.

#### **BACKGROUND**

In May 2019, Metro awarded Contract No. C56872C1142 to Archico Design Build Inc. to perform a complete design, roofing system tear off and replacement at the Division 11 Ancillary Shop and Vehicle Shop Buildings and the Division 22 Maintenance Shop Building.

In January 2020, the HVAC equipment at Divisions 11 and 22 were identified to be at their end-of-Life, beyond repair, having significant environmental risks and leaking significant amounts of non-compliant refrigerants when the units fail, a violation that can result in fines. Due to Archico Design Build Inc. removing the existing HVAC equipment as part of the roof replacement scope, it has been determined that Archico Design Build Inc. could replace the equipment with new energy efficient equipment.

#### **DISCUSSION**

Under this contract, Archico Design Build Inc. provides design, construction and project management services. The design includes heat load analysis, structural and seismic analysis, sustainability

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assessment, and system controls and integration. The construction includes the acquisition of the replacement HVAC equipment, installation, and necessary refurbishment, electrical and commissioning services.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure providing safe work environment for staff.

### **FINANCIAL IMPACT**

Funding for the HVAC replacement contract modification is in the Board approved Life of Project (LOP) budget for Capital Project 204801 - Rail Facilities HVAC/Light Retrofit in the amount \$4,205,100.

#### **Impact to Budget**

The funding source for the HVAC replacement at the two rail divisions will be a mix of eligible and available local funds such as Proposition A 35%, Green Fund, or other funds appropriate for state of good repair given approved funding provisions and guidelines.

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

This board action supports Strategic Goal 5; Provide responsive, accountable, and trustworthy governance within the Metro organization.

### **ALTERNATIVES CONSIDERED**

The Board may decline to approve the contract modification. This alternative is not recommended as it will result in End-of-Life HVAC equipment being put back in service during the summer months while continuing to have significant environmental risks.

### **NEXT STEPS**

Upon Board approval, staff will execute Modification No. 3 to Contract No. C56872C1142 with Archico Design Build Inc. to begin construction to replace the HVAC equipment at Divisions 11 and 22.


### **ATTACHMENTS**

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

Prepared by: Emmanuel Liban, Chief Sustainability Officer, Transit Project Delivery, (213)922-2471  
Errol Taylor, Senior Executive Officer, Maintenance and Engineering, (213) 922-3227

Marshall Epler, DEO, Systems Engineering, (213) 617-6232

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 418-3108  
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## Roof Replacement Project at Metro Divisions 11 and 22

C56872C1142

1.	<b>Contract Number:</b> C56872C1142		
2.	<b>Contractor:</b> Archico Design Build, Inc.		
3.	<b>Mod. Work Description:</b> HVAC equipment replacement for Divisions 11 and 22		
4.	<b>Contract Work Description:</b> Roof Replacement for Divisions 11 and 22		
5.	<b>The following data is current as of:</b> July 9, 2020		
6.	<b>Contract Completion Status:</b>		
	<b>Bids/Proposals Opened:</b>	3	<b>% Completion \$s:</b> 95%
	<b>Contract Awarded:</b>	May 14, 2019	<b>% Completion time:</b> 69%
	<b>NTP:</b>	August 16, 2019	<b>Original Contract Days:</b> 365
	<b>Original Complete Date:</b>	August 14, 2020	<b>Change Order Days:</b> 112
	<b>Current Est. Complete Date:</b>	December 04, 2020	<b>Suspended Days:</b> 0
		<b>Total Revised Days:</b>	477
7.	<b>Financial Status:</b>		
	<b>Contract Award:</b>	\$6,381,000.00	
	<b>Total Contract Modifications Approved:</b>	\$189,294.00	
	<b>Current Contract Value:</b>	\$6,570,294.00	
	<b>Contract Administrator:</b> Josie Mellen	<b>Telephone Number:</b> 213-922-1105	
8.	<b>Project Manager:</b> Raul Pedroza	<b>Telephone Number:</b> 213-922-4797	

**A. Contract Action Summary**

This Board Action is to approve Contract Modification No. 03, supply and install HVAC units located at Metro Divisions 11 and 22. The contractor will purchase and install the HVAC units based on the design submitted and issued in support of Roof Replacement Project at Metro Divisions 11 and 22.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Price.

On May 31, 2019, the CEO approved the Firm Fixed Price award for Contract C56872C1142 for the Roof Replacement Project at Metro Divisions 11 and 22 to Archico Design Build, Inc. in the amount of \$6,381,000. The period of performance awarded was 365 calendar days. Two Contract modifications have been issued to date, including one no cost modification correcting the contract documents to reflect the period of performance of 365 days.

Please refer to Attachment B – show modifications issued to date to add/delete 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 an independent cost estimate, cost analysis, technical evaluation, fact finding, and negotiations. The contractor’s and Metro separate cost elements were found to be reasonably consistent. Additionally, the cost analysis determined the contractor’s proposal was .0035 lower than the Metro estimate. Therefore, the contractor’s proposal did not exceed more than 5% of the Metro estimate.

<b>Item No.</b>	<b>Changes</b>	<b>Proposal amount</b>	<b>Metro ICE</b>	<b>Negotiated or NTE amount</b>
03	Supply and Install HVAC units for Divisions 11 and 22.	\$1,820,450.00	\$1,826,090.00	\$1,820,450.00



## CONTRACT MODIFICATION/CHANGE ORDER LOG

## Roof Replacement Project at Metro Divisions 11 and 22

C56872C1142

Mod. no.	Description	Status (approved or pending)	Cost		
			Contract Value	Mods.	Board Approved CMA
1	No Cost, period of performance changed to 365 calendar days from NTP	Approved	\$6,381,000	\$ 0.00	\$ 0.00
2	Design the installation of HVAC units for Division 11 and Division 22 buildings	Approved	\$6,381,000	\$189,294	\$ 0.00
3	<b>Supply and Install HVAC units for Division 11 and 22 buildings</b>	<b>Pending</b>	\$6,570,294	\$1,820,450	\$ 0.00
Subtotal – Approved Modifications			\$6,570,294	\$189,294	\$ 0.00
Subtotal – Pending Changes/Modifications			\$6,570,294	\$ 2,009,744	\$1,820,450
<b>Subtotal Totals: Mods. + Pending Changes/Modifications</b>			<b>\$8,390,744</b>	<b>\$6,570,294</b>	<b>\$1,820,450</b>
Subtotal – Pending Claims			\$ 0.00	\$ 0.00	\$ 0.00
<b>Total: Mods + Pending Changes/Mods + Possible Claims</b>			<b>\$8,390,744</b>	<b>\$6,570,294</b>	<b>\$1,820,450</b>
Previous Authorized CMA			\$ 0.00	\$ 0.00	\$ 638,100
CMA Necessary to Execute Pending Changes/Mods + Possible Claims			\$ 0.00	\$0.00	\$1,820,450
<b>Total CMA including this Action</b>			<b>\$ 0.00</b>	<b>\$ 2,009,744</b>	<b>\$2,009,744</b>
<b>CMA Remaining for Future Changes/Mods after this Action</b>			<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 448,806</b>

## DEOD SUMMARY

**Emergency Immediate Remedial Roofing Rail Operations Center (ROC) Building  
C56872C1142**

**A. Small Business Participation**

Archico Design Build, Inc., an SBE Prime, made a 54.10% SBE commitment and a 3.01% DVBE commitment. The project is 74% complete and Archico Design Build, Inc. is exceeding its commitments with 55.48% SBE participation and 5.06% DVBE participation.

<b>Small Business Commitment</b>	<b>SBE 54.10%</b>	<b>Small Business Participation</b>	<b>SBE 55.48%</b>
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	<b>SBE Contractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Archico Design Build, Inc. (Prime)	45.56%	49.16%
2.	ICI Inc.	3.17%	2.75%
3.	Onyx Architects, Inc.	0.68%	0.46%
4.	Reyes and Sons	3.78%	2.28%
5.	VCA Engineers	0.91%	0.83%
	<b>Total</b>	<b>54.10%</b>	<b>55.48%</b>

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

<b>Small Business Commitment</b>	<b>DVBE 3.01%</b>	<b>Small Business Participation</b>	<b>DVBE 5.06%</b>
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	<b>DBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	G&C Equipment Corp.	3.01%	5.06%
	<b>Total</b>	<b>3.01%</b>	<b>5.06%</b>

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

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage / Service Contract Worker Retention Policy (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 (PLA/CCP)**

The Contractor has committed to complying with PLA/CCP requirements for this project. This project is 41.93% 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 49.31%, achieving the 20% Apprentice Worker Goal at 39.45%. and achieving the 10% Disadvantaged Worker Goal at 12.24%. Prime Contractor has met the PLA/CCP workforce goals as stated above. Staff will continue to monitor and report the contractor's progress performance.



## Board Report

File #: 2020-0462, File Type: Oral Report / Presentation

Agenda Number: 32.

### CONSTRUCTION COMMITTEE AUGUST 20, 2020

**SUBJECT: PROGRAM MANAGEMENT MAJOR PROJECT STATUS REPORT**

**ACTION: ORAL REPORT**

#### **RECOMMENDATION**

RECEIVE oral report on the Major Project Status by the Chief Program Management Officer.

#### **DISCUSSION**

Update report covering the month of August 2020 by the Chief Program Management Officer.

#### **ATTACHMENTS**

Attachment A - Program Management Major Project Status Report

Prepared by:

- **Crenshaw/LAX** - Sameh Ghaly, Sr EO Project Mgmt., (213) 418-3369
- **Regional Connector** - Gary Baker, EO Project Mgmt., (213) 893-7191
- **Westside Purple Line Ext 1** - James Cohen, EO Project Mgmt., (213) 922-7911
- **Westside Purple Line Ext 2** - Michael McKenna, EO Project Mgmt., (213) 312-3132
- **Westside Purple Line Ext 3** - Kimberly Ong, EO Project Mgmt., (323) 903-4112
- **Patsaouras Plaza Busway Station** - Timothy Lindholm, EO Project Engr., (213) 922-7297
- **Willowbrook/Rosa Park Station** - Timothy Lindholm, EO Project Engr., (213) 922-7297
- **I-210 Barrier Replacement** - Androush Danielians, EO Project Engr., (213) 922-7598
- **I-5 North** - Abdollah Ansari, Sr EO Construction & Engr., (213) 922-4781
- **I-5 South** - Abdollah Ansari, Sr EO Construction & Engr., (213) 922-4781
- **Presentation** - Yohana Jonathan, Princ. Prog. Mgmt. Analyst, (213) 418-3031



Phillip A. Washington  
Chief Executive Officer

# **Program Management Major Project Status Report**

Presented By

**Richard Clarke**

Chief Program Management Officer

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**August 2020**

**Construction Committee**

Los Angeles County Metropolitan Transportation Authority



# Covid 19 Impacts

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- Construction proceeding as an essential service
- Safety protocols are required and monitored
- Contractors doing well assuring safety of workers and completing work
- Metro tracks reported positive cases with follow-up including cleaning of site, contact tracing and self-quarantine
- We have received some notification of impacts to work
- Each impact claim will be assessed consistent with contract terms (i.e. force majeure)

# PROJECT BUDGET & SCHEDULE STATUS SUMMARY CHART

Project	Cost Performance	Schedule Performance	Comments
Crenshaw/LAX			Project is 95.6% complete. Revised completion to 2021.
Regional Connector			Project is 68% complete and proceeding on schedule and within budget.
Westside Purple Line Extension-Section 1			Project is 63% complete. Differing site conditions and third party requirements are impacting the project budget. Reviewing any impacts differing site conditions and third party requirements may have on the project schedule.
Westside Purple Line Extension-Section 2			Project is 33% complete and proceeding on schedule and within budget.
Westside Purple Line Extension-Section 3			Project is 13% complete and proceeding on schedule and within budget.
Patsaouras Plaza			Project is 85% complete and Substantial Completion is anticipated to be delayed to late Summer 2020 due to recent archaeological discovery, data recovery, and IT/Communication equipment assembly and delivery delays.
Willowbrook/Rosa Parks Station			Blue Line Platform and Mezzanine Finishes and Vertical Circulation work ongoing while station is in operation. Customer Center, Mobility Hub + Public Plaza and promenade are substantially complete. Package B early work start delayed until late May. UPRR pedestrian grade crossing delayed but scheduled for July 2020. Station planned to open in phases with opening dates coinciding with pandemic guidance.
I-210 Barrier Replacement			Project 1 Project Report has been approved by Caltrans. We are working toward Project 1 Final PS&E Package approval anticipated by August 2020. Metro and Caltrans have clearly identified the best path forward to keep the disruption to freeway traffic and Metro operations to a minimum for Project 2; it involves seeking a design variance from Caltrans. Development of the Project 2 PSR-PR is underway.
I-5 North: SR 118 to SR 134			Segment 1 and 2 are completed. Segment 3 (Empire Ave & Burbank) is 83% complete. Segment 4 (Magnolia to SR-134) is 96% complete and began the plant establishment phase on June 1, 2020.
I-5 South: Orange County Line to I-605			Segments 1, 3, and the Carmenita Interchange are completed. Segment 2 (Valley View) is 64% complete. Segment 4 (Imperial) is 97% complete and began the plant establishment phase on Jan 31, 2020. Segment 5 (Florence) is 89% complete.

August 2020

Construction Committee

Los Angeles County Metropolitan Transportation Authority



On target



Possible problem



Significant Impact



Metro 3



# CRENSHAW/LAX TRANSIT PROJECT

## ◆ BUDGET

	<u>Current</u>	<u>Forecast</u>
TOTAL COST	\$2,148M	\$2,148M

## ◆ SCHEDULE

	<u>Current</u>	<u>Forecast</u>
REVENUE OPERATION	May 2021	May 2021*

- Overall Project Progress is 95.6% complete.
- Contractor continues remaining facility and systems installation
- Continuing critical system equipment testing and system integration testing.



Testing crossing gates with train at Arbor Vitae Street



Installing roofing deck to main entrance canopy at MLK Jr. Station.

August 2020



On target



Possible problem



Significant Impact



Metro 4

Construction Committee

Los Angeles County Metropolitan Transportation Authority

\*Substantial Completion: Winter 2020

# REGIONAL CONNECTOR TRANSIT PROJECT

**OK BUDGET**

	<u>Current</u>	<u>Forecast</u>
TOTAL COST	\$1,816M	\$1,816M

**OK SCHEDULE**

	<u>Current</u> Summer/Fall 2022	<u>Forecast</u> Summer/Fall 2022
REVENUE OPERATION		

- Overall Project Progress is 68% complete.
- Little Tokyo/Arts District Station & Surrounding Area:** Continue street backfill at Wye and 1st/Alameda; began pre-bus bridge excavation and installation of support of excavation within the Mangrove Yard.
- Historic Broadway Station:** Structural concrete, MEP and systems continues within the Station, Cavern and Entrance.
- Grand Av Arts/Bunker Hill Station:** Structural concrete, MEP and systems installation continues throughout the Station; began installation of pre-cast floating slab segments within the station box area.
- Flower Street:** Installation of exterior and interior walls and roof completed in north; continuing concrete work in south; continued structure backfill.
- Track:** Continue installation of Low Vibration Track (LVT) and pre-cast floating slab.



Roof deck shoring installation at Historic Broadway Station



Installing rebar at roof level interior wall at Grand Av Arts/Bunker Hill Station

August 2020



On target



Possible problem



Significant Impact

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 5

# WESTSIDE PURPLE LINE EXTENSION – SECTION 1

## BUDGET

	<u>Current</u>	<u>Forecast</u>
<b>TOTAL COST*</b>	<b>\$3,154M</b>	<b>\$3,154M</b>

\* Includes Board approved LOP budget plus finance costs.

## SCHEDULE

	<u>Current</u>	<u>Forecast</u>
<b>REVENUE OPERATIONS</b>	<b>Fall 2024 (FFGA)</b>	<b>Fall 2023</b>

- Overall Project Progress is 63% complete.
- Wilshire/Western Retrieval Shaft:** Continued support of Reach 1 cross passage construction. Break through into Wilshire/Western Station is underway.
- Wilshire/La Brea Station:** Station structure concrete work continues including 2<sup>nd</sup> lift exterior walls and concrete roof placement . Appendage structure work at Wilshire/Orange is scheduled to commence in September 2020.
- Wilshire/Fairfax Station:** Entrance plaza structure and appendage work continue. Preparation for concourse concrete activities are underway.
- Wilshire/La Cienega Station:** Level 1 wall concrete placement was completed on June 26, 2020. The first 2<sup>nd</sup> lift wall concrete placement has started.
- Tunneling:** As of July 6, 2020, the Purple TBM (Elsie) has mined 1,284 feet (39% complete) of the Reach 3 tunnel. Reach 3 launch for the Red TBM (Soyeon) is scheduled for July 10, 2020.
- Reach 1 Tunnel Cross Passages (CP):** 5 out of 12 cross passages have been excavated. HDPE, rebar installation and concrete placement continue at various cross passages. Completion is anticipated in November 2020.
- Differing site conditions and third party requirements are impacting the project budget. Reviewing any impacts differing site conditions and third party requirements may have on the project schedule.



Wilshire/Fairfax Station Concourse Shoring



Wilshire/La Brea Station Arched Roof

August 2020



On target



Possible problem



Significant Impact

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 6

# WESTSIDE PURPLE LINE EXTENSION – SECTION 2



## BUDGET

	<u>Current</u>	<u>Forecast</u>
TOTAL COST*	\$2,530M	\$2,530M

\* Includes Board approved LOP budget plus finance costs.



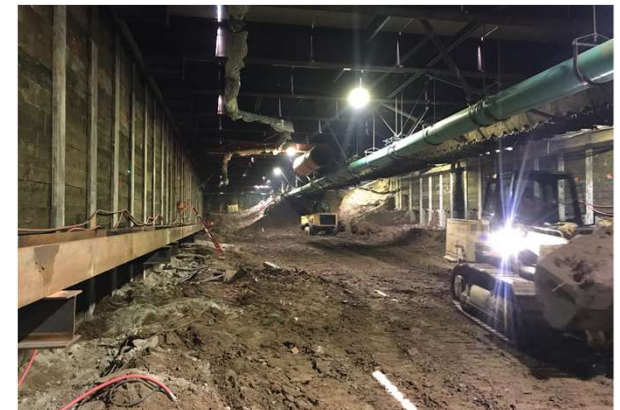
## SCHEDULE

	<u>Current</u>	<u>Forecast</u>
REVENUE OPERATION	Winter 2026 (FFGA)	Summer 2025

- Overall Project progress is 33% complete.
- **Century City Constellation Station**
  - Assembly of the BR TBM “Harriet” is ongoing. Start-up is anticipated at the end of July 2020.
  - Tunnel access shaft excavation is 80% complete.
  - Coordination with CalGEM and BHUSD for the abandonment of two legacy oil wells found in the path of the BR TBM “Harriet” under the Beverly Hills High School campus is ongoing.
- **Tunneling**
  - Excavation of the BL tunnel (Reach 5) began on April 30, 2020 and as of July 10, 2020, the BL TBM “Ruth” has excavated 265 feet with 48 tunnel rings erected. Excavation is currently paused until the tunnel access shaft has been completed.
- **Wilshire/Rodeo Station**
  - Installation of the temporary street decking over the future station box excavation began on May 5, 2020 and was completed on June 6, 2020.
  - Wilshire Boulevard reopened to traffic on June 15, 2020.
  - Excavation of the station box and entrance has begun and is ongoing.



BL Tunnel at the Launch Box in Century City



Excavation of the Station Box in Beverly Hills

August 2020



On target



Possible problem



Major issue

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 7

# WESTSIDE PURPLE LINE EXTENSION – SECTION 3

OK BUDGET		
	<u>Current</u>	<u>Forecast</u>
TOTAL COST*	\$3,611M	\$3,611M
* Includes Board approved LOP budget plus finance costs.		

OK SCHEDULE		
	<u>Current</u>	<u>Forecast</u>
REVENUE OPERATION	2028 (FFGA)	2027

- Overall Project progress is 13% complete
- Final design progress is 61% complete
- **C1151 Tunnel Contract**
  - TBM launch shaft excavation is ongoing and is 75% complete.
  - Instrumentation & monitoring equipment is being installed along the tunnel alignment.
  - SCE duct bank that will provide TBM power is 99% complete.
  - Dewatering at the TBM launch shaft continues with SCE temporary power.
  - Commissioning and permitting of compressed air plant and grout plant are in process.
- **C1152 Stations, Trackwork and Systems Contract**
  - Final design is ongoing.
  - Pre-construction surveys of adjacent properties are ongoing.
  - Installation of the sound wall at Westwood/UCLA Station site began.
- **Other Third Party Utility Relocation Work**
  - Joint trench activities for combining Verizon and Frontier telecommunications are ongoing. Conduits and vaults installed. Cable pulling/splicing ongoing.



TBM Components at VA Staging Yard



TBM Launch Shaft Excavation

August 2020



On target



Possible problem



Significant Impact

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 8

# PATSAOURAS BUS PLAZA STATION

 BUDGET		
TOTAL COST	<u>Current</u> \$50.9M	<u>Forecast</u> \$50.9M

 SCHEDULE		
SUBSTANTIAL COMPLETION	<u>Current</u> Spring 2020	<u>Forecast</u> Summer 2020

- Overall project progress remains at approximately 85% complete.
- Substantial Completion delayed to late Summer 2020 due to:
  - Caltrans storm drain and median barrier work on-hold until Archaeological Data Recovery concludes.
  - Assembly and delivery of critical IT/Communications equipment has been delayed.
- Canopy Column completion pending resolution of corrosion protection issues.



Archaeological Data Recovery Begins at Storm Drain

August 2020



On target



Possible problem



Significant Impact

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 9

# WILLOWBROOK/ROSA PARKS STATION



## BUDGET

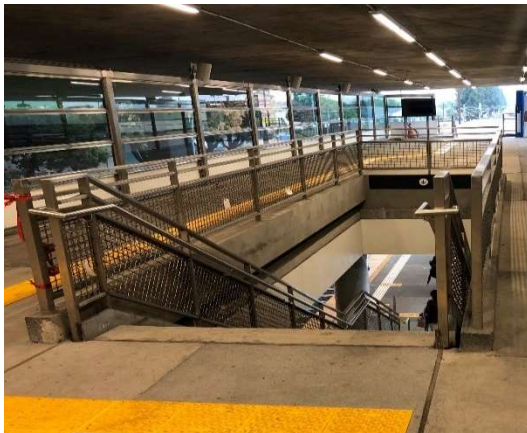
	<u>Current</u>	<u>Forecast</u>
TOTAL COST	\$128.4M	\$128.4M



## SCHEDULE

	<u>Current</u>	<u>Forecast</u>
SUBSTANTIAL COMPLETION	Summer 2020	March 2021

- Package A: Customer Center, Mobility Hub and Public Plaza are substantially complete. Promenade remains at 95% completion due to delay in materials. Southern pedestrian crossing completion on hold until UPRR completes their portion of the crossing (currently July 2020).
- Package C: Finishes, Systems (Variable Message Sign, TAP) and Vertical Circulation work ongoing while Station is in Operations. North end of mezzanine and stair to C Line platform construction near completion.
- Package B: Early work for Package B planned start is late May 2020. Due to delay in UPRR crossing work, bus operations to remain in current location, causing delay for Package B Work. Will report on current schedule after actual completion of UPRR work. Station can open in phases as soon as August 2020 but dates will coincide with return to work.



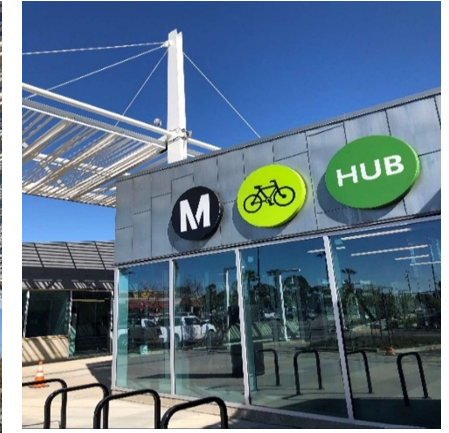
Blue Line Mezzanine open to the public



Mobility Hub Interior



Customer Center and Mobility Hub substantially complete



August 2020



On target



Possible problem



Significant Impact

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 10

# I-210 BARRIER REPLACEMENT PROJECT

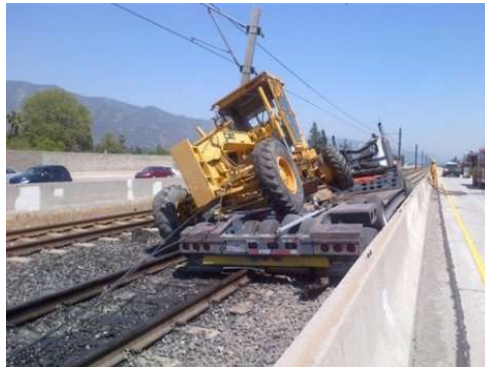
OK BUDGET		
	<u>Current</u>	<u>Forecast</u>
TOTAL COST	\$22.54M	\$22.54M
	Design	Design

OK SCHEDULE		
	<u>Current</u>	<u>Forecast</u>
Complete Design (Proj 1)	Aug 2020	Summer 2020
Complete Design (Proj 2)	Aug 2021	Summer 2021

- Project 1: Segment from Michillinda to Iconic Bridge – Project 1 Project Report has been approved by Caltrans. Final PS&E Package is under review. Metro anticipates Caltrans approval in August 2020.
- Project 2: Segment from west end of the project to Michillinda – Development of Project Report for Project 2 is underway.
- Project 2: Metro and Caltrans have agreed on the best path forward to keep the disruption to freeway traffic and Metro operations to a minimum for Project 2. However, this approach will require Metro to obtain a design variance from Caltrans.



Newly Installed Caltrans Freeway Sign



Incident in 2014



Newly Installed Speed Limit Sign

August 2020



On target



Possible problem



Significant Impact

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 11



# I-5 Construction Projects (By Caltrans)



August 2020  
Construction Committee  
Los Angeles County Metropolitan Transportation Authority

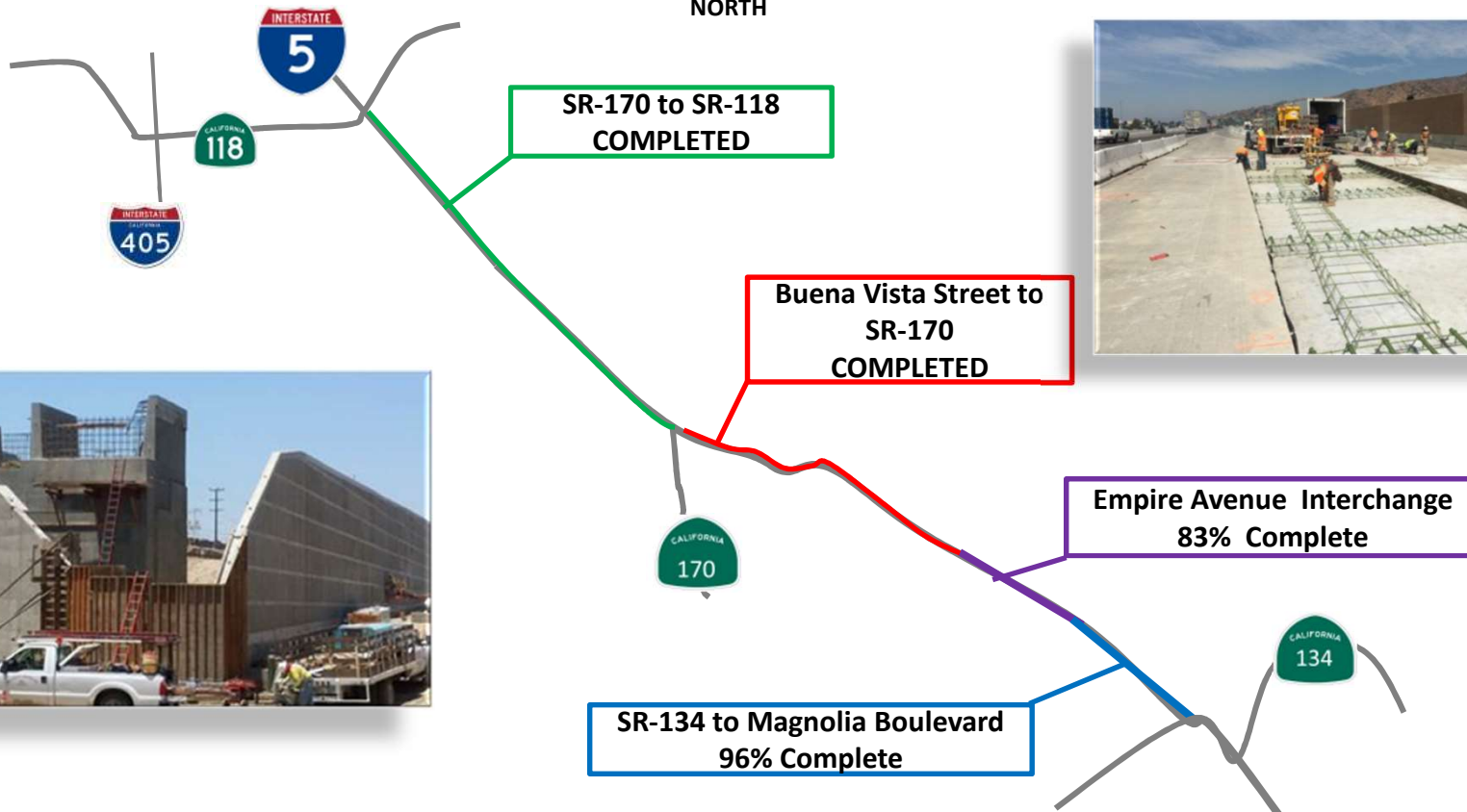


# I-5 NORTH: SR 118 TO SR 134



⚠ BUDGET		
TOTAL COST	Current	Forecast
	\$880.9M	\$930.9M*

⚠ SCHEDULE		
ANTICIPATED PROJECT COMPLETION	Current	Forecast*
	Summer 2022	Winter 2022



August 2020



On target



Possible problem



Significant Impact

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 13

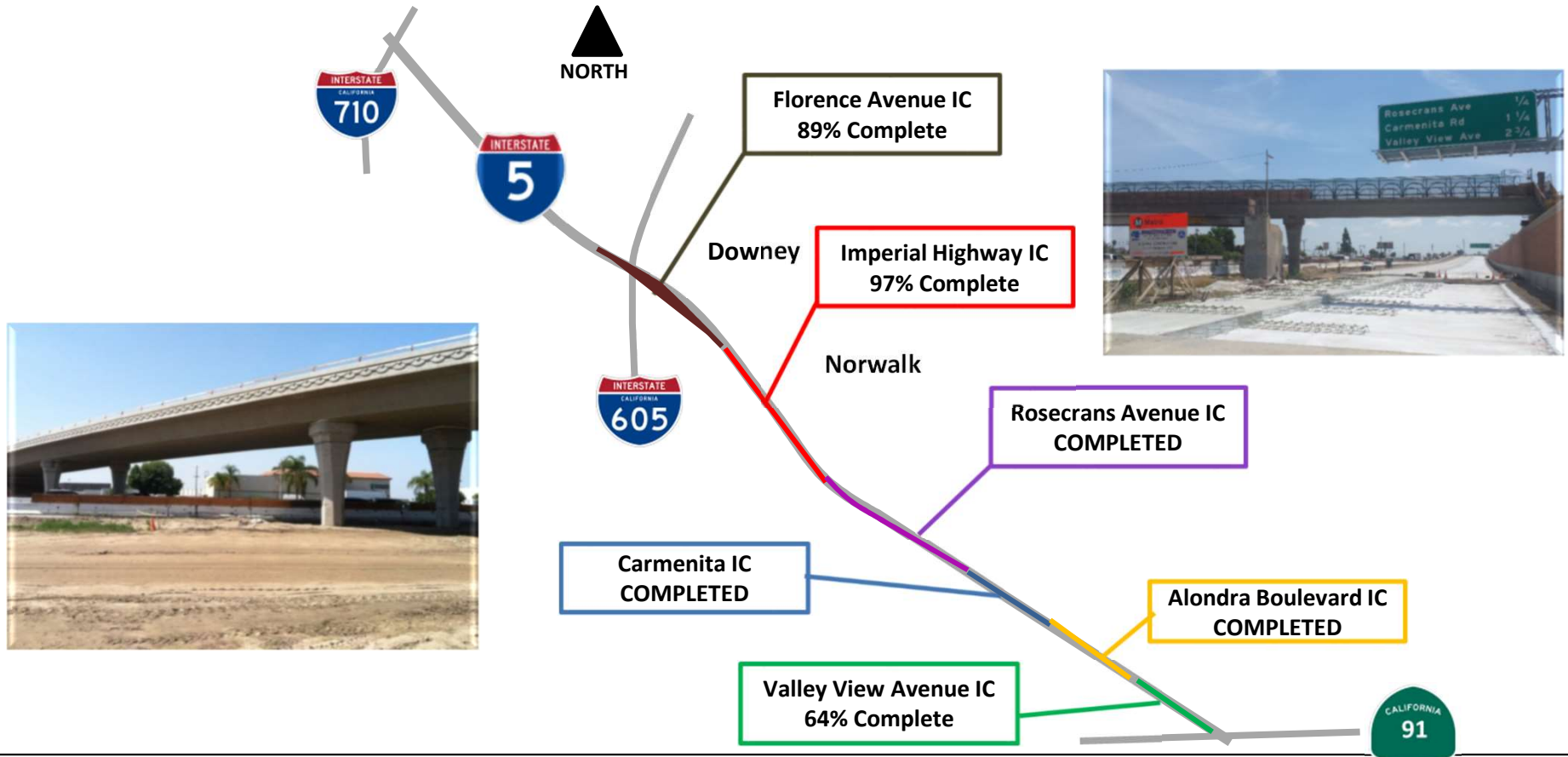
\* Risk Analysis, May 2020

# I-5 SOUTH: ORANGE COUNTY LINE TO I-605



OK BUDGET		
	Current	Forecast
TOTAL COST	\$1.888B	\$1.888B*

◇ SCHEDULE		
ANTICIPATED PROJECT COMPLETION	Current	Forecast*
	Fall 2022	Winter 2022



August 2020

Construction Committee

Los Angeles County Metropolitan Transportation Authority



On target



Possible problem



Significant Impact



Metro 14

\* Risk Analysis, May 2020



## Board Report

File #: 2020-0351, File Type: Informational Report

Agenda Number: 33.

### CONSTRUCTION COMMITTEE AUGUST 20, 2020

**SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATIONS**

CONSIDER:

- A. AMENDING the Life-of-Project (LOP) budget by \$200,000,000 for the Westside Purple Line Extension Section 1 Project (Project) of \$2,778,879,593 to \$2,978,879,593 using the fund sources as summarized in Attachment A, consistent with the provisions of the Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment B), and
- B. AUTHORIZING the use of \$200,000,000 representing unused Expo Phases 1 and 2 funds for the proposed LOP Budget increase.

#### **ISSUE**

The Project has entered the sixth year of its nearly nine year expected duration and is 63% complete as of June 30, 2020. To date, the Project has experienced higher than expected differing site conditions, an increase in third party and safety requirements, and changes in scope related items. These unexpected conditions and additional requirements have impacted the LOP Budget. The Project is in the process of determining any impacts that these same issues may have on the Project schedule.

The Project will continue to assess any and all future Project risks, and the impacts that these risks may have on the LOP Budget and Project schedule.

To address the project cost contingency drawdowns detailed below, fund ongoing construction, third party and professional services expenses, and restore some unallocated contingency, staff recommends a total LOP budget increase of \$200 million at this time.

#### **BACKGROUND**

Section 1 of the nine-mile Westside Purple Line Extension Project is the first of three sections that has been designed and is currently under construction as part of the Los Angeles County

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Metropolitan Transportation Authority (LACMTA) Measure R Program. Section 1 extends the existing Purple Line by 3.92 miles beginning at the Wilshire/Western Station. From this station, the twin tunnel alignment travels westerly within the existing Wilshire Boulevard right-of-way with stations locations at the intersections of Wilshire/La Brea, Wilshire/Fairfax, and Wilshire/La Cienega. All three of the station boxes are located within the Wilshire Boulevard right-of-way with station portals extending to off-street entrances. Two of the stations, Wilshire/La Brea and Wilshire/Fairfax, are within the jurisdiction of the City of Los Angeles and the Wilshire/La Cienega Station is within the City of Beverly Hills jurisdiction.

Section 1 is being constructed in complex and extremely challenging geologic conditions that include subsurface gases (methane and hydrogen sulfide) and asphalt saturated ground, or “tar sands” in the areas surrounding the La Brea Tar Pits. The presence of these soil conditions previously prevented tunneling in this area until more technological advanced tunneling methods were developed. Metro’s tunneling specialists worked with federal representatives to have legislation changed in 2006, so that subway alternatives could be considered.

To date, over 84% of the tunnel length between Wilshire/Western and Wilshire/La Cienega Stations has been completed, as well as the excavation of the three stations. Metro gives credit to the contractor, Skanska, Traylor and Shea (STS), for safely tunneling under these challenging conditions.

On July 24, 2014, the Board authorized an LOP Budget of \$2,773,879,593 for the Project and authorized the Chief Executive Officer to award a 107-month design/build contract (C1045), subject to the resolution of timely protests, to STS. The contract was awarded on November 4, 2014 and the Notice to Proceed was issued on January 12, 2015.

Metro procured and awarded three contracts for advance utility relocations within the construction limits of each of the three future stations and constructed an exploratory shaft adjacent to the future Wilshire/Fairfax Station to observe ground conditions, all prior to the award of Contract C1045.

Metro also procured and awarded a design/build contract to provide the final design and construction of a new Maintenance-of-Way (MOW) and Non-Revenue Vehicle (NRV) Building at the south end of the existing Division 20 Yard (Location 64). On February 26, 2016, the Board authorized an increase to the LOP Budget, in the amount of \$5,000,000, for an alternative design for the site placement of the Division 20 MOW and NRV Building.

## **DISCUSSION**

When the LOP Budget was adopted in July 2014, the project cost contingency was established at \$320.6 million. The amount included allocated contingency to cover anticipated but unknown contract modifications to be issued by Metro as applicable to specific contracts. As of June 30, 2020, the remaining project cost contingency balance is \$35.4 million. The remaining contingency balance is projected to be insufficient to carry the Project through to revenue service, considering the outstanding pending changes, potential changes, and remaining issues that need to be concluded on the Project. The contingency balance remaining is below the 3% project reserve threshold of \$83.4 million. The 3% threshold process was adopted by the Board in 2012 as an indicator to the Board to when it became necessary for a Project to drawdown on contingency below the reserve threshold

amount to cover Project costs.

The project cost contingency drawdowns to date can be summarized into four major categories.

**Third Party Requirements** (\$31.2M) that include, but are not limited to the following:

- At the Wilshire/La Brea Station, there were changes requested by LADWP (Power) to a room that contains their high voltage equipment. Plus, LABOE requested additional utility supports to hang the various utilities from the temporary steel deck beams (\$1.4M).
- At the Wilshire/La Cienega Station, a Memorandum of Agreement (MOA) was required between Metro and the City of Beverly Hills in order to define the requirements for STS to work within the City limits, as Section 1 was the first Metro Project that would be constructed in the City of Beverly Hills. The MOA negotiations began in advance of the award of Contract C1045, but the MOA was executed after contract award. Contract award was not deferred to allow for the inclusion of the MOA into the contract, because to do so would have delayed the completion date of the Project. Changes were also requested by SCE to a room that contains their high voltage equipment. In addition, modifications were required to be performed on the emergency generator enclosure in order to allow placement of the required ventilation gratings in the sidewalks (\$21.4M).
- In all areas along the alignment additional instrumentation was required to monitor utilities in the street and buildings along Wilshire Boulevard from any settlement due to tunneling and station construction due to third party concerns (\$8.4M).

**Differing Site Conditions (DSCs)** (\$68.4M) that include, but are not limited to the following:

- At the Wilshire/Western Tunnel Boring Machine (TBM) Retrieval Site, the existing station blast relief shaft geometry was not as shown on the as-built drawings, plus there was a waterline break due to an existing deteriorated pipe (\$0.3M).
- At the Wilshire/La Brea Station, additional water was encountered during station excavation and a difference in expected geology caused an increase in efforts to be expended in order to be able to dewater and excavate the station to the required subgrade depth. In addition, due to changed locations and extra concrete encasement of various utilities in the street, the ability to excavate the station box and to install the required support of excavation needed to safely excavate was negatively impacted. Due to the above, the duration required to fully excavate the station, an activity critical to be able to start tunneling was extended. Metro issued a Contract Modification (MOD) to advance some of the excavation activities to minimize the DSC caused delays. The advancement MOD recovered over four months of the critical path impact (\$33.8M).
- At the Wilshire/Fairfax Station, the expected depth of the special Paleo excavation zone was deeper than was expected. This special Paleo excavation zone required STS to only excavate in six-inch lifts which is much shallower than normal excavation and more time consuming. In addition, during the decking operations some LADWP (Power) duct banks were slightly higher than expected and interfered with the street decking. The duct banks

needed to be re-worked to provide the required clearance to install the street deck beams (\$5.7M).

- At the Wilshire/ La Cienega Station, a difference in geology caused additional dewatering wells, well points, and trench drains to be installed in order to be able to dewater and excavate the station to the required subgrade depth. Due to the above, the duration needed to fully excavate the station, critical to be able to accept the TBMs when they enter the station from the east, was extended. Metro issued a MOD to advance some of the excavation activities to minimize the DSC caused delays. The advancement MOD recovered over two months of the critical path impact (\$27.8M).
- At Tunnel Reach 3 (Wilshire/Fairfax to Wilshire/La Cienega), an oil well was discovered very close to the current tunnel alignment near Crescent Heights. The tunnel alignment was moved 10 feet to the south so as not to impact the existing oil well (\$0.8M).

**Scope (Metro upgrades)** (\$21.8M) that includes, but are not limited to the following:

- Changes were issued in order to keep certain aspects of the Project up to date with current Metro standards. The C1045 Contract was executed in 2015 causing some of the Contract scope of work to be out of date. Various changes to systems, signage, and lighting have been issued. In addition, horizontal directional drilling was introduced to locate any potential anomalies in conflict with the tunnel alignment prior to the TBM arriving at the anomaly. Improvements were made to the two tunnel crossovers located at the Wilshire/La Brea and Wilshire/La Cienega Stations to allow for better passenger service (\$21.8M).

**Safety** (\$19.6M) that includes, but are not limited to the following:

- At the Wilshire/Western Station, the Project will be tying into the existing train control system. As the manufacturers of the new and existing train control systems are different, the Project was notified by the existing train control manufacturer after the award of Contract C1045, that special precautions need to be taken and extra equipment is required to be installed to keep the two systems safely operating together (\$5.9M).
- At Tunnel Reach 3 (Wilshire/Fairfax to Wilshire/La Cienega), there was a potential for existing underground methane and hydrogen sulfide gases to migrate towards the street and under the buildings when the TBMs were passing in this area. Studies were conducted, and a mitigation plan was developed and implemented to minimize the potential of migrating gas (\$13.7M).

Given the challenging conditions encountered, the Project has proactively implemented schedule mitigation modifications to keep the Project on schedule. These include the following:

- At the Wilshire/La Brea Station, the excavation was advanced to mitigate some of the delays associated with actual water/soil conditions. Also, a center muck shaft was established to advance portions of the excavation due to impacts the existing utilities had on the movement of muck to the La Brea muck shaft.
- At the Wilshire/Fairfax Station, Metro assumed the role of Engineer of Record so as to minimize the delays and proposed additional scope of work by STS (avoided) associated with

the excavation of the tar sands in the station box.

- At the Wilshire/La Cienega Station, the excavation was advanced to mitigate some of the delays associated with the actual soil conditions encountered. In addition, the station concreting was advanced to allow additional critical station construction to be completed while waiting for the TBMs to arrive from the Wilshire/Fairfax Station.
- Along the tunnel alignment, horizontal directional drilling (HDD) was instituted to minimize any delays to the tunneling operations due to unknown anomalies (such as oil wells) being in the path of the TBMs. The HDD process located an anomaly (possible oil well) at the Wilshire/Crescent Heights intersection, which allowed the tunnel alignment to be slightly changed early enough to cause very little impact to the Project. The HDD process has also located an anomaly at the Wilshire/San Vicente intersection that will require mitigation efforts and has some schedule impact, but much less than if the HDD was not conducted and if the TBMs encountered the anomaly without the start of any early intervention.

STS has submitted a claim concerning impacts on its ability to complete the Project early. Metro has disputed this claim and it will be subject to a dispute resolution process (subject to the Board's approval). Since Metro is disputing this claim, the requested amount in this Board Report does not include any amounts for this claim.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will not have an impact on established safety standards for Metro's construction projects.

### **FINANCIAL IMPACT**

Funds required for fiscal year 2021 have been requested through the fiscal year 2021 budget development, to be adopted at the September 2020 Board meeting. Until then, fiscal year 2020 budget, authorized through continuing resolution, provides the necessary funds for the first quarter in fiscal year 2021, under Project 865518 Westside Purple Line Extension Section 1, and in Cost Center 8510 (Construction Project Management).

Since this is a multi-year capital project, the Chief Program Management Officer and the Project Manager will be responsible for budgeting costs in future fiscal years.

#### Impact to Budget

The sources of funds for the recommended actions are local and other funds that are eligible at the time of expenditure.

#### Multiyear Impact

The sources of funds for the Project are capital funds identified in the recommended Funding/Expenditure Plan as shown in Attachment A. The project cost, prior to the proposed cost increase, is included and funded in the 2019 Long Range Transportation Plan Financial Forecast. With respect to the \$200,000,000 increase, Attachment B shows the Measure R and Measure M



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Unified Cost Management Policy (the Policy) analysis and funding strategy required for cost increases to Measure R Projects.

To comply with the Policy of the Metro Board of Directors, Metro staff has evaluated potential offsetting cost reductions, including value engineering, shorter segment, and reductions to other Metro projects in the corridor and subregion, and has determined these are not feasible, and that additional local funding resources, which are to be considered prior to Metro's countywide funding, are potentially available. The Policy analysis recommends \$200,000,000 of unused project funds from Expo Phases 1 and 2, as available funding sources in the Long Range Transportation Plan Financial Forecast that can address the \$200,000,000 cost increase.

This report identifies additional funding resources consistent with the Policy approved by the Board in 2018. Attachment B provides a detailed discussion of the Policy. In summary, the Policy was developed in recognition that some projects would need additional funding and the Policy provides a consistent and equitable process to ensure that any financial impacts are limited to the local area where the project is located and not have a region-wide impact.

The Policy defines a cascading list of actions that can be taken. Because the Project is so far along, actions such as value engineering or changes in scope are no longer feasible. Additional funding is the only option.

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

Recommendation supports Strategic Plan Goal #1 - Provide high-quality mobility options that enable people to spend less time traveling.

### **ALTERNATIVES CONSIDERED**

The Board may choose to not move forward with amending the LOP Budget. This is not recommended as Metro will be unable to provide funding to complete the Project according to the current schedule.

### **NEXT STEPS**

Upon approval by the Board, the LOP Budget will be amended accordingly per the Recommendation.

### **ATTACHMENTS**

- Attachment A - Funding/Expenditure Plan
- Attachment B - Measure R and Measure M Unified Cost Management Policy Analysis
- Attachment C - Projected Breakdown of Cost Allocation for \$200 million

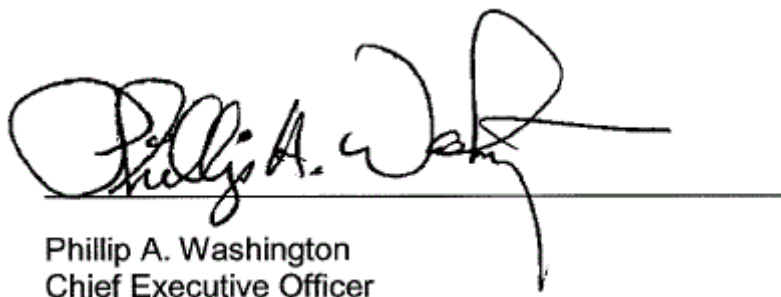
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Phillip A. Washington  
Chief Executive Officer

**ATTACHMENT A**  
**WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT**  
**Funding/Expenditure Plan**  
**(Dollars in Millions)**

Capital Project 865518	Prior	FY20	FY21	FY22	FY23	FY24	FY25	FY26	Total	% of Total
<b>Uses of Funds</b>										
Construction	1,049.1	229.0	282.7	350.2	96.2	11.6	-	-	2,018.8	67.8%
Right-of-Way	183.1	1.3	3.9	9.7	5.0	-	-	-	203.0	6.8%
Vehicles	16.1	7.6	-	62.2	22.4	-	-	-	108.3	3.6%
Professional Services	344.9	44.9	52.2	47.2	49.7	35.3	1.2	-	575.4	19.3%
Project Contingency	-	-	12.4	14.2	3.9	1.9	1.5	-	34.0	1.1%
<b>Subtotal Capital Project</b>	<b>1,593.2</b>	<b>282.8</b>	<b>351.3</b>	<b>483.4</b>	<b>177.2</b>	<b>48.9</b>	<b>2.7</b>	<b>-</b>	<b>2,939.5</b>	<b>98.7%</b>
Environmental/Planning	39.4	-	-	-	-	-	-	-	39.4	1.3%
<b>Total Project Cost</b>	<b>1,632.5</b>	<b>282.8</b>	<b>351.3</b>	<b>483.4</b>	<b>177.2</b>	<b>48.9</b>	<b>2.7</b>	<b>-</b>	<b>2,978.9</b>	<b>100.0%</b>
<b>Sources of Funds*</b>										
Federal 5309 New Starts	565.0	100.0	193.5	290.8	100.7	-	-	-	1,250.0	42.0%
Federal CMAQ	12.2	-	-	-	-	-	-	-	12.2	0.4%
Federal Section 5339 Alternatives Analysis	0.5	-	-	-	-	-	-	-	0.5	0.0%
STIP Regional Improvement Program	2.6	-	-	-	-	-	-	-	2.6	0.1%
Measure R - TIFIA Loan	490.8	155.7	116.1	93.5	-	-	-	-	856.0	28.7%
Measure R 35%	511.1	27.2	41.7	94.2	96.0	34.4	-	-	804.5	27.0%
City of Los Angeles	1.3	-	-	5.0	38.7	27.6	2.7	-	75.3	2.5%
State Capital Project Loans - Others*	49.1	-	-	-	(58.1)	(13.1)	-	-	(22.2)	-0.7%
<b>Total Project Funding</b>	<b>1,632.5</b>	<b>282.8</b>	<b>351.3</b>	<b>483.4</b>	<b>177.2</b>	<b>48.9</b>	<b>2.7</b>	<b>-</b>	<b>2,978.9</b>	<b>100.0%</b>

\*including TDA and Fund 3562

## **ATTACHMENT B**

### **Westside Purple Line Extension Section 1 Project**

#### **Measure R and Measure M Unified Cost Management Policy Analysis**

##### **Introduction**

The Measure R and Measure M Unified Cost Management Policy (the Policy) was adopted by the Metro Board of Directors in June 2018. The precursor Measure R cost management policy was adopted in March 2011. The intent of the Policy is to inform the Metro Board of Directors regarding cost increases to Measure R- and Measure M funded projects and the strategies available to close a funding gap. The Westside Purple Line Extension Section 1 Project (the Project) is subject to this policy analysis.

The life of project (LOP) budget for the Project was last approved by the Board in February 2016 at \$2,778,879,593. The Project is subject to the Policy analysis now due to a proposed \$200,000,000 increase to the LOP budget. Funding for the cost increase is needed through FY 2026. This analysis recommends trade-offs required by the Policy to identify the funds necessary to meet the cost increase.

**Measure R and Measure M Unified Cost Management Policy Summary** The adopted Policy stipulates the following.

If a project cost increase occurs, the Metro Board of Directors must approve a plan of action to address the issue prior to taking any action necessary to permit the project to move to the next milestone. Shortfalls will first be addressed at the project level prior to evaluation for any additional resources using these methods in this order as appropriate:

- 1) Scope reductions;
- 2) New local agency funding resources;
- 3) Value Engineering;
- 4) Other cost reductions within the same transit or highway corridor;
- 5) Other cost reductions within the same subregion; and finally,
- 6) Countywide transit or highway cost reductions or other funds will be sought using pre-established priorities.

##### **Scope Reductions**

The Project cost increase is attributable to additional work requirements of the cities of Beverly Hills and Los Angeles, additional work for dewatering systems, changes and additions to scope to accommodate Metro standards, and an additional safety program and safety equipment. Any attempt to identify and negotiate agreeable reductions to the

scope may result in further delays and potential additional costs. Because of this, we recommend moving to the next step.

#### New Local Agency Funding Resources

Local funding resources (i.e., specific to the affected corridor or subregion) are considered in the next step as opposed to countywide or regional sources so as not to impact the funding of other Metro Board-approved projects and programs or subregions in the County.

The Project is eligible for Measure M and Measure R funding and is currently allocated \$1,521,509,235 of the total \$4,074,000,000 of funding that is identified in the Measure R sales tax ordinance Expenditure Plan.

The Project is located primarily in the Central City Area, with a relatively small section in the Westside Cities subregion (as defined in the Policy, as amended), and has station locations in the cities of Los Angeles and Beverly Hills. Local funding resources from both the subregions and cities could be considered for the cost increase.

#### *Funding Within the Corridor*

The Project is within the same subregion as Expo Phase 1 and shares the corridor with Expo Phase 2. The Expo Projects have unused funds totaling an estimated \$229,582,693 from the combined life of project budget. A portion of the unused funds equal to \$6,234,052 are comprised of City of Los Angeles and Santa Monica excess contributions that will be or have already been returned and will not accrue to Metro. The remaining unused funds have been programmed in the Long Term Transportation Plan Financial Forecast and can be reprogrammed for other uses. The Board approved in July 2018 (Board report #2018-0388) the distribution of an estimated amount of the unused funds: \$11,500,000 to the Metro Blue Line Track & System Refurbishment Project (CP 205115); \$5,100,000 to Expo Project close-out items; and \$200,000,000 to the Westside Purple Line Project Section 2. The distribution of funds to Section 2 has not been expended as the existing life of project budget and funding plan were determined prior to the July 2018 Board action. The \$200,000,000 Expo funds distributed to Section 2 can alternatively be made available to the Project.

There are several administrative restrictions that limit the application of the unused Expo funds to the Project. The funds are comprised of local sales tax – Measure R 35% Transit, Proposition A 35% Rail, and Proposition C 25% Transit-Related Streets. The Measure R funds are primarily “surplus” funds from Phase 2 and are to be expended in the subregion, per the Measure R ordinance. The Expo Projects traverse through both the Central City Area and Westside Cities subregions. Additionally, the Metro Board has adopted a policy to reduce Measure R surplus by any debt interest incurred to finance a project (Metro has issued approximately \$490 million of debt to finance the Expo Phase 2 Project). Because of these restrictions, we recommend charging all available Measure

R to the Expo Projects, which will free-up Proposition A and C. However, because the Project is considered “new subway,” it is not eligible for Proposition A or C. We further recommend that the Proposition A and C funds are reallocated to the Crenshaw/LAX Project, which will allow Measure R to be used for Project. This type of multi-project fund swap that attempts to navigate Metro ordinance restrictions has previously been approved by the Board for the Regional Connector Project.

#### *Subregional Programs and Local Agency Contributions*

Measure M has funding for a transit-eligible Subregional Equity Program (SEP) in the Central City Area and Westside Cities subregions. The subregions could allocate a portion of the funding for the Project, which requires notice to and approval by the subregions. The Measure M Expenditure Plan includes \$235 million for the Central City Area SEP and \$160 million for the Westside Cities SEP. The SEP funds are programmed beginning in FY 2043 in the Long Range Transportation Plan Financial Forecast due to limited financial capacity. Staff has previously recommended that the South Bay and Central City Area subregions allocate a portion of the SEP to address a \$90 million cost increase on the Crenshaw/LAX Transit Project. Per Board action in May 2020 (Motion 38.1 # 2020-0356), staff will develop, in partnership with all Board offices, a uniform process by which subregions can elect to use SEP funding that will be reported back during the September 2020 Board cycle.

#### *Local Agency Contributions*

The cities with Project stations are expected to contribute funding to the Project as part of the 3% local agency funding assumption included in the Measure R ordinance. The cities are generally not responsible for cost increases to the projects and are not considered as a source of funding for the Project cost increase.

Measure M, as well as Measure R and Propositions A and C, provide “local return” funding to Los Angeles and Beverly Hills. The cities will receive an estimated \$3.23 billion of local return (Los Angeles \$3.2 billion, Beverly Hills \$27 million) over the ten year period FY 2021 to FY 2030 that is eligible for transit use and could contribute a portion to the Project (not adjusted for any negative impact to countywide sales tax due to the current global pandemic). However, prior Board actions relating to the Twenty Eight by '28 Initiative and funding for the cost increase to Foothill Extension to Pomona did not support use of local return, and it is presumed these funds would not be available for the cost increase to the Project.

#### *State and Federal Funding (Discretionary)*

The FTA has previously granted the Project \$1.25 billion through a New Starts grant and the USDOT has provided funding through a \$856 million TIFIA loan. Additional State or federal discretionary funding (where Metro would compete for the funding) is not probable, given the Project has experienced a cost increase and the design/build contract is already awarded.

### Value Engineering

The Project cost increase is attributable to additional work requirements of the cities of Beverly Hills and Los Angeles, additional work for dewatering systems, changes and additions to scope to accommodate Metro standards, and an additional safety program and safety equipment. Any attempt to identify and negotiate agreeable value engineering may result in further delays and potential additional costs. As a result, we recommend moving to the next step.

### Other Cost Reductions within the Same Transit or Highway Corridor, or within the Same Sub-region

The cities and subregions have existing funding programs that have funding amounts yet to be programmed to the subregion or spent. The SEP is discussed above in section "Subregional Programs and Local Agency Contributions."

The cities also receive funding through the Call-For-Projects, the competitive grant program that is funded and managed by Metro for the benefit of LA County cities, transit operators, and State highway projects that was last held in 2015. At times the funding for certain projects in the Call-For-Projects is "de-obligated" if not spent within a reasonable timeframe and this can be a funding source for other uses. Currently there is not a meaningful amount of de-obligated funds available unless the cities choose to terminate an existing project, and all other projects are moving through their respective development process.

### Countywide Cost Reductions and/or Other Funds

If new local agency resources are not allocated to the Project cost increase, regional or countywide funding could be considered. These funds are programmed for other uses in Metro's financial forecast, during the timeframe when funds are needed for the Project cost increase. Eligible sources of countywide funding are limited due to the restriction on the use of Proposition A and C for the Project and include General Fund and Lease Revenues. These countywide sources are not sufficient to address the cost increase.

### *State and Federal Funding (Formula)*

Metro receives quasi-formula funding from the State through the Regional Improvement Program (RIP) and Local Partnership Program (LPP). This is considered regional funding as it can be applied countywide to both transit and highway spending. There is currently no capacity in the RIP or LPP through FY 2025. The RIP has been allocated to projects submitted in Metro's 2020 RTIP and the next cycle of the LPP is planned to be used on the \$801 million Division 20 Project.

## Recommendation

Metro staff recommends the use of \$200,000,000 representing unused Expo Phases 1 and 2 funds for the proposed LOP budget increase.

To close the Project funding gap, we recommend shifting the balance of Prop A 35% and Prop C 25% funds that were previously programmed for Expo Phases I & II but not expended. To address ordinance restrictions on the use of Prop A and C on new subway projects, we are recommending the swapping of these funds with Measure R 35% on the Crenshaw/LAX Project. This modification keeps the Crenshaw/LAX Project funding amount in place whilst maximizing the use of Measure R 35% funds on the Project.

### Strategy to Address Westside Purple Line Extension Section 1 Funding Gap

(\$ in millions)	Measure R 35%	Proposition C 25%	Proposition A 35%	Total
<b>Westside Purple Line Extension</b>	\$ 200.00			\$ 200.00
<b>Crenshaw/LAX LRT</b>	\$ (200.00)	\$ 80.00	\$ 120.00	\$ -
<b>Expo I &amp; II</b>		\$ (80.00)	\$ (120.00)	\$ (200.00)
<b>Additional SRTP Shortfall</b>				\$ -
<b>Balance</b>	\$ -	\$ -	\$ -	\$ -



## ATTACHMENT C

### Westside Purple Line Extension Section 1 Project Projected Breakdown of Cost Allocation for \$200 million

Amount	Description
\$124,000,000	<p><b>Construction</b> Tunnels, Stations, Trackwork, Systems, Special Conditions, and Systems Integration Testing.</p> <p><b>Professional Services</b></p> <p><b>3rd Party Coordination</b></p> <ul style="list-style-type: none"> <li>o City of Los Angeles: Provides administration support based on annual work plans.</li> <li>o City of Beverly Hills: Provides administration support based on annual work plans.</li> </ul> <p><b>All Other Professional Services</b></p> <ul style="list-style-type: none"> <li>o Metro Staff at Gateway and at multiple field offices who perform oversight in various disciplines.</li> <li>o Engineering - Design engineering during construction.</li> <li>o EMSS - WSP: Engineering management support services providing design review support and assessment of engineering issues during construction.</li> <li>o CMSS - WEST: Construction management support services procured to support Metro staff in oversight of specific areas of project construction. Disciplines include field inspectors, resident engineers and other construction support.</li> <li>o DSDC - SecoTrans: Systems design support during construction.</li> <li>o PMSS - KKCS/Triunity: Project management support services including project controls, estimating and scheduling.</li> <li>o Claim Support Services - Arcadis Inc.: claims support consultant to assist with preparing documentation and analysis in support of Metro's defense against claims submitted by the contractor.</li> <li>o Legal Services: County Counsel and procured legal services to assist project management.</li> <li>o Community Relations: Consultant companies provide assistance in support of construction along the Westside Purple line Extension Section 1 Project alignment.</li> <li>o Labor Compliance Monitoring: Consultant companies monitor the construction contractor compliance with project labor agreement and DBE requirements.</li> <li>o Auditing Services: Consultant companies conduct audits of main professional services and construction contracts.</li> <li>o QA Test Lab Services: Consultant companies provide materials verification testing and inspections services.</li> </ul>
\$7,000,000	
\$10,000,000	
\$48,000,000	
\$11,000,000	<p><b>Unallocated Project Contingency</b> Amount not yet allocated to a specific line item but is required for anticipated unknown cost increases.</p>
<b>\$200,000,000</b>	<b>Total Increase</b>

# Westside Purple Line Extension Section 1 Project Construction Committee Agenda Item #33



# Westside Purple Line Extension Section 1 Project Construction Committee Project Cost Contingency

<b>Project Cost Contingency</b>			
<b>Dollars in Thousands</b>			
	Original Contingency Budget	Committed To-Date	Remaining Contingency Budget
Allocated Contingency	71,963	59,395	12,568
Unallocated Contingency	248,592	225,715	22,877
<b>Total Contingency</b>	<b>320,555</b>	<b>285,110</b>	<b>35,445</b>

# Westside Purple Line Extension Section 1 Project Construction Committee Third Party

Third Party: \$31.2M - MODS Executed To Date

- Wilshire/La Brea Station \$1.4M
  - Utility Hanging
  - DWP Room
- Wilshire/La Cienega Station \$21.4M
  - City of Beverly Hills MOA
  - Emergency Generator
  - SCE Room
- All Areas \$8.4M
  - Instrumentation

# Westside Purple Line Extension Section 1 Project Construction Committee Differing Site Conditions (DSCs)

DSCs: \$68.4M - MODS Executed To Date

- Wilshire/Western TBM Retrieval Site \$0.3M
  - Existing Blast Relief Shaft Geometry; Waterline Break
- Wilshire/La Brea Station \$33.8M
  - Dewatering Remediation/Mitigation; Utilities
  - Advancement MOD recovered over 4 months of critical path impact
- Wilshire/Fairfax Station \$5.7M
  - Paleo Zone; Utilities
- Wilshire/La Cienega Station \$27.8M
  - Dewatering Remediation/Mitigation
  - Advancement MOD recovered over 2 months of critical path impact
- Reach 3 (Wilshire/Fairfax to Wilshire/La Cienega) \$0.8M
  - Oil Well

# Westside Purple Line Extension Section 1 Project Construction Committee Safety & Metro Upgrades

## Safety: \$19.6M – MODS Executed To Date

- Wilshire/Western Station \$5.9M
  - Train Control
- Reach 3 (Wilshire/Fairfax to Wilshire/La Cienega) \$13.7M
  - M-13 Site Gas Migration Mitigation

## Metro Upgrades: \$21.8M – MODS Executed To Date

- Trackwork Improvements (Crossover)
- System Upgrades
- Horizontal Directional Drilling for Tunnel Anomalies
- Station Finishes (Signage, Art, Lighting, etc.)



# Westside Purple Line Extension Section 1 Project Construction Committee Funding Plan

- Proposed funding sources for \$200M LOP budget increase request are unused Expo Phases 1 and 2 funds

**Strategy to Address Westside Purple Line Extension Section 1 Funding Gap**

(\$ in millions)	Measure R 35%	Proposition C 25%	Proposition A 35%	Total
<b>Westside Purple Line Extension</b>	\$ 200.00			\$ 200.00
<b>Crenshaw/LAX LRT</b>	\$ (200.00)	\$ 80.00	\$ 120.00	\$ -
<b>Expo I &amp; II</b>		\$ (80.00)	\$ (120.00)	\$ (200.00)
<b>Additional SRTP Shortfall</b>				\$ -
<b>Balance</b>	\$ -	\$ -	\$ -	\$ -



## Board Report

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**File #:** 2020-0491, **File Type:** Contract

**Agenda Number:** 48.

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### CONSTRUCTION COMMITTEE AUGUST 20, 2020

**SUBJECT: I-5 NORTH HOV & TRUCK LANE ENHANCEMENT CONSTRUCTION SUPPORT SERVICES CONSULTANT (CSSC) CONTRACT**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. Negotiate and execute a 5-year cost-plus fixed fee Contract No. PS67828 with Hill International, Inc. to provide Construction Support Services for the I-5 North HOV & Truck Enhancement Project (Project), in an amount not-to-exceed \$50,000,000, and exercise 2 one-year options, when deemed appropriate; and
- B. Authorize the CEO to execute individual Contract Modifications within the Board approved Life of Project Budget.

#### **ISSUE**

A Construction Support Services Consultant (CSSC) is required to assist Metro staff in construction management oversight for the Project. Support services will begin in the construction contract procurement phase, continue through pre-construction activities and construction, and culminate in construction contract close. The CSSC will assist Metro staff with ensuring compliance with contract requirements and government regulations.

#### **BACKGROUND**

The Project is located both within the City of Santa Clarita and the unincorporated area of Los Angeles County, and consists of capacity and safety enhancements on I-5 between the SR-14 Interchange and the Parker Road Interchange, as well as Intelligent Transportation System (ITS) improvements between the I-405 and I-210 interchanges. The Project is approximately 17 miles in



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total, with 13.6 centerline miles of median improvements to accommodate one HOV lane in each direction from north of SR-14 to just south of Parker Road interchange. It also includes outside improvements for auxiliary lanes at various locations between SR-14 and Parker Road to enhance freight operations and overall safety. ITS improvements, including count stations, closed-circle television (CCTV), and ramp metering will be performed along the entire alignment. The overall Project objectives are to improve public safety, enhance freight traffic flow and safety, and to ease congestion, enhance mobility, and improve regional traffic flow and travel time.

## **DISCUSSION**

The Project is a design-bid-build project, meaning that all design plans and specifications have been 100% completed by Metro's design consultants prior to award of a construction contract. As such, it is beneficial to have additional technical reviews of those technical bid documents by a consultant team to minimize risks to Metro during bidding and construction. The CSSC will provide review support of the technical bid documents, administration, inspection services and technical support during the bid period, and construction and close out phases of the project. The CSSC will provide skilled individuals to assist Metro with the construction management of the project. The consultant team will reside in an integrated project field office with Metro staff.

Hill International, Inc. was selected based on qualification and price criteria used to evaluate a total of five proposers. They have the experience and competence in construction support services, design-bid-build and integrated team structures on some of the most challenging and complex projects in Los Angeles County. The CSSC Contract is for a base term of five (5) years plus two (2) one-year options. The CSSC Contract will be a cost plus fixed fee contract, meaning the consultant services will be performed within the cost constraints of an Advanced Cost Agreement (ACA). The ACA will include negotiated direct labor rates, indirect cost rates, general and administrative expenses (if applicable), fixed fee, and negotiated labor hours for the level of effort to match the work. The contract will be funded from the existing Project budget with consideration given to information available at the time of planning and applicable time constraints on performance of the work. LACMTA Program Management shall ensure that strict project controls are in place so that LACMTA may closely monitor the expenditure of the contract not-to-exceed amount and schedule. No funds are obligated until negotiations for each annual plan are finalized.

Contract No. PS67828 includes an eighteen percent (18%) goal for Disadvantaged Business Enterprise (DBE) requirement of the Total Contract Price. Hill International, Inc. made a DBE Commitment of 24.99% DBE goal. DEOD will actively monitor the consultant and their subcontracting plan to ensure the awarded party will uphold their commitment to the DBE goals during the Contract.

## **DETERMINATION OF SAFETY IMPACT**

Approval of this item will have no impact on safety.

## **FINANCIAL IMPACT**

The Project is funded on a fiscal year basis under number 460313 cost center 8510, under various accounts including Professional/Technical Services and ROW acquisitions. The CSSC contract work scope will plan and fund on an annual basis until the Life of Project Budget is established. It is the responsibility of the Project Manager and Chief Program Management Officer to budget for this project in future fiscal years.

### **IMPACT TO BUDGET**

The source of funds for this recommendation is Surface Transportation Block Grant Program, Fastlane/INFRA Grant, SB1 Trade Corridor Funding, Measure R Highway Capital and Measure M Highway Capital Funds. No other funds have been considered. These funds are not eligible for Metro's operations of bus and rail.

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

The Project is consistent with the following Metro Vision 2028 Goals and Objectives:

Goal 1: Providing high-quality mobility options and improve transit efficiency;

Goals 4 and 5: Transforming LA County through regional collaboration with Caltrans and the corridor cities by contributing funds and providing resources to assist Caltrans in completion of these projects

### **ALTERNATIVES CONSIDERED**

The Board could direct Metro staff to perform construction support tasks with current in-house resources. This alternative would require Metro to divert resources from on-going projects and/or hire multiple full-time personnel that are not immediately available or funded. Additionally, this decision would result in further schedule delay and cost increases.

### **NEXT STEPS**

After Board approval of the recommended action, staff will complete the process to award and execute Contract No. PS67828.

### **ATTACHMENTS**

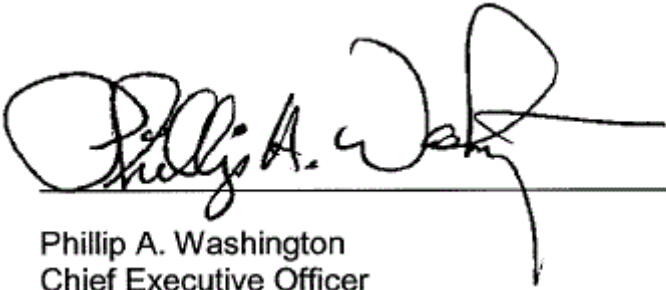
Attachment A - Procurement Summary  
Attachment B - DEOD Summary

Prepared \_By  
Prepared by:  
Brad Owen, Executive Officer, Program Management (213) 418-3143

Reviewed by:

Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051

Richard Clarke, Chief Program Management Officer, Program Management (213) 922-7447



Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

**I-5 N HOV AND TRUCK LANE ENHANCEMENT CONSTRUCTION SUPPORT  
SERVICES CONSULTANT (CCSC)  
PS67828**

1.	<b>Contract Number:</b> PS67828	
2.	<b>Recommended Vendor:</b> Hill International, Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued :</b> January 10, 2020	
	<b>B. Advertised/Publicized:</b> January 11, 2020 through January 16, 2020	
	<b>C. Pre-Proposal Conference:</b> January 16, 2020	
	<b>D. Proposals Due:</b> March 5, 2020	
	<b>E. Pre-Qualification Completed:</b>	
	<b>F. Organizational Conflict of Interest Review Completed by Ethics:</b> July 31, 2020	
	<b>G. Protest Period End Date:</b> August 24, 2020	
5.	<b>Solicitations Picked up/Downloaded:</b> 132	<b>Proposals Received:</b> 5
6.	<b>Contract Administrator:</b> Robert Romanowski	<b>Telephone Number:</b> 213-922-2633
7.	<b>Project Manager:</b> Paul Sullivan	<b>Telephone Number:</b> 213-922-4958

**A. Procurement Background**

This Board Action is to approve Contract No. PS67828 I-5 N HOV and Truck Lane Enhancement Construction Support Services Consultant (CSSC) to provide construction support services that will assist and support Metro in the performance of Metro's responsibilities managing the Construction of the upcoming I-5 N HOV and Truck Lane on behalf of Caltrans including assist and support overall project and construction management, community involvement, coordination of construction impacts with surrounding community, coordination with Metro Program Management Office including Construction Management, coordination with Caltrans, safety and security compliance oversight and loss prevention, quality management, cost and schedule management, environmental and project control oversight.

Board approval of contract awards are subject to resolution of any properly submitted protest.

The Request for Proposals (RFP) was a competitively negotiated procurement process, performed in accordance with Metro Procurement Policies and Procedures. This process required each of the Proposers' proposals and qualifications to be evaluated based on the evaluation criteria set forth in the RFP. The evaluation criteria were weighted, including the cost proposal. The Proposers were rated accordingly and the results are shown below. The RFP was issued with a DBE goal of 18%. The contract type is a cost plus fixed fee. The Contract is for a base term of five (5) years plus two (2) one-year options.

Seven amendments were issued during the solicitation phase of the RFP:

- Amendment No. 1, issued on January 27, 2020, extended the Proposal Due Date to February 25, 2020.
- Amendment No. 2, issued on February 11, 2020, extended the Proposal Due Date to March 3, 2020.
- Amendment No. 3, issued on February 12, 2020, corrected two required Certifications to correct template formatting errors.
- Amendment No. 4, issued on February 19, 2020, extended the Proposal Due Date one final time to March 5, 2020; deleted unnecessary clauses from the Contract template; modified and finalized the Submittal Requirements; and reinstated the CHANGES clause as a mandatory flow-down provision.
- Amendment No. 5, issued February 20, 2020, confirmed the Proposal Due Date of March 5, 2020, issued a CSSC STAFFING PLAN with a standardized level of effort (labor hours) for Proposers to use in preparing their Cost and Fee Proposal, and modified the Scope of Services to finalize the Direct Labor Categories.
- Amendment No. 6, issued February 25, 2020, deleted the requirement that Proposers demonstrate evidence of bonding capacity that had previously been added to the Submittal Requirements in Amendment No. 4.
- Amendment No. 7, issued March 2, 2020, confirmed the Proposal Due Date of March 5, 2020 and finalized the DBE requirements.

A total of five (5) proposals were received on March 5, 2020 from the following firms, listed in alphabetical order:

- AECOM
- Arcadis U.S., Inc.
- Hill International, Inc.
- North Valley Partners, Joint Venture
- PreScience Corporation

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET), consisting of staff from Metro Construction Management and Office of Transit Project Delivery, was convened and conducted a comprehensive evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and the associated weightings:

- Experience and Qualifications of Firms on the Consultant's Project Team 30 percent
- Experience and Capabilities of the Key Personnel 20 percent
- Project Understanding and Approach 30 percent
- Cost Proposal 20 percent

The evaluation criteria were appropriate and consistent with criteria developed for other, similar procurements for professional services. Several factors were considered when developing the weightings, giving the greatest importance to Experience and Qualifications of Firms on the Consultant's Project Team and Project Understanding and Approach.

The PET evaluated all five (5) written qualification proposals. On March 24, 2020, the PET held oral presentations with all five (5) Proposers. The firms were given the opportunity to present on:

Experience and Qualifications of Firms on the Consultant's Project Team and Project Understanding and Approach.

The proposing firms had the opportunity to present their proposed key personnel in the context of their presentation of the two Evaluation Criteria specified above as well as respond to the PET's clarifying questions. In general, each Proposer's presentation addressed the requirements of the RFP.

Of the five (5) proposals received, all five (5) were determined to be within the competitive range as defined by the determination that all five proposals are technically adequate and are responsive to the Submittal Requirements of the RFP.

#### **Qualifications Summary of Firms within the Competitive Range in Alphabetical Order:**

##### **AECOM**

- Proposal substantially meets the RFP minimum requirements and exceeds the requirements in the area of the Experience and Qualifications of Firms on the Consultant's Project Team and also in the area of Project Understanding and Approach.

##### **ARCADIS U.S., INC.**

- Proposal substantially meets the RFP minimum requirements and exceeds the requirements in the area of the Experience and Qualifications of Firms on the Consultant's Project Team.
- Proposal significantly exceeds the RFP minimum requirements in the area of Project Understanding and Approach.

**HILL INTERNATIONAL, INC.**

- Proposal substantially meets the RFP minimum requirements and exceeds the requirements in the area of the Experience and Qualifications of Firms on the Consultant’s Project Team.
- Response generally meets the RFP minimum requirements in the area of Experience and Capabilities of the Key Personnel.
- Proposal significantly exceeds the RFP minimum requirements in the area of Project Understanding and Approach.

**NORTH VALLEY PARTNERS, JOINT VENTURE**

- Response generally meets the RFP minimum requirements in the area of Experience and Qualifications of Firms on the Consultant’s Project Team.
- Response substantially meets the RFP minimum requirements and exceeds the requirements in the area of Project Understanding and Approach.

**PRESCIENCE CORPORATION**

- Response generally meets the RFP minimum requirements in the area of Experience and Qualifications of Firms on the Consultant’s Project Team.
- Response lacks information in demonstrating responsiveness to the Experience and Capabilities of Key Personnel.
- Response substantially meets the RFP minimum requirements and exceeds the requirements in the area of Project Understanding and Approach.

The PET evaluated and scored all five (5) proposals as follows, based on the evaluation criteria in the RFP, and assessed major strengths, weaknesses and associated risks of each of the Proposers. The most advantageous Proposer was determined to be Hill International, Inc. The final scoring was based on evaluation of the written proposals, as supported by oral presentations, clarifications received from the Proposers, and Cost. The results of the final scores are shown below:

	<b>Firm</b>	<b>Average Score</b>	<b>Factor Weight</b>	<b>Weighted Average Score</b>	<b>Rank</b>
	<b>HILL INTERNATIONAL, INC.</b>				
	Experience and Qualifications of Firms on the Consultant’s Project Team	87.22	30%	26.17	
	Experience and Capabilities of the Key Personnel	83.75	20%	16.75	
	Project Understanding and Approach	86.10	30%	25.83	
	Cost Proposal	98.75	20%	19.75	
	<b>Total</b>		<b>100.00%</b>	<b>88.50</b>	<b>1</b>

	<b>ARCADIS U.S., INC.</b>				
	Experience and Qualifications of Firms on the Consultant's Project Team	86.22	30%	25.87	
	Experience and Capabilities of the Key Personnel	85.35	20%	17.07	
	Project Understanding and Approach	87.77	30%	26.33	
	Cost Proposal	79.85	20%	15.97	
	<b>Total</b>		<b>100.00%</b>	<b>85.23</b>	<b>2</b>
	<b>NORTH VALLEY PARTNERS, JOINT VENTURE</b>				
	Experience and Qualifications of Firms on the Consultant's Project Team	82.43	30%	24.73	
	Experience and Capabilities of the Key Personnel	83.50	20%	16.70	
	Project Understanding and Approach	88.83	30%	26.65	
	Cost Proposal	81.50	20%	16.30	
	<b>Total</b>		<b>100.00%</b>	<b>84.38</b>	<b>3</b>
	<b>PRESCIENCE CORPORATION</b>				
	Experience and Qualifications of Firms on the Consultant's Project Team	75.57	30%	22.67	
	Experience and Capabilities of the Key Personnel	66.65	20%	13.33	
	Project Understanding and Approach	87.30	30%	26.19	
	Cost Proposal	100.00	20%	20.00	
	<b>Total</b>		<b>100.00%</b>	<b>82.19</b>	<b>4</b>
	<b>AECOM</b>				
	Experience and Qualifications of Firms on the Consultant's Project Team	90.10	30%	27.03	
	Experience and Capabilities of the Key Personnel	79.60	20%	15.92	
	Project Understanding and Approach	84.43	30%	25.33	
	Cost Proposal	55.05	20%	11.01	
	<b>Total</b>		<b>100.00%</b>	<b>79.29</b>	<b>5</b>

\* Weighted Scores are rounded up to the nearest second decimal point.



\*\* Cost proposals were based on the Proposer's rates for a sample level of effort. Scores shown above for the cost proposals are based on formulae in the RFP with the highest score going to the lowest cost proposal.

**C. Cost/Price Analysis**

Metro performed a price analysis of labor rates and comparing the five (5) proposals in the competitive range with one another as well as Metro's estimate. All Cost Proposals were based on direct labor rates, overhead cost rates, other direct costs, sub-consultant costs and fixed fee. The proposed cost rates for the recommended firm were determined to be fair and reasonable. Negotiations have not yet been finalized.

	<b>Proposer Name</b>	<b>Cost Proposal Amount <sup>(1)</sup></b>	<b>Metro ICE</b>	<b>Recommended Contract Amount <sup>(2)</sup></b>
1	<b>Prescience Corporation</b>	\$23,595,013.93	\$54,034,293	<b>\$50,000,000</b>
2	<b>Hill International, Inc.</b>	\$23,896,911.90		
3	<b>North Valley Partners, Joint Venture</b>	\$28,950,711.54		
4	<b>Arcadis U.S., Inc.</b>	\$29,544,993.37		
5	<b>AECOM</b>	\$42,862,892.61		

Notes:

- (1) The cost proposal amounts shown are only for the standardized level of effort based on a Staffing Plan of 121,064 labor hours of Key Personnel issued in the RFP, in order to perform price analysis for evaluation purposes only. Hourly labor rates, overhead rates, ODCs, and fixed fee will be negotiated in order to reach a final Total Contract Price that can be determined to be fair and reasonable.
- (2) The amount \$50,000,000 is the requested NTE for the basic term of the contract. Work will be funded annually according to an Annual Work Program.

**D. Background on Recommended Contractor**

The recommended firm, Hill International, Inc. is an advisory and project construction management (PM/CM) consulting firm. Hill International, Inc. has managed similar projects for Caltrans District 7 and 8, among others.

## DEOD SUMMARY

I-5 NORTH HOV & TRUCK LANE ENHANCEMENT CONSTRUCTION SUPPORT  
SERVICES / PS67828**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established an 18% Disadvantaged Business Enterprise (DBE) goal for this solicitation. Hill International, Inc. made a 24.99% DBE commitment. Hill International, Inc.'s final DBE commitment will be determined once negotiations have concluded.

<b>Small Business Goal</b>	<b>18% DBE</b>	<b>Small Business Commitment</b>	<b>24.99% DBE</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Destination Enterprises, Inc.	Caucasian Female	2.07%
2.	IQON Engineers, Inc.	Subcontinent Asian American	0.11%
3.	PacRim Engineering, Inc.	Asian Pacific American	0.11%
4.	KZAB Engineers, Inc.	Subcontinent Asian American	6.29%
5.	FCG Consultants, Inc.	Caucasian Female	3.33%
6.	S2 Engineering, Inc.	Subcontinent Asian American	6.35%
7.	California Testing and Inspections	Hispanic American	0.12%
8.	TEC Management Consultants, Inc.	African American	1.43%
9.	Mammoth Associates, LLC	Caucasian Female	1.17%
10.	D'Leon Consulting Engineers	Hispanic American	0.14%
11.	CQMS, Construction Quality Management Solutions, Inc.	Caucasian Female	3.87%
<b>Total Commitment</b>			<b>24.99%</b>

**B. Contracting Outreach and Mentoring Plan**

Proposers were required to submit a Contracting Outreach and Mentoring Plan (COMP), which included its plan to mentor three (3) DBE firms for protégé development. Hill International, Inc. met this requirement.

**C. Living Wage and Service Contract Worker Retention Policy Applicability**

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

**D. 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).

**E. Project Labor Agreement/Construction Careers Policy**

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