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Agenda - Final

Thursday, January 21, 2021

10:30 AM

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Construction Committee

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Robert Garcia, Vice Chair

Kathryn Barger

Jacquelyn Dupont-Walker

Los Angeles County City Selection Committee Appointee

Tony Tavares, non-voting member

Phillip A. Washington, Chief Executive Officer

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(ALSO APPLIES TO BOARD COMMITTEES)

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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.

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- 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.

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Email: jacksonm@metro.net
Post Office Mail:
Board Secretary's Office
One Gateway Plaza
MS: 99-3-1
Los Angeles, CA 90012

CALL TO ORDER**ROLL CALL****APPROVE Consent Calendar Item: 32.**

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

CONSENT CALENDAR

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

[2020-0808](#)

RECOMMENDATION**CONSIDER:**

- a. AUTHORIZING the Chief Executive Officer (CEO) to execute Modifications No. 15 to Contract No. AE58083E0129 with Gannet

Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for field investigation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segments B, (between Covello St. and Novice St.) in the amount of \$1,772,143, increasing the total Contract amount from \$65,611,218 to \$67,383,361.

- b. AUTHORIZING the Chief Executive Officer (CEO) to execute Modifications No. 16 to Contract No. AE58083E0129 with Gannet Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for field investigation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segments C (between Novice St. and Tamarack Ave.), in the amount of \$1,565,506, increasing the total Contract amount from \$67,383,361 to \$68,948,867.
- c. AUTHORIZING the Chief Executive Officer (CEO) to execute Modifications No. 17 to Contract No. AE58083E0129 with Gannet Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for field investigation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segments D (between Tamarack Ave. and San Fernando Rd and then San Fernando Rd and Pinney St.), in the amount of \$627,590, increasing the total Contract amount from \$68,948,867 to \$69,576,457.

Attachments: [Attachment A -- Procurement Summary \(Segments B-D FINAL\)](#)
[Attachment B -- Contract Modification & Change Order Log](#)
[Attachment C - DEOD Summary](#)

NON-CONSENT

33. **SUBJECT:** **PROGRAM MANAGEMENT MAJOR PROJECT STATUS REPORT** [2020-0830](#)

RECOMMENDATION

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

Attachments: [Program Management Major Project Status Report January 2021](#)

35. **SUBJECT:** **I-5 NORTH CAPACITY ENHANCEMENTS FROM SR- 118 TO SR-134; SEGMENT 3** [2020-0724](#)

RECOMMENDATION

CONSIDER amending the Life-of-Project (LOP) budget with a loan/advance to the California Department of Transportation (Caltrans) in an amount not to exceed \$73,200,000 for Segment 3 of I-5 North Capacity Enhancements Project between SR-134 and SR-118 (Project) to fill the funding gap between the approved amended LOP of \$880,903,000 and the \$954,103,000

anticipated cost to close the Project consistent with the provisions of the Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment A).

Attachments: [Attachment A - I-5 N HOV Measure R and Measure M Unified Cost Managemer](#)
[Attachment B - I-5 Corridor Funding Funding Needs Request Letter dated May '](#)

36. SUBJECT: SOUNDWALL PACKAGE 11 HIGHWAY PROJECT [2020-0797](#)

RECOMMENDATION

CONSIDER:

- A. AMENDING the Life of Project Budget (LOP) Budget for Soundwall Package 11 Highway Project by \$13,303,000 from \$89,183,000 to \$102,486,000, using the fund sources from the soundwall program as summarized in Attachment D consistent with the provisions of the Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment E); and
- B. AUTHORIZING the Chief Executive Officer to execute individual Contract Modifications within the Board approved Life of Project budget.

Attachments: [Attachment A - Procurement Summary](#)
[Attachment B - Contract Modification Change Log](#)
[Attachment C - DEOD Summary](#)
[Attachment D - Funding & Expenditure](#)
[Attachment E - Soundwalls Package 11 Unified Cost Management Policy](#)

37. SUBJECT: ENERGY AND CLIMATE CONSULTANT SERVICES [2020-0685](#)

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award and execute a three (3) year base plus two one-year option years contract, Contract No. AE67484, with TRC Energy Services for Energy and Climate Services on Task Orders, inclusive of three base years with an initial amount not-to-exceed \$7,618,165.92, and two one-year options (Option Year 1: \$2,539,388.66; Option Year 2: \$2,539,388.66), staff will return to the Board to authorize the options. This recommendation is subject to the resolution of any

properly submitted protest; and

- B. AUTHORIZING the CEO to award individual Task Orders and changes up to the authorized Not-to-Exceed contract amount of \$7,618,165.92.
- C. AUTHORIZING Contract Modification Authority (CMA) in the amount of \$1,269,694.32 (10% of the not-to-exceed contract amount) and authorizing the CEO to award and execute individual task order, changes and/or modifications within the CMA amount.

Attachments: [Attachment A - Procurement Summary](#)
 [Attachment B - Total Value Estimates of Projects – FY21 to FY25](#)
 [Attachment C - DEOD Summary](#)

38. SUBJECT: SUSTAINABILITY PROGRAM ASSISTANCE SERVICES

[2020-0646](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO):

- A. To award and execute a five (5) year contract, Contract No. PS66866, with Cumming Management Group Inc. for Sustainability Program Assistance Services on Task Orders for a total amount not-to-exceed \$23,800,000 inclusive of three base years (not to exceed \$14,000,000) with two one-year options (option year one = \$4,850,000 and option year two = \$4,950,000.) Staff will return to the Board to approve the two one-year options.
- B. To award individual Task Orders and changes up to the Not-to-Exceed contract amount of \$14,000,000; and
- C. AUTHORIZING Contract Modification Authority (CMA) in the amount of \$2,380,000 (10% of the not-to-exceed contract amount) and authorizing the CEO to award and execute individual task order, changes and/or modifications within the CMA amount.

Attachments: [Attachment A - Procurement Summary](#)
 [Attachment B - Estimated SPAS Contract Value - FY21 to FY25](#)
 [Attachment C - DEOD Summary](#)

39. SUBJECT: I-605 HIGHWAY CORRIDOR PROJECTS[2020-0794](#)**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. Execute a 3-year cost-plus fixed fee Contract No. PS68033 with Ghirardelli Associates, Inc. to provide Construction Support Services for I-605 Highway Corridor Projects, in an amount not-to-exceed \$4,423,718, and to exercise two (2) one-year options when deemed appropriate, subject to resolution of any properly submitted protest; and
- B. Execute individual Contract Work Orders for each project within the approved not-to-exceed contract amount and Contract Modifications within Contract Modification Authority (CMA) at 10% of the approved contract not-to-exceed amount (\$442,371.00).

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

**40. SUBJECT: OFFICE OF THE INSPECTOR GENERAL CHANGE ORDER
CONSTRUCTION SPOT CHECKS**[2020-0825](#)**RECOMMENDATION**

RECEIVE AND FILE Office of the Inspector General Change Order Construction Spot Check Report for the period September 1 to November 30, 2020.

Attachments: [Attachment A - Charts for Spot Checks](#)
 [Attachment B - Tracking Sheet of OIG Recommendations and Responses](#)
 [Attachment C - Power Point for January 2021 Construction Spot Checks](#)

**41. SUBJECT: PROGRAM MANAGEMENT QUARTERLY CHANGE
REPORT**[2020-0836](#)**RECOMMENDATION**

RECEIVE AND FILE status report on Program Management Quarterly Change Report.

Attachments: [Attachment A - Quarterly Change Orders Report for Reporting Period of September](#)

SUBJECT: GENERAL PUBLIC COMMENT[2020-0880](#)

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 #: 2020-0808, File Type: Contract

Agenda Number: 32.

CONSTRUCTION COMMITTEE JANUARY 21, 2021

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

ACTION: AUTHORIZE CONTRACT MODIFICATIONS

RECOMMENDATION

CONSIDER:

- a. AUTHORIZING the Chief Executive Officer (CEO) to execute Modifications No. 15 to Contract No. AE58083E0129 with Gannet Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for field investigation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segments B, (between Covello St. and Novice St.) in the amount of \$1,772,143, increasing the total Contract amount from \$65,611,218 to \$67,383,361.
- b. AUTHORIZING the Chief Executive Officer (CEO) to execute Modifications No. 16 to Contract No. AE58083E0129 with Gannet Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for field investigation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segments C (between Novice St. and Tamarack Ave.), in the amount of \$1,565,506, increasing the total Contract amount from \$67,383,361 to \$68,948,867.
- c. AUTHORIZING the Chief Executive Officer (CEO) to execute Modifications No. 17 to Contract No. AE58083E0129 with Gannet Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for field investigation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segments D (between Tamarack Ave. and San Fernando Rd and then San Fernando Rd and Pinney St.), in the amount of \$627,590, increasing the total Contract amount from \$68,948,867 to \$69,576,457.

BACKGROUND

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

On June 28, 2018, the Metro Board approved the Locally Preferred Alternative (LPA) as Alternative 4: Light Rail Transit (LRT). The Final Environmental Impact Statement (EIS) / Environmental Impact Report (EIR) were presented and achieved certification by the Metro Board in December 2020. FTA plans to issue a Record of Decision (ROD) in January 2021.

Groundbreaking for construction is scheduled to begin in 2022 with substantial completion in 2028 in accordance with the Measure M schedule, enabling the Project to be open for the 2028 Summer Olympic and Paralympic Games. The schedule for advancing the design, which includes utility investigations, and preparing solicitation documents is critical to achieve groundbreaking in 2022 and completion in time for the Olympics.

ISSUE

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

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

DISCUSSION

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

In an effort to effectively manage the Project, the alignment was divided into four (4) segments identified as Segments A thru D, with each approximately 2-miles in length. For the field investigation work as defined in the Architectural Engineering contract, this segmented approach was implemented. Therefore, a contract modification was implemented for each segment for a total of four (4) contract modifications. Segment A was approved by the Board in October 2020. This request is for field investigation of utility conflicts consisting of potholing and slot trenching along Van Nuys Blvd. for Segment B (between Covello St. and Novice St.) in the amount of \$1,772,143; Segments C (between Novice St. and Tamarack Ave.), in the amount of \$1,565,506; and Segments D (between

Tamarack Ave. and San Fernando Rd and then San Fernando Rd and Pinney St.), in the amount of \$627,590, increasing the total Contract amount from \$65,611,218 to \$69,576,457.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

This Project is funded on a fiscal year basis under Project number 865521 East San Fernando Valley Transit Corridor, cost center 8510, under various accounts including Professional/Technical Services and \$28.2M is included in the FY21 Adopted Budget. This is a multi-year project requiring expenditure authorizations in fiscal year increments until a Board Authorized Life of Project Budget is adopted. It is the responsibility of the Cost Center Manager, Project Manager and Chief Program Management Officer to budget for this project in the future fiscal years, within the board authorized contract limits.

Impact to Budget

Sources of funds for the recommended actions are Measure R 35%, Measure M 35%, and State's Traffic Congestion Relief Program (TCRP) grant. There is no impact to Operations eligible funding. No other funds were considered.

ALTERNATIVES CONSIDERED

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

NEXT STEPS

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

ATTACHMENTS

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

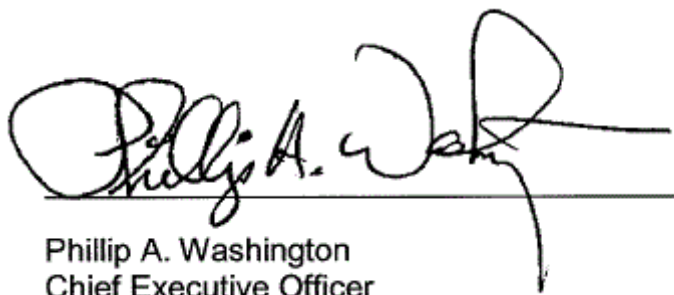
Prepared by:

Monica Born, Deputy Executive Officer, Program Management, (213) 418-3097
Rick Meade, Senior Executive Officer, (213) 922-7917

Reviewed by:

Richard Clarke, Chief Program Management Officer, (213) 922-7557

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



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

1.	Contract Number: AE58083E0129			
2.	Contractor: Gannett Fleming, Inc.			
3.	Work Description: Perform field investigation of utilities consisting of slot trenching and utility potholing along Van Nuys Blvd., for the East San Fernando Valley Transit Corridor Project Segment B through D.			
4.	Contract Work Description: Engineering design and oversight services for the ESFV Transit Corridor Project. This action is for SOW required under part of Task 2.2.8.3 Field Confirmation of Conflicts in Phase 1 development of Preliminary Engineering (PE) design.			
5.	The following data is current as of: 12/22/20			
6.	Contract Completion Status		Financial Status	
	Contract Awarded:	7/25/19	Contract Award Amount:	\$61,974,852
	Notice to Proceed (NTP):	8/15/19 (Contract Execution)	Total of Modifications Approved:	\$3,636,366
	Original Complete Date:	8/15/28	Pending Modifications (including this action):	\$3,965,239
	Current Est. Complete Date:	8/15/28	Current Contract Value (with this action):	\$69,576,457
7.	Contract Administrator: Diana Sogomonyan		Telephone Number: (213) 922-7243	
8.	Project Manager: Monica Born		Telephone Number: (213) 418-3097	

A. Procurement Background

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

Eight (8) Contract Modifications (MOD) and one (1) Contract Change Order (CO) has been approved and issued to date and eight (8) Contract Modifications are in progress. This action is to authorize the CEO to execute Contract Modification No. 15 (Segment B between Covello St. and Novice St.), No. 16 (Segment C between Novice St. and Tamarack Ave.), and No. 17 (Segment D between Tamarack Ave. and San Fernando Rd. and then San Fernando Rd. and Pinney St.) for field

confirmation of conflicts consisting of utility potholing and slot trenching at specific locations along the 9.2 miles of Project alignment, where potential conflicts due to existing utilities have been identified. This Scope of Services is part of Consultant's Phase 1 Preliminary Engineering work; however, completion of this Field Confirmation of Conflicts was contingent upon completion of initial investigation of existing utilities and identification of conflicts (tasks identified under Scope of Services subsections 2.2.8.1 and 2.2.8.2 of the Contract), and therefore, was not included in the Contract amount at time of award. This field work was only to be priced when more information was available upon the initial investigation tasks. Consultant can only begin with the work for Subsections 2.2.8.3 Field Confirmation of Conflicts upon Metro's issuance of a contract MOD for the costs and a written authorization to proceed.

The Contract Modifications will be processed in accordance with Metro's Acquisition Policy. Contract No. AE58083E0129 is a Cost Reimbursable Fixed Fee Contract (CPFF).

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

B. Cost/Price Analysis

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

SEGMENT/MOD NO.	PROPOSAL	INDEPENDENT COST ESTIMATE	NEGOTIATED AMOUNT
B / 15	\$1,772,143	\$1,775,028	\$1,772,143
C / 16	\$1,565,506	\$1,664,374	\$1,565,506
D / 17	\$627,590	\$696,136	\$627,590

CONTRACT MODIFICATION/CHANGE ORDER LOG

EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

Mod./ CO No.	Description	Status (approved or pending)	Date	\$ Amount	Board Approved CMA
N/A	Initial Award		7/25/19	\$61,974,852	\$12,394,970.40
MOD 1	Contract Conforming and Clarifications	Approved	11/12/19	\$0.00	
MOD 2	Underground Utility Detection Services along Van Nuys Blvd.	Canceled	5/28/20	\$0.00	
MOD 3	Geotechnical Test Plan and Hazardous Material Work Plan	Approved	8/24/20	\$53,164	\$12,341,806.40
MOD 4	Underground Utility Detection Services Along Van Nuys Blvd. – Segment A	Approved	10/14/20	\$437,646	\$11,904,160.40
MOD 5	Underground Utility Detection Services Along Van Nuys Blvd. – Segment B	Approved	11/5/20	\$481,156	\$11,423,004.40
MOD 6	Underground Utility Detection Services Along Van Nuys Blvd. – Segment C	Approved	11/5/20	\$358,665	\$11,064,339.40
MOD 7	Underground Utility Detection Services Along Van Nuys Blvd. – Segment D	Approved	11/5/20	\$74,079	\$10,990,260.40
MOD 8	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment A	Approved	11/5/20	\$159,832	\$10,830,428.40
CO 1	Coordination With Third Party Utility Owners to Assess Utility Conflicts	Approved	11/4/20	\$380,035	\$10,450,393.40
MOD 9	Utility Investigation - Potholing and Slot Trenching for Segment A	Approved	11/23/20	\$1,691,789	\$10,450,393.40
	Subtotal Approved Changes:			3,636,366	
MOD 10	Coordination With Third Party Utility Owners to Assess Utility Conflicts	Pending	TBD	TBD	\$10,450,393.40
MOD 11	Preliminary Engineering of Composite Utility Rearrangement Plans	Pending	TBD	TBD	\$10,450,393.40

MOD 12	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment B	Pending	TBD	TBD	\$10,450,393.40
MOD 13	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment C	Pending	TBD	TBD	\$10,450,393.40
MOD 14	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment D	Pending	TBD	TBD	\$10,450,393.40
MOD 15	Utility Investigation - Potholing and Slot Trenching for Segment B	Pending	TBD	\$1,772,143	\$10,450,393.40
MOD 16	Utility Investigation - Potholing and Slot Trenching for Segment C	Pending	TBD	\$1,565,506	\$10,450,393.40
MOD 17	Utility Investigation - Potholing and Slot Trenching for Segment D	Pending	TBD	\$627,590	\$10,450,393.40
	Subtotal Pending Changes:			\$3,965,239	
	CMA Authorized by the Board and Remaining				\$10,450,393.40
	Approved Changes (MOD 1, 3-9 and CO 1)			\$3,636,366	
	Pending Modifications:			\$3,965,239	
	Original Contract:			\$61,974,852	
	This Board Action:			\$3,965,239	
	New Total:			\$69,576,457	

DEOD SUMMARY

EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

A. Small Business Participation

Gannett Fleming made a 25.29% Small Business Enterprise (SBE) commitment and a 5.54% Disabled Veteran Business Enterprise (DVBE) commitment. The project is 20% complete and the current SBE participation is 13.81% and the current DVBE participation is 3.54%, representing an 11.48% and 2.00% shortfall in SBE and DVBE participation. This project is in the early stages of work and will be tracked to request a shortfall mitigation plan, if warranted, at 50% completion.

Project Managers and Contract Administrators will work in conjunction with DEOD to ensure that maximum SBE/DVBE participation is achieved by Gannett. Accordingly, these teams have been provided access to Metro's web-based monitoring system to ensure that all parties are actively tracking Small Business progress.

Small Business Commitment	25.29% SBE 5.54% DVBE	Small Business Participation	13.81% SBE 3.54% DVBE
----------------------------------	----------------------------------	-------------------------------------	----------------------------------

	DBE/SBE Subcontractors	% Committed	Current Participation¹
1.	BA, Inc.	1.66%	0.00%
2.	Diaz Consultants, Inc, dba Diaz Yourman & Associates	1.44%	1.13%
3.	FPL & Associates, Inc.	5.96%	3.84%
4.	Here Design Studio, LLC (Here LA)	0.60%	0.00%
5.	Lenax Construction Services, Inc. (LENAX)	0.29%	0.00%
6.	PacRim Engineering, Inc.	2.18%	0.00%
7.	Ramos Consulting Services, Inc.	8.27%	5.23%
8.	Sanchez/Kamps Associates Design dba SKA Design	0.59%	0.00%
9.	Zephyr UAS, Inc.	4.30%	3.61%
10.	Cross-Spectrum Acoustics Inc.	ADDED	0.00%
	Total	25.29%	13.81%

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

	DVBE Subcontractors	% Committed	Current Participation
1.	Casamar Group, LLC	5.54%	2.44%
2.	E-NOR Innovations, Inc.	ADDED	1.10%
	Total	5.54%	3.54%

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

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.



Metro

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Board Report

File #: 2020-0830, **File Type:** Oral Report / Presentation

Agenda Number: 31.

CONSTRUCTION COMMITTEE JANUARY 21, 2021

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 January 2021 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, Mgr, Project Control, (213) 418-3031



Phillip A. Washington
Chief Executive Officer

Program Management Major Project Status Report

Presented By

Richard Clarke

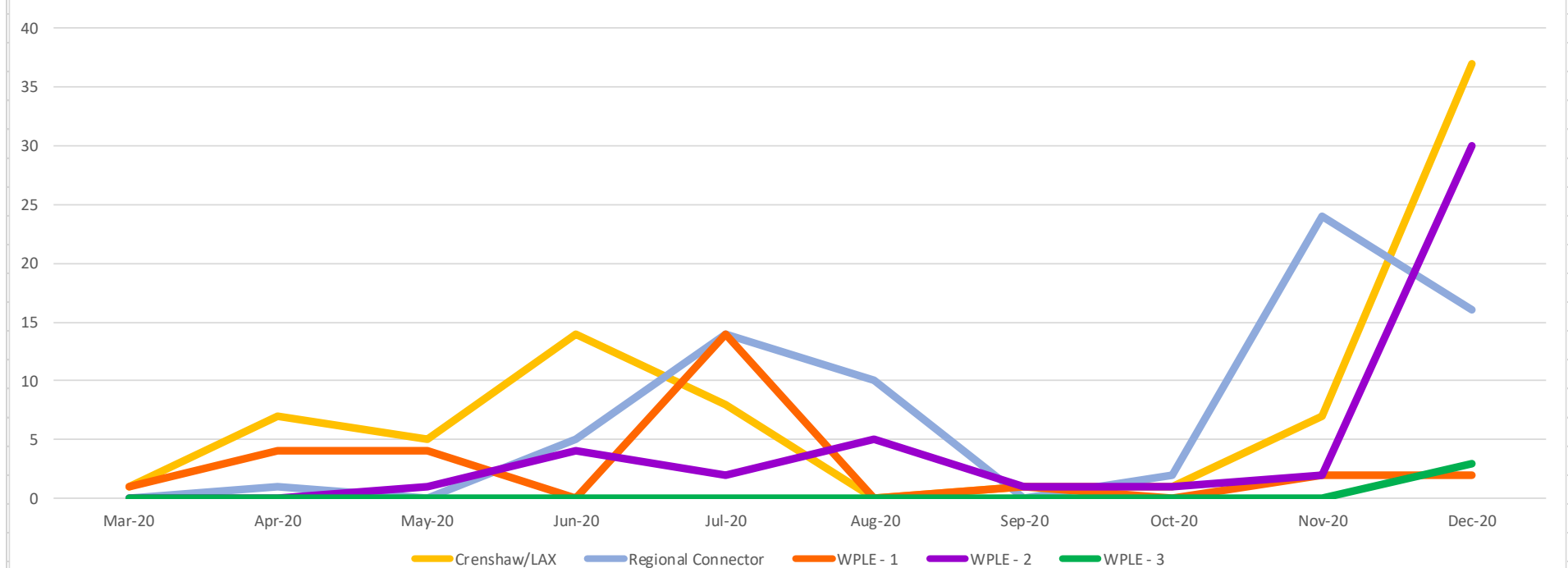
Chief Program Management Officer

Impact of COVID-19 Cases on Construction Projects





















Metro Projects COVID-19 Confirmed Cases

Project	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total Cases to Date
Crenshaw/LAX	1	7	5	14	8	0	1	1	7	37	81
Regional Connector	0	1	0	5	14	10	0	2	24	16	72
WPLE - 1	1	4	4	0	14	0	1	0	2	2	28
WPLE - 2	0	0	1	4	2	5	1	1	2	30	46
WPLE - 3	0	0	0	0	0	0	0	0	0	3	3

Confirmed COVID-19 Cases



PROJECT BUDGET & SCHEDULE STATUS SUMMARY CHART

Project	Cost Performance	Schedule Performance	Comments
Crenshaw/LAX			Project is 97% complete. Contractor is not applying sufficient work force to complete their remaining work. Metro continues to work with contractor to mitigate the schedule forecast; emphasizing safety and reliability in final acceptance of project elements and systems.
Regional Connector			Project is 72.5% complete. Schedule is being challenged by overbuild requirements at Historic Broadway Station; mitigation plans are being pursued. Largely dependent on schedule, budget options are under review to maximize returns to ensure certainty to post construction rail activation and start-up objectives.
Westside Purple Line Extension-Section 1			Project is 66% complete. Reviewing any impacts differing site conditions and third-party requirements may have on the project schedule. The Reach 3 anomaly is impacting critical path tunnel mining activities.
Westside Purple Line Extension-Section 2			Project is 39% complete and proceeding on schedule and within budget.
Westside Purple Line Extension-Section 3			Project is 16% complete and proceeding on schedule and within budget.
Willowbrook/Rosa Parks Station			Project is 80% complete. The Customer Center, Mobility Hub + Public Plaza and promenade are complete and turned over to Metro in October. Package B grading and underground utility work ongoing. Elevator and stair work at the C Line West entrance is ongoing and expected to open in December.
I-210 Barrier Replacement			Caltrans (CT) Design has approved the Project 1 PS&E package. All CT design comments have been addressed and accepted. However, the encroachment permit for Project 1 can't be granted until the ADL testing has been completed and submitted to Caltrans. Funding source for ADL testing still to be determined. Project 2 Barrier analysis is expected to begin in mid December 2020.
1-5 North County Enhancements			Project is in bidding phase and is expected to begin construction in Spring 2021.
I-5 North: SR 118 to SR 134			Segment 1 and 2 are completed. Segment 3 (Empire Ave & Burbank) is 86% complete. Segment 4 (Magnolia to SR-134) is 97% 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 72% complete. Segment 4 (Imperial) is 97% complete and began the plant establishment phase on Jan 31, 2020. Segment 5 (Florence) is 92% complete.

January 2021

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	TBD - 2021

- Overall Project Progress is 97% complete.
- Contractor is not applying sufficient work force to complete their remaining work.
- Metro continues to work with contractor to mitigate the schedule forecast; emphasizing safety and reliability in final acceptance of project elements and systems.
- Remaining work is primarily systems—power, train control, station/tunnel fire life safety & communications.



P3010 LRT Vehicle testing on Crenshaw Blvd. and 54th Street.



Leimert Park Station – contractor working on communication rack in train control and communication room.

January 2021



On target



Possible problem



Significant Impact



Metro 4

Construction Committee

Los Angeles County Metropolitan Transportation Authority

REGIONAL CONNECTOR TRANSIT PROJECT

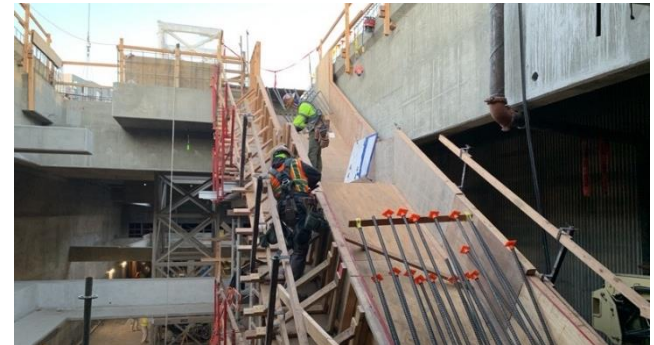
BUDGET

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

SCHEDULE

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

- Overall Project Progress is 72.5% complete.
- Little Tokyo/Arts District Station & Surrounding Area:** Gold Line Little Tokyo/Arts District Station closed, Central St restoration complete, bus bridge ongoing.
- Historic Broadway and Grand Av Arts/Bunker Hill Station:** Structural concrete, MEP and systems installation continues throughout the Station.
- Flower Street:** Installation of walls, roof and MEP near completion for tie-in to 7th/Metro Station.
- Trackwork:** Installation efforts underway in all reaches; special trackwork procurements experiencing fabrication delays.



Forming for stairs in future Little Tokyo /Arts District Station



Backfill operations over station box at Historic Broadway Station

January 2021



On target



Possible problem



Significant Impact



Metro 5

Construction Committee

Los Angeles County Metropolitan Transportation Authority

WESTSIDE PURPLE LINE EXTENSION – SECTION 1

BUDGET

	<u>Current</u>	<u>Forecast</u>
TOTAL COST*	\$3,354M	\$3,354M

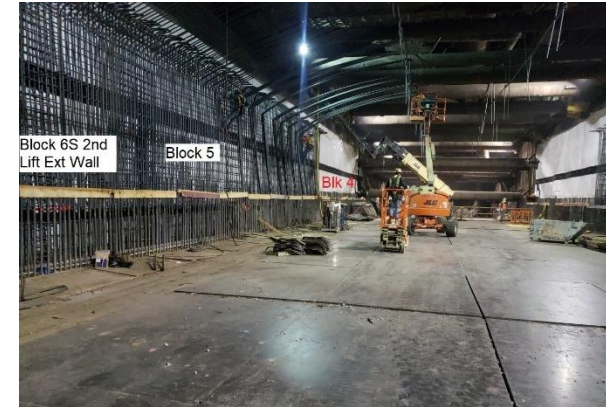
* Includes Board approved LOP budget plus finance costs.

SCHEDULE

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

Overall Project Progress is 66% complete.

- Wilshire/Western Retrieval Shaft:** Continued support of Reach 1 cross passage work. Minor work on break through into Wilshire/Western Station continues on weekends.
- Wilshire/La Brea Station:** With the exception of the West Hammerhead, all roof concrete placements (Blocks 1-13) have been completed. Backfill (above the roof) activities, plenum work and appendage construction continue.
- Wilshire/Fairfax Station:** Concourse and 2nd lift wall concrete activities are scheduled for December 2020 and January 2021. Entrance plaza and appendage work continue.
- Wilshire/La Cienega Station:** Roof concrete placements continue through the month of December 2020. Concrete placement of the protection slab at the entrance structure is also scheduled in the month of December 2020.
- Tunneling:** The Purple TBM (Elsie) has mined 2,828 feet (86% complete) and is parked 75' from the anomaly site. The Red TBM (Soyeon) has mined 2,734 feet (83% complete) and is parked 190' from the anomaly site. Mining will continue once the Wilshire/San Vicente grout block installation is completed.
- Reach 1 Tunnel Cross Passages (CP):** 9 out of 12 cross passages have been excavated. Concrete placement for 4 cross passages have been completed (#10, #11, #13, #15). Work continues at all other cross passages. Completion is planned for February 2021.
- Schedule:** The Reach 3 anomaly is significantly impacting critical path tunnel mining activities. The project is attempting to mitigate the delay. The forecast completion is currently the second half of 2024. Metro and the FTA will have a formal risk assessment after mining through the anomaly is completed in April 2021. The Board will be briefed on the results of the risk assessment.



Wilshire/Fairfax Station 2nd Lift Wall Rebar installation



Track Level Conduit Installation at Wilshire/La Brea

January 2021

Construction Committee

Los Angeles County Metropolitan Transportation Authority



On target



Possible problem



Significant Impact

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	Winter	Summer
OPERATION	2026 (FFGA)	2025

- Overall Project progress is 39% complete.

Century City Constellation Station

- Pile installation on Constellation Boulevard west of the TBM launch box is anticipated to be completed in January 2021 and the decking operations are anticipated to be completed in April 2021.

Wilshire/Rodeo Station

- Excavation of the station box and entrance is continuing with an anticipated completion in February 2021.
- On November 10, 2020, the Beverly Hills City Council approved the settlement agreement to end the city's lawsuit against the FTA and Metro.

Tunneling

- The abandonment of both oil wells on the Beverly Hills High School campus is complete.
- BL TBM "Ruth" was re-launched on November 23, 2020 after successful completion of the remaining oil well abandonment work. BR activity will resume once BL TBM breaks out of tunnel access shaft east wall.
- Once both TBMs pass through the tunnel access shaft, tunneling operations will be transitioned to the access shaft from the existing TBM launch box area.



Piling and Decking Installation West of the TBM Launch Box



Excavation of the Wilshire/Rodeo Station

January 2021



On target



Possible problem



Major issue

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro 7

WESTSIDE PURPLE LINE EXTENSION – SECTION 3



BUDGET

	<u>Current</u>	<u>Forecast</u>
TOTAL COST*	\$3,611M	\$3,611M

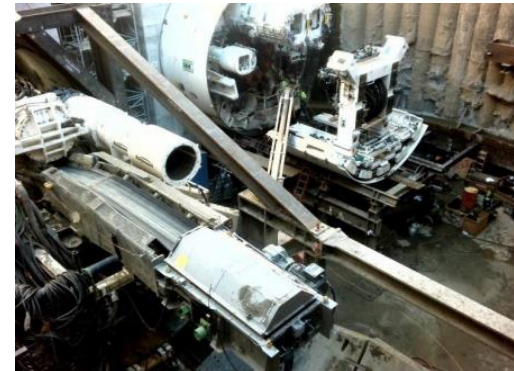
* Includes Board approved LOP budget plus finance costs.



SCHEDULE

	<u>Current</u>	<u>Forecast</u>
REVENUE	Winter	Spring
OERATION	2028 (FFGA)	2027

- Overall Project progress is 16% complete
- Final design progress is 73% complete
- **C1151 Tunnel Contract**
 - TBM #1 continues mining the BR tunnel.
 - TBM #2 assembly continues at the BL headwall.
 - Fabrication of tunnel precast concrete liners are ongoing.
 - Installation of instrumentation and monitoring equipment are ongoing.
- **C1152 Stations, Trackwork, and Systems Contract**
 - Final design is ongoing.
 - Westwood/VA Station SCE power conduit installation along Wilshire Boulevard is on-going; completion expected in December 2020.
 - Site clearing in VA Parking Lot 42 commenced November 2020.
- **Other Work**
 - Cable pulling/splicing in the joint trench (Verizon and Frontier) at the Westwood/UCLA Station expected in December 2020. LADWP power cutover to the 10921 Wilshire Boulevard building is scheduled by spring of 2021.
 - VA shuttle and valet service started in November 2020.



TBM Assembly at Tail Track Exit Shaft



Installation of SCE Ductbank & Substructure at Bonsall Entrance Ramp

January 2021



On target



Possible problem



Significant Impact



Metro 8

Construction Committee

Los Angeles County Metropolitan Transportation Authority

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	March 2021	March 2021

- Package A: Customer Center, Mobility Hub and Public Plaza substantially complete and turned over to Metro for Soft Public Opening in October. Final repairs to the Landscaping within the Public Plaza are ongoing with completion expected by the end of December.
- Package C: Remaining punch list and finish work ongoing throughout the platform.
- Package B: Package B underground utility work ongoing with hardscape work proceeding at the central plaza. Trench work and soil removal in progress for new Gross Solid Removal Device (GSRD). Work at elevator 4 at the C Line West Entrance is ongoing with temporary sidewalk and state inspection approval expected by end of December.



Mobility Hub, Customer Service Building and Public Plaza complete for soft opening



Utility Work @ Package B



Hardscape Work @ Central Plaza

January 2021



On target



Possible problem



Significant Impact



Metro 9

Construction Committee

Los Angeles County Metropolitan Transportation Authority

I-210 BARRIER REPLACEMENT PROJECT

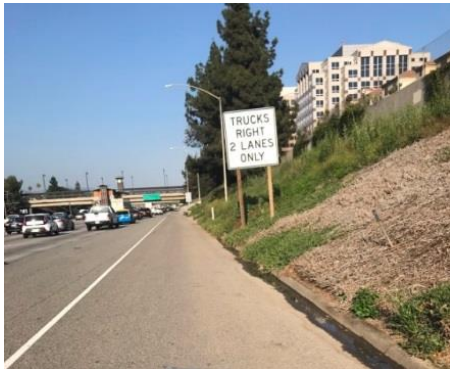
BUDGET

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

SCHEDULE

	<u>Current</u>	<u>Forecast</u>
Complete Design (Proj 1)	Dec 2020	Fall 2020
Complete Design (Proj 2)	Aug 2022	Summer 2022

- Project 1: Segment from Michillinda to Iconic Bridge – Caltrans (CT) Design has approved the Project 1 PS&E package. All CT Design comments have been addressed and accepted. However, the encroachment permit for Project 1 can't be granted until the ADL testing has been completed. Funding source for ADL testing still to be determined.
- Project 2: Segment from west end of the project to Michillinda – Barrier analysis is expected to begin in mid-December 2020.



Newly Installed Caltrans Freeway Sign



Incident in 2014



Newly Installed Speed Limit Sign

January 2021



On target



Possible problem



Significant Impact



Metro 10

Construction Committee

Los Angeles County Metropolitan Transportation Authority

I-5 Construction Projects (Administered by Metro)



January 2021

Construction Committee

Los Angeles County Metropolitan Transportation Authority

I-5 NORTH COUNTY ENHANCEMENTS



BUDGET

	<u>Current</u>	<u>Forecast</u>
TOTAL COST	\$679.3M	\$679.3M



SCHEDULE

	<u>Current</u>	<u>Forecast</u>
SUBSTANTIAL COMPLETION	March 2026	March 2026

- Project is in procurement phase and is expected to begin construction in Spring 2021.



Old Road-SCE Power & AT&T Relocation



Gavin Canyon Over-crossing-SCE Power & AT&T Relocation



Biscailuz Over-crossing AT&T Horizontal Directional Drill under I-5



January 2021



On target



Possible problem



Significant Impact



Metro 12

Construction Committee

Los Angeles County Metropolitan Transportation Authority

I-5 Construction Projects (By Caltrans)



I-5 NORTH: SR 118 TO SR 134

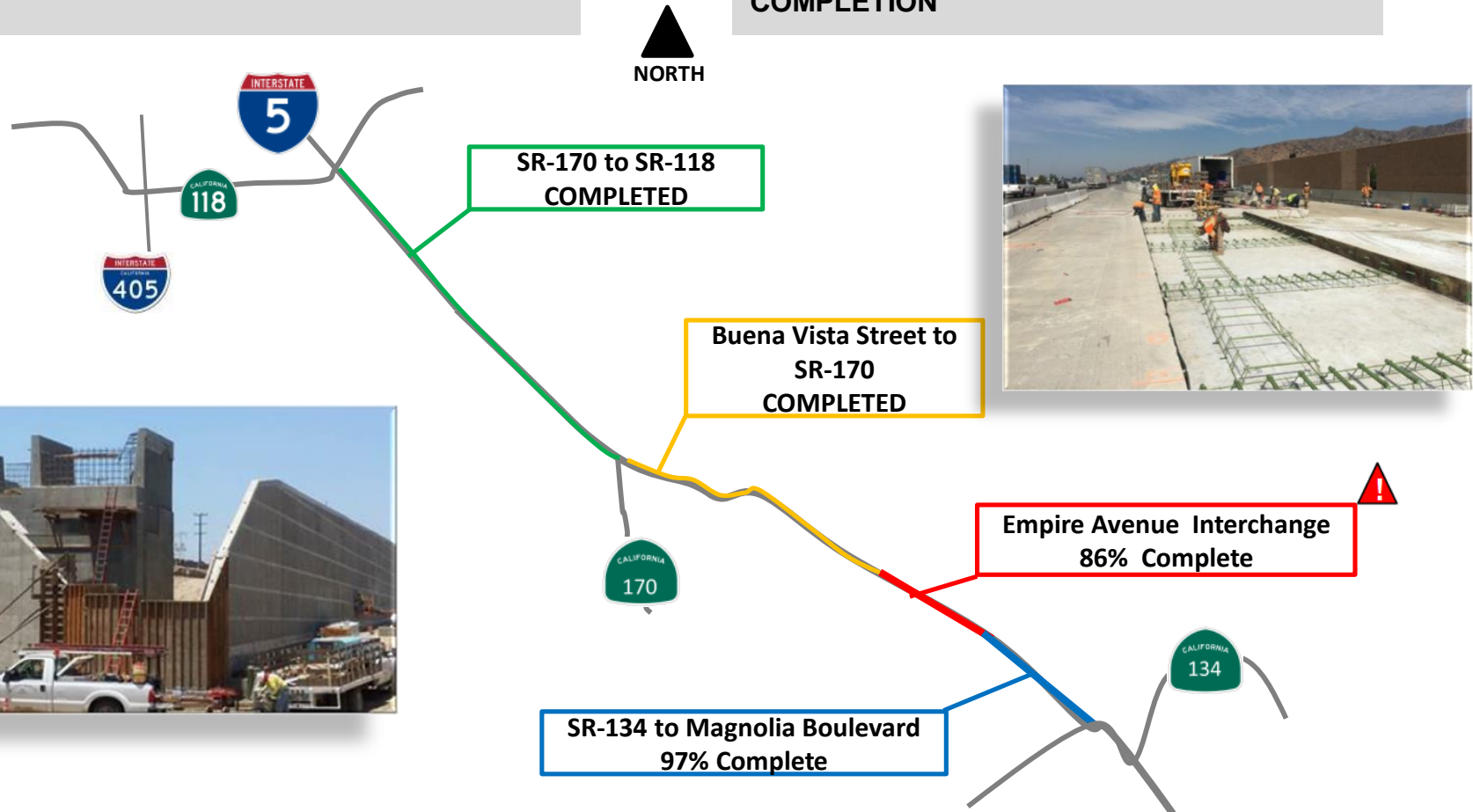


⚠ BUDGET

	Current	Forecast
TOTAL COST	\$880.9M	\$954.1M*

⚠ SCHEDULE

ANTICIPATED PROJECT COMPLETION	Current Summer 2022	Forecast* Winter 2022
--------------------------------	------------------------	--------------------------



January 2021

Construction Committee

Los Angeles County Metropolitan Transportation Authority

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



BUDGET

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

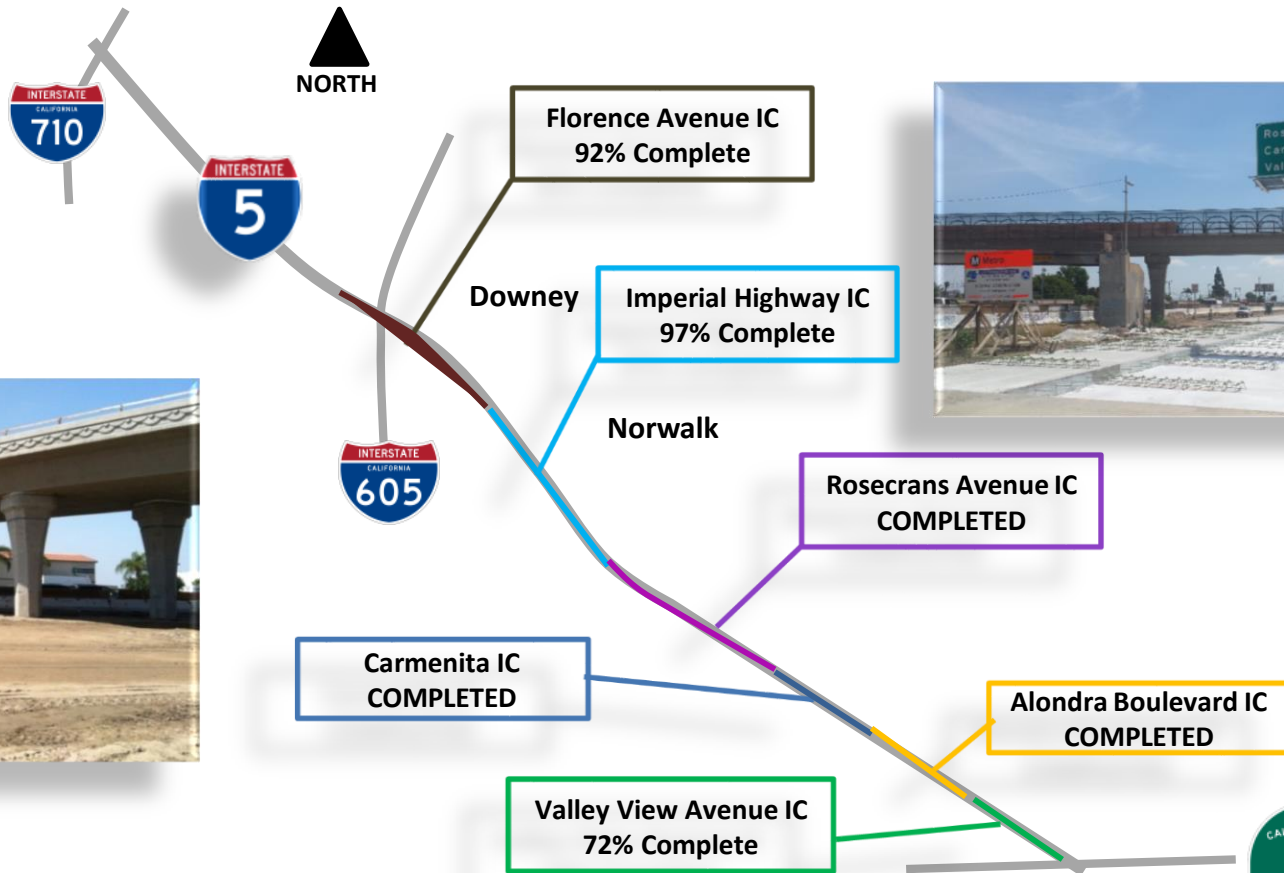


SCHEDULE

ANTICIPATED
PROJECT
COMPLETION

Current
Fall 2022

Forecast*
Winter 2022



January 2021

Construction Committee

Los Angeles County Metropolitan Transportation Authority



On target



Possible problem



Significant Impact



Metro 15

* Risk Analysis, Nov 2020



Board Report

File #: 2020-0724, **File Type:** Contract

Agenda Number: 35.

REVISION 2
CONSTRUCTION COMMITTEE
JANUARY 21, 2021

SUBJECT: I-5 NORTH CAPACITY ENHANCEMENTS FROM SR- 118 TO SR-134; SEGMENT 3

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER amending the Life-of-Project (LOP) budget with a loan/advance to the California Department of Transportation (Caltrans) in an amount not to exceed \$73,200,000 for Segment 3 of I-5 North Capacity Enhancements Project between SR-134 and SR-118 (Project) to fill the funding gap between the approved amended LOP of \$880,903,000 and the \$954,103,000 anticipated cost to close the Project consistent with the provisions of the Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment A).

ISSUE

In a letter dated May 12, 2020 (Attachment B), Caltrans requested that the Los Angeles County Metropolitan Transportation Authority (Metro) program \$73.2 million in supplemental funding for Segment 3 (Empire Avenue) to complete construction and close out of this segment, as well as the City of Burbank's construction impact mitigation needs. This amount is needed due to the delays resulting from relocation of utilities and other work not accounted for in design, different site conditions, hazardous material encountered, additional work requested by the corridor communities, and design changes.

The I-5 North Capacity Enhancement Project between State Route 134 and State Route 118 was originally programmed at \$950,595,000 per Funding Agreement Number MOU.P0008355A effective as of September 20, 2009. Upon acceptance of the lowest bid for construction of Segment 3, the LOP budget was adjusted down and \$55,699,000 difference between the Engineer's estimate and the winning bid was removed from Segment 3. This amount, along with \$50,181,000 withdrawn from other segments of I-5 North projects (for a total of \$105,880,000) was programmed to the I-5 South and I-405 Sepulveda Pass construction projects in December 2012 with the Board's approval. Later, \$404,000 was returned to the I-5 Segment 3 in State IIP Funds (Interregional Improvement Program) and \$9,299,000 was returned to Segment 2 (\$1,174,000 in Federal CMAQ Funds Congestion Mitigation and Air Quality Improvement Program and \$8,125,000 in Federal AARA -RSTP Funds (American Recovery and Reinvestment Act - Regional Surface Transportation Program)).

Additionally, \$8,566,000 in the State Regional Improvement Program (RIP) Funds in Segment 3 were transferred to Segment 4 for the final construction claim settlement needs.

The current LOP budget for all 4 segments of the I-5 North HOV lanes project is \$880,903,000 in which Segment 3 is budgeted at \$397,009,000 due to the \$63,861,000 adjustments from the originally programmed \$460,870,000 budget.

The LOP budget of Segment 3 needs to be increased by up to \$73.2 mil. to close this segment in 2021.

BACKGROUND

The purpose of the I-5 North construction project was to add one HOV lane in each direction between SR-134 and SR-118. The Project was initiated by Caltrans in four segments. Segments 1 and 2 between North of Buena Vista Street/Winona Avenue Undercrossing and SR-118 are completed. Segment 4 between Magnolia Boulevard and SR-134 is in the plant establishment period which started in March 2020 and will end in June 2021. The Segment 3 construction contract was awarded on November 29, 2012 with the scheduled completion date of September 27, 2017. This segment is still in construction, approximately 84% complete, and expected to open to traffic by December 2021. The plant establishment period for this segment will be completed by January 2023. Caltrans designed and is managing construction of the Project. Metro is a funding partner.

DISCUSSION

The contractor has submitted claims up to the opening of the Empire Avenue interchange in the amount of \$40.242 million. The City of Burbank has submitted a request for \$15.3 million worth of roadway repair/mitigation work on local streets that the city believes is the result of the freeway construction activities. Additional funds are needed to start the negotiation of the claims with the contractor, meet the City's needs, and close the project.

The existing LOP budget includes funding for the contractor's work within the original/amended contracts. However, the LOP budget needs to be amended to provide additional funds for the claims settlement, potential risk exposures in the remaining construction period, and the repair request by the City of Burbank.

Under the current State-shared Funds in the Project, Caltrans recommends pursuing an amendment to the 2020 IIP Funds and request \$700,000, the IIP Funds proportional share in the project, from the California Transportation Commission to cover a portion of the project's \$73.2 million shortfall.

Caltrans has informed Metro that:

- Only \$40 million of the \$73.2 mil. shortfall is needed in January 2021 to negotiate and settle the contractor's claims.
- Caltrans wishes to defer the roadway repair work requested by the City of Burbank until the locations are properly inspected by Caltrans and the damages are confirmed to be related to the freeway construction activities. The \$15.3 million value of this work will be adjusted as necessary and will need to be covered after validation of the work.

- The remaining \$17.9 mil. will be needed over the next 12 months to close Segment 3.

Due to the urgency of this funding and potential for more claims as a result of no or delayed action, staff recommends a loan/advance to Caltrans in the amount not to exceed \$73.2 mil. to close the project contingent upon identification of the source(es) and availability of funds. The financial obligations of both Caltrans and Metro will be further assessed during the final Project audits to determine if any payback to Metro by Caltrans would be warranted. Final Project audits and reimbursements to Metro by Caltrans, if any, shall be completed within 10 years from the date of payment to Caltrans approved by this Board action.

Potential sources of funds identified:

Measure R and Prop C Funds from ~~Measure R I-5 corridor projects~~ the Project to front-fund the shortfall (\$73.2 million) is recommended, as described in further detail in Attachment A. This funding is subject to reimbursement by the State and may will be part of a loan/advance agreement. The key terms of the loan/advance, as agreed to in concept by Caltrans, are included in the Term Sheet (Attachment C). The use of Measure R and Prop C from the ~~I-5 corridor projects~~ Project is recommended as these are subregional funds allocated pursuant to the Measure R and Measure M Unified Cost Management Policy.

Metro will seek and Caltrans will agree to provide reimbursement and or repayment of the front-funded costs or loan from any and all eligible State funding sources, which may include future IIP, funds eligible for the State Highway Operation and Protection Program (SHOPP), State appropriation, and surplus State and federal funding on other Metro-funded highway projects. In-kind services reducing Metro's financial obligations in covering the costs of the State highway improvement projects will also be counted toward reimbursements to Metro, subject to review by the Board.

DETERMINATION OF SAFETY IMPACT

There are no impacts to public safety by approving this action. Public safety may be compromised by potentially incomplete project.

FINANCIAL IMPACT

The overall corridor LOP budget set at the start of the I-5 North Capacity Enhancements per the FUNDING AGREEMENT NO. MOU.P0008355/8501 A/A9 was \$880,903,000 and included \$195,995,000 in Federal Funds (ARRA RSTP, RSTP, SAFETEA-LU and CMAQ), \$358,355,000 in State Funds (TCRP, RIP, CMIA, IPP and SLPP), and \$326,553,000 in local Measure R (20%) and Prop C (25%) funds. Metro's contribution to this project was limited to \$326,553,000 in Measure R Highway 20% and Prop C 25% funds.

Of the total LOP budget, \$815,065,711 is spent to date; of this amount \$ 258,428,119.41 was funded with Measure R (20%) and Prop C (25%) funds.

Current Metro funding of \$14 million is included in the FY21 budget in Cost Center 0442 (Highway

Subsidies), I-5 North Corridor Projects 460332 and 460334, Account 54001 (Subsidies to Others).

Since this is a multi-year contract/project, the Project Manager, Cost Center Manager and the Senior Executive Officer, Program Management - Highway Program will be responsible for budgeting costs in future fiscal years.

Impact to Budget

The source of the supplemental funds is Measure R Highway Capital (20%) and Prop C Transit-Related Streets and Highways (25%) funds, which are not eligible for Metro bus and rail operations or capital projects. The supplemental funds will be repaid to Metro from State and other sources pursuant to the Term Sheet.

Attachment A 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 assure that any financial impacts are limited to the subregion 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. Attachment A identifies unexpended Measure R 20% and Prop C 25% from ~~both the Project and I-5 Carmenita project~~ as the funding sources available and recommended, subject to reimbursement and repayment by the State.

Metro will continue to coordinate with Caltrans to determine cost exposure, responsibilities, and contributions.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of staff recommendation would allow for the timely compensation to the contractor. The I-5 HOV lanes project is consistent with the following Metro Vision 2028 Goals and Objectives:

Goal 1: Providing high-quality mobility options that enable people to spend less time traveling by widening the freeway, providing additional capacity, and including HOV lanes to encourage carpooling 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

Alternative A: The Board may choose to unconditionally contribute up to \$73.2 million to Segment 3 and the Project instead of approving the staff's recommendation for a loan/advance payment to Caltrans with the conditions presented in this report.

Alternative B: The Board may choose not to approve the additional funds needed to close Segment 3 and the Project. This disapproval would result in further project delay and cost increase and is not recommended.

NEXT STEPS

Upon Board approval of the staff recommendation for a loan/advance to Caltrans as supplemental project funding,

- Caltrans will request the programming of \$700,000 in the State Interregional Improvement Program (IIP) from the California Transportation Commission (CTC).; and
- Staff will work with Caltrans to draft and execute the necessary agreements, loan/advance, for the financial contributions to the project; and
- Staff will actively participate in settlement negotiations between Caltrans and the contractor to assist in feasible and reasonable closure of the project.
- Staff will report back to the Board on significant events affecting the loan, including the form of the loan agreement, principal repayments, the proposed use of other State funding or in-kind services as a repayment source, and any disputes or defaults.

Caltrans and the contractor started final settlement negotiations in December 2020. The final agreed upon amount will be presented to the Board in February 2021 along with a contract change order to approve payment.

In the event the Board approves payment to Caltrans under Alternative A under “ALTERNATIVES CONSIDERED”, staff will make the necessary arrangements for such payment in accordance with Metro’s standard procedures for supplemental funding.

ATTACHMENTS:

Attachment A - I-5 N HOV Measure R & Measure M Unified Cost Management Policy

Attachment B - I-5 Corridor Funding Needs Caltrans Request Letter dated May 12, 2020

Attachment C- Term Sheet

Prepared by: Victor Gau, Director of Engineering, Highway Program - (213) 922-3031
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Richard F. Clarke, Chief Program Management Officer - (213) 922-7557



Phillip A. Washington
Chief Executive Officer

I-5 NORTH CAPACITY ENHANCEMENTS FROM SR- 118 TO SR-134; SEGMENT 3

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 I-5 North Capacity Enhancements Project between SR-134 and SR-118 (the Project) is subject to this policy analysis.

The life of project (LOP) budget for the Project, based on the current funding agreement with Caltrans and approved by the Board, is \$880,903,000. The Project is subject to the Policy analysis now due to a proposed \$73,200,000 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 cost reductions or the funds necessary to meet the cost increase.

Although Metro is identifying local funds to address the Project cost increase, Metro's funding is considered as "front-funding" and or a loan in anticipation of a future repayment and reimbursement for the cost increase by the State and Caltrans.

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. Increases will be measured against subsequent actions on cost estimates taken by the Metro Board of Directors, including the determination of the budget. 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 delays from relocation of utilities and other related work not accounted for in the design, different site conditions, hazardous material encountered, additional work demanded by the affected communities, and design changes. 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 R funding and is allocated \$271,500,000 of funding in the Measure R sales tax ordinance Expenditure Plan under the project entitled “I-5 Capacity Enhancement from SR-134 to SR-170.” The Project was funded with other local and State funds prior to the adoption of Measure R and \$253,500,000 has yet to be expended. However, in January 2016 (Board report #2015-1763) the Board approved \$223,500,000 to be reprogrammed to the third decade of the Long Range Transportation Plan using Proposition C 25% funds instead of Measure R 20%. This was done to alleviate the need for additional Proposition C 25% debt financing and instead use Measure R 20% cash (i.e., use the Project’s Measure R 20% now and replace it with Proposition C 25% in the third decade). There is \$30,000,000 of remaining Measure R 20% and \$223,500,000 of Proposition C 25% that has not yet been spent on the Project and could be used for the cost increase. However, as the Proposition C 25% is programmed by Board action in the third decade of the LRTP, any use of these funds now even as an advance may cause Metro to incur additional debt financing costs. The table below from #2015-1763 shows the funding split of the reprogrammed Measure R, referred to as “replacement project credits.”

STAFF RECOMMENDATION - FUNDING OF REPLACEMENT PROJECT CREDITS IN 3 RD DECADE			
(millions)	D	E	F=D+E
Project	Proposition C 25% Replacement Project Credits	Measure R 20% Replacement Project Credits	Total Replacement Project Credits
I-5 North Capacity Enhancement	\$223.5	\$30.0	\$253.5
I-5 South Capacity Enhancement	\$86.4	\$108.4*	\$194.8
I-5 South Carmenita Interchange	\$40.1	\$92.9	\$133
I-5/SR-14 Capacity Enhancement	\$0	\$88.8	\$88.8
Total	\$350.0	\$320.1	\$670.1

The Project is located in the San Fernando Valley subregion (as defined in the Policy, as amended), and traverses the cities of Los Angeles and Burbank. Local funding resources from both the subregion and cities could be considered for the cost increase.

Funding Within the Corridor

The Project shares the corridor with the “Interstate 5 Capacity Enhancement from I-605 to Orange County Line” and “I-5 Carmenita Road Interchange Improvement” projects that are also included in the Measure R Expenditure Plan. Per the #2015-1763 Board action (see previous table), the projects have unused Measure R funds of \$108,400,000 and \$92,900,000, respectfully. The I-5 Carmenita project has completed construction. Any surplus funding from I-5 Carmenita may be needed to fund the remaining necessary expenditures of the projects, and a portion of the unexpended Measure R 20%, equal to \$43,200,000, could be used for the Project cost increase. This funding could be replaced with Proposition C 25% from the Project to mitigate the loss of Measure R 20%.

State and Federal Funding (Discretionary)

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 is already well into construction.

Value Engineering

The Project cost increase is attributable to delays from relocation of utilities and other related work not accounted for in the design, different site conditions, hazardous material encountered, additional work demanded by the affected communities, and design changes. 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 Project is on the same highway corridor as the I-5 South and I-5 Carmenita projects. The I-5 South project is still under construction and it is currently not known if there will be any future cost reductions or savings. The I-5 Carmenita project is completed and has unused Proposition C 25% and Measure R 20% funds of \$133,000,000. ~~The unused funds could be considered as a funding source; however, the Project also has unused funds and these would be considered prior in accordance with the Policy.~~

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, and additional debt financing would be needed to provide sufficient cash flow for the Project cost increase. The primary eligible source of countywide funding is Proposition C 25%.

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. Metro also receives an allocation of funds from the "Highway Infrastructure Program," which is a federal formula grant created in 2018 for uses that include the construction of highways, bridges, tunnels, transit capital, and ITS; operational improvements; highway and transit safety improvements; and pedestrian and bicycle projects, among others. Funding from this grant will be programmed in the pending 2021 Short Range Transportation Plan.

Recommendation

Metro staff recommends the use of \$30,000,000 of unused Measure R 20% from the project and \$43,200,000 of Proposition C 25% replacement credits from the Project-I-5 Carmenita project of unused Measure R 20% funds as an advance to the State to address the \$73,200,000 Project cost increase. ~~An offsetting amount of \$43,200,000 of Proposition C 25% will be programmed for the I-5 Carmenita project in the third decade of the Long Range Transportation Plan financial forecast.~~

Metro staff will seek reimbursement of the recommended Measure R 20% and Proposition C 25% funding from the State and Caltrans, which may be part of a future loan agreement with the State. The State reimbursements and or loan repayments will first credit the advanced Proposition C 25% to mitigate the amount of Metro debt financing. Metro will seek reimbursement from the State for any borrowing costs that Metro incurs.

The following table shows the remaining allocation of unused funding, or replacement project credits, for the Measure R I-5 corridor projects if the Board approves this Policy recommendation. The funding for the I-5/SR-14 project is shown as zero as this was previously designated “surplus” per the Measure R ordinance and reprogrammed for other eligible uses in the North County subregion.

STAFF RECOMMENDATION – REVISED FUNDING OF REPLACEMENT PROJECT CREDITS (after funding of November 2020 cost increase)			
(millions)	D	E	F=D+E
Project	Proposition C 25% Replacement Project Credits	Measure R 20% Replacement Project Credits	Total Replacement Project Credits
I-5 North Capacity Enhancement	\$180.3	\$0.0	\$180.3
I-5 South Capacity Enhancement	\$86.4	\$108.4	\$194.8
I-5 South Carmenita Interchange	\$83.3 \$40.1	\$49.7 \$92.9	\$133.0
I-5/SR-14 Capacity Enhancement	\$0.0	\$0.0	\$0.0
Total	\$350.0 \$306.8	\$158.1 \$201.3	\$508.1



Making Conservation
a California Way of Life.

DEPARTMENT OF TRANSPORTATION

DISTRICT 7
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
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May 12, 2020

Mr. Phillip A. Washington
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority (Metro)
One Gateway Plaza
Los Angeles, CA., 90012

Dear Mr. Washington:

First, I hope that this letter finds you, your family, friends and employees in good health and safely working from home as much as possible or in the field managing the important work that you do in Los Angeles County. I want to extend my appreciation to the Los Angeles County Metropolitan Transportation Authority (Metro) staff and the great partnership between the two agencies to program the Interstate 5 South and North Corridor High Occupancy Vehicle (HOV) projects. Since early 2000, we have worked together to develop, program and construct these projects made possible through funding provided by Metro, the Federal Highway Administration, and the State of California.

Caltrans has been searching for additional State funds to contribute toward the increased project costs, as described in detail below. However, due to the project funding complexities and California Transportation Commission (CTC) guidelines, the only State funds that will be available to tap into is Regional Improvement Program (RIP). The increase will need to be covered using Local Measure funds and/or County share of RIP funds, and both would require Metro's approval. The RIP funds would be a Supplemental Fund Request that would also require CTC approval.

We are requesting Metro to provide additional funds for the anticipated cost increase for the I-5 Segment 3 Empire Interchange Project to complete construction and close out, as well as the City of Burbank's unmet needs. The City of Burbank submitted a cost estimate for their unmet needs at \$15.3 million, which will not be completed as part of this project or by Caltrans. The total request is \$73.2 million including City of Burbank's unmet needs.

Below is a table showing the additional funds requested.

Additional funds to finish project	\$9,900,000
Additional funds to settle past delay claims in 2020	\$40,000,000
Escalation and Interest to settle all delay claims after 2020	\$8,000,000
Total for Project	\$57,900,000
City of Burbank Unmet Needs	\$15,300,000 *
Total Request	\$73,200,000

*Estimate based on City of Burbank request, not verified by Caltrans

The I-5 South Corridor

The I-5 South Corridor consists of six projects, including the Carmenita Interchange (IC) project, with an estimated cost of approximately \$1.89 billion.

- Three of the six projects have completed construction and resolved all claims with the contractors (Segments 1, 3 and the Carmenita IC projects);
- The Segment 4 project has achieved substantial completion, but has outstanding claims with contractor;
- Segments 2 and 5 are ongoing in construction;
- Segment 2 will be the last segment to complete construction and is targeted to open in late 2021. We expect to accept the contract in late 2022 and resolve claims with the contractor thereafter.

The current life of the project budget for the I-5 South Corridor is adequate to close out all the project segments. There will be a savings of approximately \$6.8 million from this corridor in local funds, and an additional saving from the Carmenita IC Project of \$4.93 million.

The I-5 North Corridor

The I-5 North Corridor consists of four projects. The estimated cost for the project is approximately \$965 million.

- Two of the projects (Segment 1 & 2) have completed construction and resolved all claims with the contractor.
- Segment 4 has achieved substantial completion and targeted for contract acceptance in Winter 2020.
- Segment 3 (Empire Avenue IC Project) is ongoing in construction. The Segment 3 project has encountered many challenges from the start which has caused a few years of delay and many claims and potential claims from the contractor. Caltrans and Metro staff have been working together from the start of this project to manage the risks to minimize the delay and cost increase. Segment 3 is currently targeted to complete in Summer 2021 and accept the contract in Summer 2022. Based on the

Mr. Phillip Washington
05/12/2020
Page 3

latest risk assessment at 70% confident level, the project will need additional funds to complete, settle claims, and close out the project with the contractor. In addition, the City of Burbank has submitted a list of items of work to both Metro and Caltrans that they believe the project should address, which will need additional funds.

We appreciate Metro's continuous partnership and support for the two I-5 North and I-5 South corridors. The public can now see the benefit these projects are providing to their communities and they will soon realize more benefit as the last segment of each of the corridor is completed and the continuous HOV lanes open to traffic.

Should you need additional information for this request, please don't hesitate to call me or Greg Farr, Principal Transportation Engineer, Division of Project/Program Management, Greg is our focal point of contact on the I-5 Corridor and he can be reached at (818) 254-5439.

Sincerely,



JOHN C. BULINSKI
District Director

C: Abdollah Ansari, Senior Executive Office, Highway Program, Metro
Victor Gau, Director, Engineering – Highway Program, Metro

Term Sheet

I-5 North Segment 3 Construction Project

Agreement to Advance Payment and Reimbursement of Funds to Close the Project

Parties:	Los Angeles County Metropolitan Transportation Authority (LA Metro) and California Department of Transportation-District 7 (Caltrans)
Nature of the Agreement:	LA Metro to advance funds to Caltrans for the cost to complete and close the I-5 North Segment 3 project, and Caltrans to reimburse LA Metro such amount as determined by joint audit by the Parties upon completion of the project.
Amount of Advance:	Not to exceed \$73.2 million in principal plus accrued interest at a rate equal to the LA Metro cost of funds.
Use of Proceeds:	The funds advanced by LA Metro shall be used by Caltrans to payoff obligations to the contractor for the claim settlement, complete roadway repair and work requested by the City of Burbank as agreed to by Caltrans, and cover other expenses to complete the I-5 North Segment 3 project.
Repayment:	Any and all periodic and/or lump sum monetary payments and non-monetary contributions by Caltrans that are solely designated for repayment of the Advance and not previously designated for a different LA Metro purpose. This may include funds otherwise eligible for the development and implementation of the State highway improvement projects, co-funding Metro-sponsored highway improvement projects from State funds not otherwise available to Metro (e.g.: SHOPP funds for the eligible components, etc.), waiver of charges to LA Metro for work that historically has been charged for by Caltrans in accordance with its policies and practices (review and approval of project documents in various phases of projects, preparation of technical studies/documents, etc.), and any other means of repayment mutually acceptable to parties.
Repayment Period:	Repayment of the full amount of the advance to Metro, including accrued interest, shall be in installments at set periods - years three, six, and ten, or more frequently as opportunities for repayment may arise. The overall repayment period may not exceed 10 years from the date(s) of disbursement of funds by LA Metro.

Resolution of Disputes:

Any dispute arising out of or relating to this agreement shall be resolved by negotiation between officers of LA Metro and Caltrans who have authority to settle the dispute.

Parties commit to the terms and conditions of this agreement and execute the same on this _____ day of January 2021.

Phillip A. Washington
Chief Executive Officer
LA Metro

Tony Tavares
Director
California Department of Transportation (Caltrans)
District 7



Board Report

File #: 2020-0797, **File Type:** Contract

Agenda Number: 36.

**CONSTRUCTION COMMITTEE
JANUARY 21, 2021**

SUBJECT: SOUNDWALL PACKAGE 11 HIGHWAY PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. AMENDING the Life of Project Budget (LOP) Budget for Soundwall Package 11 Highway Project by \$13,303,000 from \$89,183,000 to \$102,486,000, using the fund sources from the soundwall program as summarized in Attachment D consistent with the provisions of the Board-adopted Measure R and Measure M Unified Cost Management Policy (Attachment E); and
- B. AUTHORIZING the Chief Executive Officer to execute individual Contract Modifications within the Board approved Life of Project budget.

ISSUE

Contract No. C39033C1101-2 Soundwall Package 11 Highway Project (Project) was awarded to Powell Constructors, Inc. in the amount of \$ 66,041,760 on October 30, 2017 and Notice to Proceed issued on December 20, 2017. The original schedule for completion of the construction phase of the Project was December 18, 2020 with a subsequent one-year plant establishment period. As of the date of this report, the Project is approximately 60% complete. Project staff have been working diligently to complete the Project within the approved budget; however, the LOP as established prior to Contract notice-to-proceed (NTP) must be increased given certain complexities of the Project as described in this report.

The requested increase to the LOP addresses all current and future direct and indirect cost impacts and will provide enough funding to complete the Project.

BACKGROUND

The Project is being performed under a Design/Bid/Build contract that is administered by Metro on behalf of Caltrans. The Project is located entirely within Caltrans right of way and consists of construction of soundwalls on Route 170 from Route 101/Route 170 interchange to the Sherman Way Overcrossing, and on Route 405 from north of Saticoy Street Undercrossing to Roscoe Boulevard Undercrossing. The construction of the soundwalls requires the modification and widening of eight existing bridges.

DISCUSSION

During construction, there were several unanticipated changes that occurred for both technical and unforeseen design related reasons as listed on Attachment B. The changes are also summarized below:

Differing Site Conditions (\$5.3M)

- Existing underground utilities not shown on the as-built record drawings required relocation.
 - Riverside Drive storm drain encasement
 - Magnolia Ave. storm drain encasement
 - Oxnard Ave. storm drain encasement
 - Chandler Blvd. storm drain encasement
 - Burbank Ave. storm drain encasement
- Unforeseen site conditions during excavation
 - Buried Man-Made Objects such as abandoned roadway materials, concrete, asphalt at various soundwall locations
- Replacing electrical pull boxes along soundwall alignment per Caltrans Standards
- Several changes related to different site conditions.
 - Slope at Soundwall No. 817 required redesign meet Caltrans Standards.

Design Changes (\$8.0)

Errors and Omissions (\$5.65M)

- Construction delays and increased costs related to permeation grouting delays and design errors
- Inefficiencies and escalations as a direct result of the permeation grouting delay to the large diameter CIDH piles.
- The design drawings incorrectly numbered and identified demolition items within the Project limits.

Third Party Requirements (\$2.35)

- Bureau of Street Lighting required that Metro upgrade and/or reconstruct all soffit lighting within the existing bridge structures. This requirement was not known at time of bid, nor was the requirement necessary to perform the scope of work within the contract.

The Design changes listed in this section are being treated as Errors and Omissions, and the Engineer of Record has been notified by County Counsel and Vender/Contract Management of Metro's intent to pursue damages.

Included within the requested \$13,303,000 LOP increase are corresponding increases to soft costs, including \$1,000,000 for Third Party reviews and field services, \$1,906,253 for Agency labor necessary for increased oversight, \$1,000,000 related for professional support services (Ghirardelli Associates, Destination Enterprises, KTJV), and \$1,000,000 for Project contingency to complete the work.

DETERMINATION OF SAFETY IMPACT

There is no impact to public safety by approving this recommendation.

FINANCIAL IMPACT

The current 89,183,000 LOP budget for Project 460324, Soundwall Package 11 is funded with local Measure R Highway 20% and Prop C 25% Funds. If all actions are approved, the LOP budget will increase by \$13,303,000 from \$89,183,000 to \$102,486,000. Funds required through Fiscal Year 2021 have been requested through the Fiscal Year 2021 Mid-Year budget adjustment, to be adopted at the January 2021 Board meeting. The additional LOP funding will be programmed in FY21 and FY22 in Cost Center 8510, Construction Contracts/Procurement, under Project 460324, Soundwall Package 11. Since this is a multi-year project, the Project Manager, Cost Center manager, and Chief, Program Management Officer will be responsible for budgeting the costs in future fiscal years.

IMPACT TO BUDGET

Soundwall Package 11 is currently funded with Measure R (20%) and Prop C 25% Highway Funds which are not eligible for bus and rail operations. The source of funds for this LOP increase is Measure R (20%) Highway Funds not eligible for bus and rail operations. Attachment E shows the Measure R and Measure M Unified Cost Management Policy (the Policy) analysis and funding strategy required for a cost increase to Measure R and Measure M Projects.

To comply with the Policy of the Metro Board of Directors, Metro staff has evaluated potential offsetting cost reductions including value engineering and scope reductions however since the project is so far along, nearing completion, these actions are no longer feasible.

Attachment E provides a detailed discussion of the Policy and recommends the use of \$13,303,000 of Measure R 20% Highway funds that are currently programmed to the Priority 2, Soundwall Packages 12, 13, and 14 projects. These projects do not have an LOP budget and are still in the project development phase. This will reduce funding for Soundwall Packages 12, 13, and 14 and may result in a need to seek additional funding which will be identified at the time the scope and costs are determined for these Soundwall Packages.

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 management and delivery of these projects.

ALTERNATIVES CONSIDERED

The Board may choose not to approve this staff recommendation. This alternative is not recommended as Metro would be unable to provide funding to complete the Project according to the current schedule.

NEXT STEPS

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

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - Contract Modification

Attachment C - DEOD Summary

Attachment D - Funding/Expenditure Plan

Attachment E - Soundwall Package 11 Measure R & Measure M Unified Cost Management Policy

Prepared _By

Prepared by:

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

NAME OF PROJECT/CONTRACT NUMBER

1.	Contract Number: C39033C1101-2			
2.	Contractor: Powell Constructors			
3.	Mod. Work Description: Various modifications to address additional work			
4.	Contract Work Description: Construction of Soundwalls on Routes 170, 101 and 405			
5.	The following data is current as of: November 30, 2020			
6.	Contract Completion Status:			
	Bids/Proposals Opened:	8/31/2017	% Completion \$s:	69.26%
	Contract Awarded:	10/30/2017	% Completion time:	60%
	NTP:	12/20/2017	Original Contract Days:	1,460
	Original Complete Date:	12/18/2020	Change Order Days:	287
	Current Est. Complete Date:	10/2/2022	Suspended Days:	0
Total Revised Days:			287	
7.	Financial Status:			
	Contract Award:		\$66,041,760.00	
	Total Contract Modifications Approved:		\$3,438,441.66	
	Current Contract Value:		\$69,480,201.66	
	Contract Administrator: Helen Gates-Bryant		Telephone Number: 213-922-1269	
8.	Project Manager: Joe Wright		Telephone Number: 213-922-7281	

A. Contract Action Summary

This Board Action is to approve an increase in the Life of Project (LOP) to provide for pending modifications/changes for the Soundwall Package 11 Project.

The Contract Modifications/Changes will be negotiated and processed in accordance with Metro's Acquisition Policies and Procedures. The contract type is a Firm Fixed Price. The award of the Soundwall Package 11 contract to the lowest price responsive responsible bidder was approved by the CEO on October 12, 2017.

The contract was awarded on October 30, 2017 to Powell Constructors, Inc. in the amount of \$66,041,760.00. The period of performance on this contract was 1460 days.

Refer to Attachment B, Contract Modification/Change Log for modifications approved to date, and those pending authorization.

B. Cost/Price Analysis

The final amount of all modifications and changes will be fully negotiated, and determined to be fair and reasonable based upon independent cost estimates, cost analysis, technical evaluation, fact finding, and negotiations, in accordance with Metro Acquisition Policies and Procedures.

CONTRACT MODIFICATION/CHANGE ORDER LOG

NAME OF PROJECT/CONTRACT NUMBER

Mod. no.	Description	Status (approved or pending)		
			Contract Value	Mod/CO Value
N/A	Initial Award		\$66,041,760.00	
1	Contract Conforming and Clarifications	Approved		No Cost
2	Contract Conforming and Clarifications	Approved		No Cost
3	Conforming and Clarifications Lane Closure Chart Adjustments	Approved		No Cost
4	Temporary Mainline Striping	Approved		No Cost
5	Additional Temporary Traffic Control	Approved		\$310,000.00
6	Additional Tree Removal	Approved		\$78,970.16
7	Crash Cushion Replacement	Approved		\$15,991.00
8	Striping Inefficiencies	Approved		\$38,953.99
9	Permanent Sign Detail	Approved		\$21,542.47
10	SW 951 Elect Service Connection	Approved		\$25,971.49
11	OH Sign Structures Walkway Removal	Approved		\$60,896.68
12	RW 870 Modifications & Equipment Rental	Approved		\$126,873.55
13	Various Extra Work Operations	Approved		\$86,394.00
14	DWP Full Closure & Riverside Dr. Off-Ramp Striping	Approved		\$88,538.31
15.2	COZEEP Increase	Approved		\$480,000.00
16	Caltrans Special Provision Revision Permeation Grouting	Approved		No Cost
17	Combined Extra work Items at SW 917, 860, 891 and Other Areas	Approved		\$72,173.36
18	Combined Extra Work – Tree Removal, Illegal Dumping	Approved		\$97,778.00
19	Permeation Grouting Delay (TIA)	Approved		\$860,000.00
20	Man Made Buried Objects at SW and Bridge Locations	Approved		\$86,124.00
21	COZEEP Increase	Approved		\$410,000.00
22	SW 817 Modification to Barrier Rail 736SV	Approved		\$262,563.00

23	Man Made Buried Objects Multiple SW Drainage Structures & Oxnard	Approved		\$78,830.65
24	Crash Cushion Repairs & Riverside Dr. Restripe	Approved		\$64,238.00
25	As-Built Bridge Survey	Approved		\$23,310.00
CO-00001	Additional Tree Removal	Approved		\$149,293.00
	Subtotal Approved Modifications and Change Orders			\$3,438,441.66
	Impact Cost for delay escalations & Inefficiencies	Pending		\$4,637,069.88
	BSL Lighting Change	Pending		\$1,224,554.71
	Additional COZEEP Increase	Pending		\$450,000.00
	Oxnard Encasement Work – City of LA	Pending		\$278,212.58
	Magnolia Encasement Work –City of LA	Pending		\$144,489.79
	SW 786 Alignment & Transition, Crash Cushion, City of LA TC	Pending		\$66,226.32
	Illegal Dumping at Victory, Oxnard and Burbank	Pending		\$70,000.00
	\$	\$		
Subtotal – Pending Changes/Modifications				\$6,870,553.28
Subtotal Totals: Mods. + Pending Changes/Modifications			\$	\$10,308,994.94
Subtotal – Pending Claims			\$	\$0
Total: Mods + Pending Changes/Mods + Possible Claims			\$	\$10,308,994.94
Previous Authorized CMA			\$	\$6,604,176.00
CMA Necessary to Execute Pending Changes/Mods + Possible Claims			\$	\$3,704,818.94

DEOD SUMMARY

SOUNDWALL PACKAGE 11 HIGHWAY PROJECT/ C39033C1101-2

A. Small Business Participation

Powell Constructors made a 26.35% Small Business Enterprise (SBE) and 3.41% Disabled Veteran Business Enterprise (DVBE) commitment. The project is 61% complete and the Powell Constructors is currently exceeding both of its commitments with 27.19% SBE and 5.37% DVBE participation.

Small Business Commitment	26.35% SBE 3.41% DVBE	Small Business Participation	27.19% SBE 5.37% DVBE
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B.	SBE Subcontractors	% Committed	Current Participation¹
1.	G & F Concrete Cutting	0.79%	0.73%
2.	Rupert Construction Group	2.22%	3.36%
3.	Global Transloading, LLC	1.20%	3.94%
4.	Titan Constructor Engineering	1.35%	1.40%
5.	Deco Pave, Inc.	3.67%	2.54%
6.	High-Light Electric, Inc.	9.81%	10.56%
7.	Martinez Landscape	3.21%	0.02%
8.	Miranda Logistics Enterprises, Inc.	0.27%	0.50%
9.	G & C Equipment Company (Scope A -Concrete Bridge Girders)	1.44%	0.11%
10.	G & C Equipment Company (Scope B – Ready Mix Concrete)	2.39%	4.03%
	Total	26.35%	27.19%

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

	DVBE Subcontractor	% Committed	Current Participation¹
1.	EnGEN Corporation	1.57%	3.14%
2.	RKW Veterans Solutions, LLC	1.79%	1.51%
3.	G & C Equipment Company (Scope C Sign Panels)	0.05%	0.72%

	Total	3.41%	5.37%
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¹Current Participation = Total Actual amount Paid-to-Date to DVBE firms ÷ Total Actual Amount Paid-to-date to Prime.

C. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is not applicable to this contract.

D. 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). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

E. Project Labor Agreement / Construction Careers Policy (PLA/CCP)

The Contractor has committed to complying with PLA/CCP requirements for this project. This project is 70% complete as of October 2020 which represents the number of construction labor hours worked to date divided by the total projected labor hours for the project. The contractor is achieving the 40% Targeted Worker Goal at 59.33%, not achieving the 20% Apprentice Worker Goal at 16.04%, and not achieving the 10% Disadvantaged Worker Goal at 5.98%. Staff will continue to monitor and report the contractor's progress toward meeting the goals of the PLA/CCP.

ATTACHMENT D

FUNDING/EXPENDITURE PLAN

SOUNDWALL PACKAGE 11 PROJECT

Use of Funds	Remainder of FY21	FY21	FY22	Total Capital Costs
Design Phase				
Design Contract	\$3,211,000			\$3,211,000
Construction Phase				
Construction Contract	\$45,744,000	\$19,860,000	\$10,677,000	\$76,281,000
Proj. Mgmt. Support Costs inc. Pro Svcs	\$7,163,000	\$1,850,000	\$997,000	\$10,010,000
Third Party (COLA, LADWP, BOE, BSL, CONAD, Etc.)	\$3,281,000	\$1,219,000	\$800,000	\$5,300,000
Agency Costs: Project Control, Procurement Support, Safety, Communications, etc.	\$4,551,000	\$1,040,000	\$920,000	\$6,511,000
DEOD and other Professional Services	\$96,000	\$37,000	\$40,000	\$173,000
Project Contingency	\$0	\$0	\$1,000,000	\$1,000,000
Total Project Cost	\$64,046,000	\$24,006,000	\$14,434,000	\$102,486,000
Sources of Funds				
Measure R 20% / Proposition C 25%	\$64,046,000	\$24,006,000	\$14,434,000	\$102,486,000
Total Projects Costs	\$64,046,000	\$24,006,000	\$14,434,000	\$102,486,000

ATTACHMENT E

SOUNDWALL PACKAGE 11 HIGHWAY 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 Soundwall Package 11 Highway Project (the Project) is subject to this policy analysis.

The life of project (LOP) budget for the Project as approved by the Board is \$89,183,000. The Project is subject to the Policy analysis now due to a proposed \$13,303,000 increase to the LOP budget. Funding for the cost increase is needed through FY 2022. This analysis recommends trade-offs required by the Policy to identify cost reductions or 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. Increases will be measured against subsequent actions on cost estimates taken by the Metro Board of Directors, including the determination of the budget. 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 or Value Engineering

The Project has an awarded Design/Bid/Build contract with a FY 2022 estimated completion. Any scope reduction or value engineering would require negotiation and agreement with the contractor that could delay the schedule. 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 a component of the broader Metro soundwall program, which consists of the construction of soundwalls throughout the county that meet state eligibility criteria. The program is prioritized into a Phase I (required to be constructed as part of High Occupancy Vehicle Lanes projects but were deferred) and Phase II (all others). Within Phase I, there are three priority lists. Priority 1 projects are completed. Priority 2 projects, which include the Soundwall Package 11 Highway Project, have funding programmed in the Long-Range Transportation Plan (LRTP) financial forecast. All the Priority 2 projects have funded LOP budgets approved by the Board, with the exception of three remaining Package 12, 13, and 14 projects, which are in the project initiation/approval stage. The Priority 3 projects are currently programmed in the LRTP beginning in FY 2035.

The Project is eligible for Measure R funding and is allocated a portion of the \$250,000,000 of funding in the Measure R sales tax ordinance Expenditure Plan from the highway project entitled "Countywide Soundwall Construction." The Measure R funds have been programmed to the Priority 1 and Priority 2 projects, including Package 12, 13, and 14.

As the Package 12, 13, and 14 projects do not have a LOP budget and are still in the project development phase, a portion of the Measure R funding equal to \$13,303,000 can be reprogrammed and allocated to the LOP increase on the Project. This will reduce funding for the Package 12, 13, and 14 projects and may result in a need to seek additional, future State and or federal grant funding, or local funding. The Package 12, 13, and 14 projects are within subregions that have been programmed Proposition C 25% "replacement project credits" and these could potentially be used.

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

The Project is in the same subregion as the I-5 North Capacity Enhancements project. This project is under construction and it is currently not known if there will be any future cost reductions. This project has a proposed \$73,200,000 increase to the LOP budget, and the funding for this (pending Board approval), would use all remaining Measure R 20% highway funds programmed to the project, and would then not be available for the LOP increase to the Soundwall Package 11 Highway Project. The project also has unused Proposition C 25% "replacement project credits" that are programmed; however, these are currently not available for use until the third decade of the LRTP.

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, and additional debt financing would be needed to provide sufficient cash

flow for the Project cost increase. The primary eligible source of countywide funding is Proposition C 25%.

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. Metro also receives an allocation of funds from the "Highway Infrastructure Program," which is a federal formula grant created in 2018 for uses that include the construction of highways, bridges, tunnels, transit capital, and ITS; operational improvements; highway and transit safety improvements; and pedestrian and bicycle projects, among others. Funding from this grant will be programmed in the pending 2021 Short Range Transportation Plan.

Recommendation

Metro staff recommends the use of \$13,303,000 of Measure R 20% highway funds that are currently programmed to the Priority 2, Package 12, 13, and 14 projects to address the Project LOP budget increase. Funding for the Package 12, 13, and 14 projects will be identified at the time the scope and cost are determined.



Board Report

File #: 2020-0685, File Type: Contract

Agenda Number: 37.

CONSTRUCTION COMMITTEE JANUARY 21, 2021

SUBJECT: ENERGY AND CLIMATE CONSULTANT SERVICES

ACTION: AWARD CONTRACT

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award and execute a three (3) year base plus two one-year option years contract, Contract No. AE67484, with TRC Energy Services for Energy and Climate Services on Task Orders, inclusive of three base years with an initial amount not-to-exceed \$7,618,165.92, and two one-year options (Option Year 1: \$2,539,388.66; Option Year 2: \$2,539,388.66), staff will return to the Board to authorize the options. This recommendation is subject to the resolution of any properly submitted protest; and
- B. AUTHORIZING the CEO to award individual Task Orders and changes up to the authorized Not-to-Exceed contract amount of \$7,618,165.92.
- C. AUTHORIZING Contract Modification Authority (CMA) in the amount of \$1,269,694.32 (10% of the not-to-exceed contract amount) and authorizing the CEO to award and execute individual task order, changes and/or modifications within the CMA amount.

ISSUE

Metro's energy choices have far-reaching impacts on the climate, regional air quality, community health, and the stability of our transportation network. Recognizing this reality, Metro has made long-term commitments to energy efficiency, transitioning to renewable energy sources, reducing greenhouse gas emissions, climate adaptation and ensuring energy resilience. These and other sustainability and resiliency commitments have been in place and implemented since 2007. Our agency has renewed these commitments and updated our implementation plan through the Board approved 2019 Climate Action and Adaptation Plan and the 10-year Sustainability Strategic Plan, *Moving Beyond Sustainability*.

The issues and solutions to Metro's energy and climate change challenges are intertwined. In fact, more than half of Metro's climate change strategy is tied to energy, energy management, energy resiliency, and renewable energy. There must be an integrated approach moving forward, and the recommended award of Contract No. AE67484 to TRC Energy Services for Energy and Climate Services is designed to fulfill that need. These services will ensure the protection of human health and the environment, addressing the challenge of operational sustainability while ensuring a renewable, resilient and reliable energy future.

DISCUSSION

Metro's current Energy Efficiency and Renewable Energy Services contract was awarded in 2015. This contract supports numerous, critical energy and sustainability program needs, such as the preparation of analyses, studies, surveys, investigations, modeling, predictions, and/or reports related to energy management and renewable energy design, construction, operation and maintenance for Metro's current and future system.

In addition, Metro's current Climate Change and Adaptation and Greenhouse Gas Emissions Consultant Services contract supported development of the 2019 Climate Action and Adaptation Plan, provided State-level climate policy analysis to the Metro Chief Sustainability Officer, developed a framework to implement climate resilience, and conducted climate risk analysis for capital projects.

In the coming years, Metro's total energy consumption will significantly increase due to the ongoing expansion of the rail system and our commitment to fleet electrification. This expansion and increasing demand mean that Metro will need to implement advanced strategies to meet our energy and climate goals, including reducing and managing energy consumption, while transitioning to clean renewable energy sources.

The use and sourcing of energy has ongoing impacts and longstanding implications for the environmental, fiscal and infrastructural resilience of our system. We are already taking proactive measures to ensure the reliability of the energy systems that supply our infrastructure. This will become even more necessary as our bus fleet is electrified and our transportation system expands.

Implementation of our sustainability strategies had been effective, resulting in the meeting or exceeding of our goals by successfully reducing resource consumption, decreasing air pollutant and greenhouse gas emissions and improving operational efficiency. These efforts not only advance the sustainability of our system, but also yield operational cost savings for years to come. In some cases, revenues from our activities have also been generated in environmental finance markets. Per Metro Board Policy, *the funds generated from these activities were reinvested back into the environmental and sustainability programs or to the creation or maintenance of sustainable infrastructure.*

To further advance Metro's sustainability and environmental goals, we have combined the Energy and Climate Change efforts under one contract to ensure that we align our short-term energy strategies and long-range climate change targets. Contract No. AE67484, with TRC Energy Services for Energy and Climate Services will provide the necessary staff, sub-consultants, equipment, software, supplies, and services required to support the tasks associated with the energy and climate change efforts. The consultant shall employ or subcontract as necessary with diverse professionals

such as Professional Engineers, Certified Energy Managers, Energy Efficiency Engineers, Commissioning Agents, Sustainability Engineers, Lighting Engineers, Leadership in Energy and Environmental Design (LEED®) accredited professionals and such other professional practitioners as may be needed to support the required energy efficiency, renewable energy, energy resiliency and other energy related programs, projects and initiatives.

DETERMINATION OF SAFETY IMPACT

The unprecedented events of 2020 have accentuated the importance of Metro's system as a lifeline for Angelenos, as well as our role in emergency response. When it comes to energy, the stability of the grid is foundational to Metro's ability to function and provide safe and reliable transit to those who need it. Metro must be able to remain operational, even if the power grid is down.

This Board action will provide the necessary programmatic support in the overall management of our energy and climate change strategies. That in turn will facilitate the long-term safety, security, and continuity of Metro's operations by improving the resiliency of our energy system, improving the management and efficiency of energy use and contributing to a state of good repair.

FINANCIAL IMPACT

Contract No. AE67484 will be an Indefinite Delivery/Indefinite Quantity (IDIQ) contract. No MTA funds are obligated until a Contract Work Order (CWO) is issued by Metro authorized Contracting Officer against a valid project budget. No expenditures are authorized until a Task Order is awarded by an MTA authorized Contracting Officer for a specific package of work within the CWO. All task orders are to be individually negotiated and level of effort fully defined prior to the authorization of any project specific funds. Execution of work under those Task Orders within those CWO awards can continue beyond the contract end date.

Obligations and authorizations made within the total Contract Amount will be against specific project or operations budgets which make up the Board-approved Metro budget for any particular fiscal year. Specific funding for this contract will parallel the project approved by Board under separate actions. The Chief Sustainability Officer, Chief Program Management Officer, and Project Managers of each of the projects will be responsible for developing and overseeing the appropriate annual budgets.

Impact to Budget

The initial source of funds for this contract is included in the FY21 budget under Project Number 450001 - Energy Conservation Initiative, Cost Center 8420 Environmental Compliance and Services, Account 50316 Professional and Technical Services. Future task orders are to be individually negotiated and level of effort fully defined prior to the authorization of any project specific funds from the projects that would use these services. Usage of bus and rail operating eligible funds will be limited to tasks directly associated with Operations.

This professional services contract will support the implementation of Metro's Strategic Plan Goals,

with specific alignment to Initiative 5.2 - Exercise good public policy judgement and sound fiscal stewardship; and Initiative 5.4 - Apply prudent commercial business practices to create a more effective agency.

The Energy and Climate Services contract will support these strategic goals by: 1) advancing operational efficiency and expanding the use of clean, renewable energy; 2) generating cost savings and reducing the prevalence and cost of retroactive sustainability upgrades; and 3) improving the reliability and resiliency of the energy systems supplying our transit infrastructure.

ALTERNATIVES CONSIDERED

Metro's sustainability program, administered through the Environmental Compliance and Sustainability Department (ECSD), has historically used sustainability consulting contracts to provide expert supplement for current staff expertise. We have seen the effectiveness of this management style (i.e., as-needed combination of internal staff and expert consultants), especially in large programs such as the energy and climate change programs.

Metro's sustainability and resiliency program has also grown to include more than 150 separate initiatives that positively impact our agency and our region. Many of these are related to the energy and climate change initiatives. The successes we have seen and the challenges we overcame were achieved through the deliberate planning of energy and climate change projects and the procurement of consultant resources to support the overall program.

Specifically, in this time of financial constraint, Contract AE67484 is designed to cost-effectively and cost-efficiently advance Metro's existing energy resiliency, renewable energy and climate change efforts, while establishing the next generation of initiatives and best practices. This is accomplished by using only the optimum amount of resources for specific energy and climate change tasks as Metro scales up or down its operations post lockdown.

As an alternative, staff can solicit and award individual contracts every time additional staff is needed in any of our energy and climate change-related efforts. We are not recommending this option. Further procuring for these micro-contracts have associated inconsistent and most likely cumulative higher administrative and execution costs, especially in a sustainability program as large as Metro's.

The existing contracts that currently provide support to our energy and climate initiatives are expiring. Majority of our climate change goals are tied to our energy strategies and initiatives. If this contract is not awarded, the timing of the implementation of our energy and climate change programs as outlined in our 10-year sustainability strategic plan will be significantly impacted.

NEXT STEPS

Upon Board approval, staff will execute the conformed contract and proceed with issuing Task Orders and Contract Work Orders. Material activities and work products relative to the support provided by this contract will be included in Metro's annual sustainability report.

ATTACHMENTS

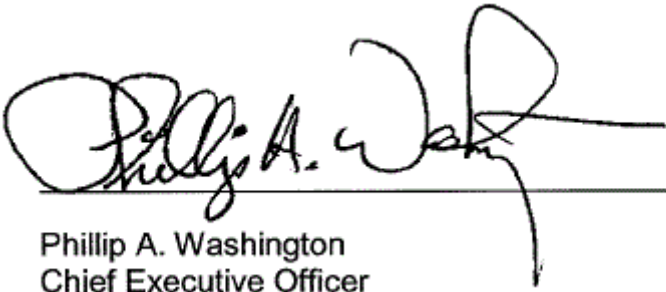
Attachment A - Procurement Summary

Attachment B - Types and Total Value Estimates of Projects - FY21 to FY25

Attachment C - DEOD Summary

Prepared By: Cris B. Liban, Chief Sustainability Officer, (213) 922-2471

Reviewed by: Richard Clarke, Chief Program Management Officer, (213) 922-7557
Debra Avila, Chief Vendor/Contract Management Officer,
(213) 418-3051



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

ENERGY AND CLIMATE SERVICES
AE67484

1.	Contract Number: AE67484	
2.	Recommended Vendor: TRC	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: December 27, 2019	
	B. Advertised/Publicized: December 20, 2020	
	C. Pre-Proposal Conference: January 7, 2020	
	D. Proposals Due: March 3, 2020	
	E. Pre-Qualification Completed: September 19, 2020 (Prime)	
	F. Conflict of Interest Form Submitted to Ethics: September 3, 2020	
	G. Protest Period End Date: Est. November 23, 2020	
5.	Solicitations Picked up/Downloaded: 181	Proposals Received: 7
6.	Contract Administrator: Helen Gates-Bryant	Telephone Number: 213-922-1269
7.	Project Manager: Craig Reiter	Telephone Number: 213-418-3097

A. Procurement Background

This Board Action is to approve the award of Contract No. AE67484, issued in support of the Energy and Climate Services Project, providing support to Metro in its climate, energy, water and resources conservation and management program. These program areas support Metro's commitment to reduce, re-use, and recycle all internal resources and reduce greenhouse gas emissions. Board approval of contract award is subject to resolution of any properly submitted protest.

The RFP was issued in accordance with Metro's Acquisition Policy and California Government Code §4525-4525.9. The contract type is a Cost Reimbursable, specifically a Cost Plus Fixed Fee.

Six (6) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on January 3, 2020 changed the date and location of Pre-Proposal Conference
- Amendment No. 2, issued on January 8, 2020 added the required Form 60 in Excel Format
- Amendment No. 3, issued on January 10, 2020 clarified/revised solicitation documents (including submittal requirements and scope of services)
- Amendment No. 4, issued on January 31, 2020 changed the date proposals were due and acceptable **formats** for proposal submissions

- Amendment No. 5, issued on February 11, 2020 clarified/revised solicitation document (including submittal requirements)
- Amendment No. 6, issued on February 18, 2020 changed the date proposals were due

A total of seven (7) proposals were received on March 3, 2020. Metro held a pre-proposal conference on January 7, 2020, with a total of fifty-nine (59) people in attendance. Metro had representation from the Risk Management, Ethics, Pre-Qualification, Corporate Safety, Project Management and DEOD, to highlight the main elements of the RFP including the Disadvantaged Business Enterprise (DBE), Small Business Enterprise (SBE), and the Disabled Veteran Business Enterprise (DVBE) goal setting process for this multi-funding source, single award contract. Goals will be recommended based on scope of work and estimated dollar value for each task order, based on its federal and/or state/local funding. A total of seventy-eight (78) questions were received between the issuance of the solicitation and the RFP due date. All questions were addressed by three (3) separate Question and Answer memorandums and the Amendments listed above.

1. Anser Advisory Management, LLC dba Anser Advisory
2. ARUP North America, Ltd.
3. Burns & McDonald Engineering Co., Inc.
4. Guidehouse, Inc.
5. Morgner Construction Management
6. TRC Engineers, Inc. (CA)
7. Vanir Construction Management, Inc.

On March 20, 2020, Metro held Oral Presentations with the three (3) top ranked proposing firms, at which time Metro received three (3) sealed cost proposals that remained unopened until the recommended firm was approved by executive management in order to open their cost proposal only.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Environmental Compliance/Sustainability, and Construction Management, was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- Degree of Skill and Experience
35 percent
- Understanding of Work and Appropriateness of Approach for Implementation
35 percent

- Effectiveness of Management Plan

30 percent

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architect and Engineers (A&E) procurements. Several factors were considered when developing these weights, giving the greatest importance to the skills and experience of key personnel, particularly the Project Manager's technical and managerial experience, and capabilities on similar projects and phases of work. The understanding and approach to implementing the work, with emphasis on maintaining schedule and budget in managing the three phases of the project.

This is an A&E, qualifications based procurement therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

Of the seven (7) proposals received, the top three (3) ranked proposers were invited to make oral presentations. The three (3) firms are listed below in alphabetical order:

- 1, Anser Advisory Management, LLC dba Anser Advisory
- 2, Guidehouse, Inc.
- 3, TRC Engineers, Inc. (CA)

All appointed PET representatives reviewed a list of the Proposers and their subconsultants; none were aware of any actual or potential conflict of interest that may arise due to their participation in the evaluation of the Proposals, then completed and certified the Declaration of Confidentiality / No Conflict of Interest form.

During the oral presentations, in general, each team's presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm's commitment to the success of the project. Also highlighted were staffing plans, work plans, and perceived project issues. Each team was asked questions relative to each firm's proposed alternatives and previous experience.

The PET evaluated and scored the capabilities of each proposer and its team of subconsultants, in accordance with the Evaluation Criteria in the RFP Documents.

Qualifications Summary of Recommended Firm: The PET ranked the proposals and assessed major strengths, weaknesses and associated risks of each of the Proposers to determine the most qualified firm. The evaluation performed by the PET determined TRC, as the most qualified firm to provide Energy and Climate Services, as provided in the RFP Scope of Services. What distinguished TRC was they demonstrated, through their written proposal and oral presentation, their extensive experience performing Energy and Climate Services, including significant expertise in energy management and energy supply projects, climate adaptation and resilience projects, and strong transit energy project experience identified in the Scope of Services. TRC also demonstrated an exceptionally thorough and comprehensive understanding of managing multiple deliverables. The team is highly experienced in delivering similar projects with an excellent record in client

satisfaction on Metro projects Zero Emissions Bus (ZEB) Program Master Plan, Bill Reduction and Sustainability Strategies, Countywide Sustainability Reports & Performance Metrics, and similar projects throughout California.

Furthermore, the recommended team demonstrated that it is versed in providing the Scope of Services related to this contract, and has the capabilities to provide staffing for the type of work that is required under this contract. TRC exceeds the requirements of the three highest weighted criteria. It shows the Team is exceptionally thorough and has a comprehensive understanding of Metro's goals and methods, and resource allocation.

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	TRC				
3	Degree of Skill and Experience	88.17	35.00%	30.86	
4	Understanding of Work and Appropriateness of Approach for Implementation	91.80	35.00%	32.13	
5	Effectiveness of Management Plan	91.67	30.00%	27.50	
6	Total		100.00%	90.49	1
7	Guidehouse				
8	Degree of Skill and Experience	85.34	35.00%	29.87	
9	Understanding of Work and Appropriateness of Approach for Implementation	87.80	35.00%	30.73	
10	Effectiveness of Management Plan	86.10	30.00%	25.83	
11	Total		100.00%	86.43	2
12	Anser Advisory				
13	Degree of Skill and Experience	81.94	35.00%	28.68	
	Understanding of Work and Appropriateness of Approach for Implementation	88.37	35.00%	30.93	
14	Effectiveness of Management Plan	86.73	30.00%	26.02	
15	Total		100.00%	85.63	3

C. Cost Analysis

The recommended cost has been determined to be fair and reasonable based upon a cost analysis of labor rates, indirect rates and other direct costs completed in

accordance with Metro's Procurement Policies and Procedures. The analysis includes, among other things, a comparison with similar firms; an analysis of rates and factors for labor, and other direct cost upon which the consultant will base its billings. Metro negotiated and established provisional indirect (overhead) rates, plus a fixed fee based on the total estimated cost for the contract term to compensate the consultant. Additionally, direct labor (level of effort) was reduced in several disciplines within the scope of services. This in turn reduced overhead costs, subconsultant costs and fixed fee for the prime and subconsultants.

Audits will be completed, where required, for those firms without a current applicable audit of their indirect cost rates, other factors, and exclusion of unallowable costs, in accordance with Federal Acquisition Regulation (FAR) Part 31. In order to prevent any unnecessary delay in contract award, provisional overhead rates have been established subject to Contract adjustments. In accordance with FTA Circular 4220.1 f, if an audit has been performed by any other cognizant agency within the last twelve month period, Metro will receive and accept that audit report for the above purpose rather than perform another audit.

Proposer Name	Proposal Amount	Metro ICE	Recommended NTE amount
TRC	N/A ⁽¹⁾	\$12,696,943.23 ⁽²⁾	\$7,618,166. ⁽³⁾

- (1) A proposal amount is not applicable as this is a Cost Plus Fixed Fee (CPFF) with no definable level of effort for the Scope of Services. Hourly labor rates, overhead and fee were negotiated and determined to be fair and reasonable.
- (2) Metro Independent Cost Estimate (ICE) is for the three year base contract plus two one-year options
- (3) The amount of \$7,618,166.00 is V/CM's extraction from the Independent Cost Estimate (ICE) for the three-year base contract period

D. Background on Recommended Contractor

The recommended firm, TRC, located Irvine, California, is a national leader in the delivery of energy and climate consulting services with direct, relevant experience in energy advisory services, technical and engineering services, and sustainability planning. TRC's experience includes climate adaptation and resilience, building energy management, and air quality and greenhouse gas monitoring/mitigation which are important elements within the scope of this contract.

TRC has assembled a team with relevant expertise capable of supporting Metro across multiple task orders simultaneously without jeopardizing quality, or on-schedule delivery of projects. The TRC team has successfully worked hand-in-hand with Metro's Environmental Compliance and Sustainability Departments for more than eight years. The multidisciplinary team includes 23 subconsultants that have a vast knowledge and experience with Metro, including work on the Metro Red and Gold Line Flywheel Assessments, Blue Line Testing and Integration, Metro Regional Connector Transit Corridor Project, and Systemwide electric, gas and water validation projects.

The Project Director has 29 years of project and program management experience in government and utility industries supporting energy, sustainability, and environmental strategic planning efforts. For the last four years, the Director's priority has been their management role on Metro's Energy Management Program. The Project Director's commitment to this project will be 100% availability. The availability of additional Leads and Managers on the team is between 100% to 75%.

Attachment B: Types and Total Value Estimates of Projects – FY21 to FY25

**PROFESSIONAL SERVICES CONTRACT FOR ENERGY AND CLIMATE SERVICES
(Contract No. AE67484A)**

Tasks	Years 1-3	Year 4	Year 5
Building Energy Management			
<ul style="list-style-type: none"> • Designing and implementing energy efficiency building and systems retrofits • Developing and supporting energy efficient building and systems design and construction for new construction and major renovations; • Leading the development and implementation of portfolio-level building management systems and a retro-commissioning program; • Fulfilling or supporting the role of an agency-wide energy manager; • Acting as Metro's building commissioning agent on complex new construction and major renovation projects; • Assisting Metro with green building and infrastructure certification and meeting relevant green building codes and requirements; • Designing and implementing on-site renewable energy generation, distributed energy resources, battery storage, and microgrid solutions. 	\$3,987,625.58	\$1,329,208.53	\$1,329,208.53
Energy Supply and Vehicle Fuel			
<ul style="list-style-type: none"> • Developing, implementing, and managing a long-term energy and fuel supply plan; • Developing, executing, and managing energy supply agreements; • Supporting optimization of environmental commodities through Metro's energy supply chain; • Modeling and analyzing Metro's energy consumption, rates, costs, and pricing exposure; • Coordinating with Metro's utility partners, energy suppliers, and relevant regulatory bodies 	\$1,491,206.80	\$497,068.94	497,068.94
Climate Adaptation & Resilience			
<ul style="list-style-type: none"> • Support hazards identification, modeling, mapping, tracking, and mitigation; • Develop asset and organizational risk and/or resilience assessments; • Develop and assess adaptation actions that harden/protect infrastructure, adjust 	\$1,390,320.78	\$463,440.26	\$463,440.26

ATTACHMENT B

<ul style="list-style-type: none"> operations/change behaviors, or relocate or re-site infrastructure or services; Develop adaptation projects through, design, engineering, site assessment, piloting, implementation, monitoring, and evaluation. 			
Air Quality and GHG Monitoring and Mitigation			
<ul style="list-style-type: none"> Developing and maintaining criteria air pollutant and greenhouse gas emissions inventories; Supporting emissions monitoring and compliance activities; Conducting program wide and project or activity-based emissions analyses; Developing additional GHG mitigation practices Monitoring agency progress on air quality and GHG programs 	\$749,012.77	\$249,670.93	\$249,670.93
Sub-Totals:	\$7,618,165.93	\$2,539,388.66	\$2,539,388.66
Total:	\$12,696,943.23		

DEOD SUMMARY

**PROFESSIONAL SERVICES CONTRACT FOR ENERGY AND CLIMATE SERVICES
(Contract No. AE67484A)**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) will determine a Disadvantaged Business Enterprise (DBE), Small Business Enterprise (SBE), and the Disabled Veteran Business Enterprise (DVBE) goal for each task order prior to issuance of each task order for energy and climate services. A DBE or SBE/DVBE goal will be recommended based on scopes of work and estimated dollar value for a task order that is federally and/or state/locally funded.

Proposers were encouraged to form teams that include DBE, SBE, and DVBE firms to perform the scopes of work identified without schedules or specific dollar commitments prior to establishment of this contract. TRC Engineers, Inc. will be required to meet or exceed the DBE contract-specific goal or demonstrate good faith efforts to do so. TRC Engineers, Inc. will be required to meet or exceed the SBE/DVBE contract-specific goal to be eligible for task order award.

Prime: TRC Engineers, Inc. (CA)

	Subcontractors	SBE	DVBE	DBE
1.	3COTECH	X		X
2.	Coda Group Inc.	X		X
3.	Davenergy Solutions		X	
4.	GCAP Services, Inc.	X		X
5.	ICI Engineers, Inc.	X		
6.	Indian Energy	X		X
7.	Michele Chait, LLC	X		
8.	PacRim Engineering, Inc.	X		X
9.	Raimi + Associates	X		
10.	Simplex Construction Management, Inc.	X		X
11.	Turner Engineering Construction	X		

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

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.



Board Report

File #: 2020-0646, **File Type:** Project

Agenda Number: 38.

CONSTRUCTION COMMITTEE JANUARY 21, 2021

SUBJECT: SUSTAINABILITY PROGRAM ASSISTANCE SERVICES

ACTION: AWARD CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO):

- A. To award and execute a five (5) year contract, Contract No. PS66866, with Cumming Management Group Inc. for Sustainability Program Assistance Services on Task Orders for a total amount not-to-exceed \$23,800,000 inclusive of three base years (not to exceed \$14,000,000) with two one-year options (option year one = \$4,850,000 and option year two = \$4,950,000.) Staff will return to the Board to approve the two one-year options.
- B. To award individual Task Orders and changes up to the Not-to-Exceed contract amount of \$14,000,000; and
- C. AUTHORIZING Contract Modification Authority (CMA) in the amount of \$2,380,000 (10% of the not-to-exceed contract amount) and authorizing the CEO to award and execute individual task order, changes and/or modifications within the CMA amount.

ISSUE

The Los Angeles County Metropolitan Transportation Authority (Metro) has implemented a sustainability program since 2007. This program has become part of our agency's culture. We have incorporated sustainability and resiliency principles specifically focused on climate, energy, water and resource conservation and management in all of the things we plan, design, construct, operate, maintain and procure. In addition to the environmental and social benefits that our agency derived from these programs, we have also received financial benefits that have facilitated the unprecedented expansion of our initiatives and our portfolio of sustainable and resilient infrastructure. The need for more efficient and cost-effective management of this program comes at a very opportune time, specifically given our current financial agency-wide COVID-19 related constraints.

The Board adoption of our 10-year Sustainability Strategic Plan *Moving Beyond Sustainability (MBS)* facilitates the implementation of a more audacious sustainability and resiliency vision; and we need continual support. The proposed contract award Contract No. PS66866, with Cumming Management Group Inc. is designed to assist us in the implementation of our vision, particularly focusing on the execution of the strategies and actions described in MBS.

This contract will enhance staff's internal ability to plan, develop, design, track, and oversee the sustainability strategies and actions. Having a consultant workforce support for MBS implementation provides seamless opportunity to scale up and down on our program implementation as our agency comes out of the continuing impacts of the COVID-19 pandemic.

DISCUSSION

Metro's sustainability program formally began in 2007 with the adoption of the Metro Energy and Sustainability Policy. A year later, the Metro Board approved the hiring of two full-time equivalents reporting one each to the Metro Planning Department and another to the Metro Environmental Compliance and Sustainability Department (ECSD). With the hiring of our Chief Sustainability officer in December 2019, the separate but parallel efforts of sustainability and resiliency housed in the two departments are now consolidated into one and now holistically managed through ECSD. Sustainability as a culture cannot be achieved through one department however. Our agency's sustainability and resiliency are part of our culture and similar to safety, is everyone's responsibility.

Seen as the gold standard in the transit industry, this program has also grown to include more than 150 separate initiatives that positively impact our agency and our region. That explosive growth from modest beginnings was not achieved by accident. The successes we have seen and the challenges we overcame were achieved through the deliberate planning of sustainability and resiliency projects and the procurement of consultant resources to support the overall program.

This program has also seen significant success in the area of environmental finance. In 2014, the Metro Board approved a policy for staff to explore and implement alternative forms of funding and financing our sustainability and environmental programs. That policy resulted in new responsibilities, revenue generating opportunities, and the ability to address operational sustainability while ensuring resiliency and maintaining a state of good repair. For example, the close collaboration of ECSD, Metro's OMB, and Treasury resulted in the development and execution of carbon credits and environmental monetization initiatives and Metro's Green Bonds program.

Metro's sustainability program has been cost-neutral since 2017. Any excess monetized benefits are put into the Board adopted Green Fund, portions of which are re-used back into the sustainability program and to build sustainable and resilient infrastructure through the capital projects, state of good repair projects, or as individual projects such as solar panels and recycled water pipelines among others. These infrastructures are all used for the environmental and social sustainability benefit of our system, and in turn the overall region.

Since 2007, technology has also evolved rapidly relative to climate science, energy, water, and resource management. As our program grew, more and more of our generic environmental and sustainability contracts have become more specialized to address specific elements of our sustainability projects. Management of the sustainability program has therefore become more robust

and complicated with multiple efforts simultaneously getting implemented while strategic goals are developed.

Continual improvement is at the heart of these efforts. Using the Board adopted tool, our ISO 14001-2015 certified environmental management system, we were able to put order in the oversight of our program. The Metro CSO continues to be at the center of this governance. In addition to current Metro staff, the CSO and his staff need the additional program management support offered through Contract No. PS66866 but whose number of support staff could be seamlessly increased or decreased as needed.

To this end, staff has solicited for a Sustainability Program Assistance Services contract. The selected consultant will provide as-needed analysis, studies, surveys, investigations, modeling, predictions, and/or reports related to the operation and maintenance of Metro's transportation system, facilities, and support activities. The Contract No. PS66866, with Cumming Management Group Inc. has been selected to support of the Metro CSO, Metro staff, and other consultants to ensure cohesive, cost-effective, and seamless MBS implementation agency-wide.

The consultant will also support Metro staff from time to time in the execution of activities related to the Metro Sustainability Council as well as Metro's activities that are performed with our strategic partners such as the County and City of LA, other cities and special jurisdictions across our region, and similar entities.

Attachments A and C provide the procurement process and DEOD summary (i.e., proposed small and disadvantaged business utilization) of this contract. Attachment B provides the major types of activities that Cumming Management Group Inc. will provide as a service to Metro under Contract No. PS66866 over the life of this contract.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an adverse impact on safety standards for Metro. The outcomes and work products of Contract No. PS66866 will increase safety enterprise-wide. Sustainability-related projects and programs are programmed, designed, and implemented to increase environmental benefits of our sustainable infrastructure and programs. They also equitably provide health and safety of our staff and enhance the customer experience of our system.

FINANCIAL IMPACT

Contract No. PS66866 will be an Indefinite Delivery/Indefinite Quantity (IDIQ) contract. No MTA funds are obligated until a Contract Work Order (CWO) is issued by a Metro authorized Contracting Officer against a valid project budget. No expenditures are authorized until a Task Order is awarded by a Metro authorized Contracting Officer for a specific package of work within the CWO. All task orders are to be individually negotiated and level of effort fully defined prior to the authorization of any project specific funds. Execution of work under those Task Orders within those CWO awards can continue beyond the contract end date.

Obligations and authorizations made within the total Contract Amount will be against specific project or operations budgets which make up the Board-approved Metro budget for any particular fiscal year.

Specific funding for this contract will parallel the project approved by Board under separate actions. The Chief Sustainability Officer, Chief Program Management Officer, and Project Managers of each of the projects will be responsible for developing and overseeing the appropriate annual budgets.

Impact to Budget

The initial source of funds for this contract is included in the FY21 budget under Project Number 450003 - Sustainability Environment, Cost Center 8420 Environmental Compliance and Services, Account 50316 Professional and Technical Services. Usage of bus and rail operations eligible funds for CWOs will be limited to work orders directly impacting the Operations.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This professional services contract will support the implementation of Metro's Strategic Plan Goals, with specific alignment to Initiative 5.2 - Exercise good public policy judgement and sound fiscal stewardship, and Initiative 5.4 - Apply prudent commercial business practices to create a more effective agency.

Contract No. PS66866 will support these strategic goals by: 1) advancing operational efficiency; 2) generating cost savings through only as needed use of consultant support for the achievement of our MBS goals.

ALTERNATIVES CONSIDERED

In the past, the Board of Directors have provided significant guidance in Metro's vision of sustainability. Many projects have been implemented, constructed, and currently being maintained to fulfill this vision. These programs and projects have provided significant financial, employee welfare, and enhanced customer experience for our agency. The implementation of the recently approved 10-year sustainability strategic plan will continue to build on these achievements. Contract PS66866 is designed to provide the needed project management support to continue the implementation of Metro's sustainability program, especially the implementation, tracking, and reporting of MBS strategies and actions.

During the last five years, the Metro Board has also approved various plans and projects to achieve reductions in operational greenhouse gas emissions; implement innovative approaches and strategies to enhance customer experience, reduce limited natural and energy resource use; investigate public-private partnerships to supplement limited funds to design, build, operate, and maintain sustainability related infrastructure; and increase operational efficiency. Metro's sustainability program administered through ECSD has executed significant portions of that mandate; and will continue to do so using all of the sustainability-related consulting contracts (including Contract No. PS66866) to supplement current Metro staff.

Staff can solicit and award individual contracts every time additional staff is needed for oversight in any of the programmed sustainability-related efforts. We are not recommending this option. Individually procuring these micro-contracts have associated inconsistent and most likely cumulative higher administrative and execution costs, especially in a sustainability program as large as Metro's. As many of our projects overlap with one another in a single major capital project or facility, having

multiple consultants with overlapping skills will cause delays and result in administrative inefficiencies.

NEXT STEPS

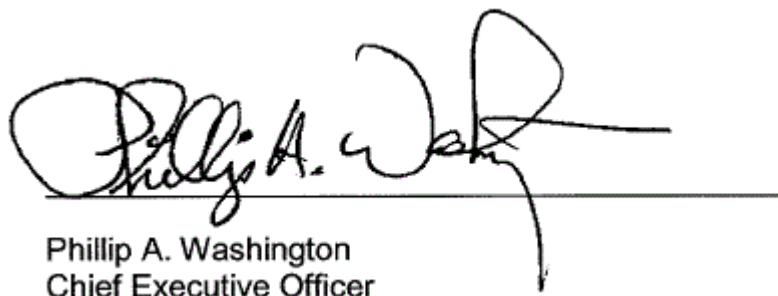
After the recommended Board Action is approved, staff will execute the conformed contract and proceed with issuing Contract Work Orders and Task Orders. Material activities and work products relative to the support provided by Contract No. PS66866 are going to be included in the annual Metro Sustainability Report. The annual Sustainability Report has been published every late spring or summer since 2010.

ATTACHMENTS

- A. Procurement Summary
- B. Estimated SPAS Contract Value - FY21 to FY25
- C. DEOD Summary

Prepared By: Cris B. Liban, Chief Sustainability Officer, (213) 922-2471

Reviewed by: Richard Clarke, Chief Program Management Officer, (213) 922-7557
Debra Avila, Chief Vendor/Contract Management Officer,
(213) 418-3051



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**SUSTAINABILITY PROGRAM ASSISTANCE SERVICES
CONTRACT NO. PS66866**

1.	Contract Number: PS66866	
2.	Recommended Vendor: Cumming Management Group Inc.	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: January 7, 2020	
	B. Advertised/Publicized: January 8, 2020 (Periodicals of General Circulation)	
	C. Pre-Proposal Conference: January 21, 2020	
	D. Proposals Due: March 24, 2020	
	E. Pre-Qualification Completed: May 27, 2020	
	F. Conflict of Interest Form Submitted to Ethics: April 7, 2020	
	G. Protest Period End Date: November 30, 2020	
5.	Solicitations Picked up/Downloaded: 58	Proposals Received: 1
6.	Contract Administrator: Daniel A Robb	Telephone Number: (213) 922-7074
7.	Project Manager: Alvin Kusumoto	Telephone Number: (818) 974-8610

A. Procurement Background

This Board Action is to approve the award of Contract No. PS66866, Sustainability Program Assistance Services to Cumming Management Group, Inc. to provide architect, engineer (A&E) consulting services in the form of staff augmentation for a wide range of projects, in support of Metro's Environmental Compliance and Sustainability Department (ECSD). Efforts would include climate, energy, water and resource conservation and management. Board approval of contract awards are subject to resolution of any properly submitted protest.

The recommended consultant will furnish all the labor, materials, and other related items required to perform the services on a Contract Work Order basis for a project, under which specific Task Orders will be issued for specific Scopes of Services and Period of Performance.

The Request for Proposals (RFP) was an Architect & Engineer (AE), qualifications based procurement process performed in accordance with Government Code §4525-4525.9 and Metro's Acquisition Policies and Procedures. The contract type is a Cost Plus Fixed Fee (CPFF). The Contract is for a term of three (3) years plus 2 one-year options.

One (1) Amendment was issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on February 7, 2020, amended the Letter of Invitation to extend the Proposal due date. Revised Organizational Conflict of Interest language Included a list of DBE Certified Firms, Form 60 and Form 60 Instructions. Experience and Performance Questionnaire and SPAS Estimated Annual Hours.

One proposal was received on March 24, 2020 from Cumming Management Group, Inc.

It was determined that evaluating one proposal was valid, because robust competition was present at the Preproposal Conference held on January 17, 2020, which 25 firms attended. After a single proposal was submitted, Metro completed an extensive survey of potential proposers (approximately 20) and found that many did not propose for various business reasons. In addition, the one proposer is the incumbent and prices/costs have been closely scrutinized to determine consistency with the current contract and are fair and reasonable for the new contract.

B. Evaluation of Proposals

The Proposal Evaluation Team (PET) was comprised of representatives from the following departments: Environmental Compliance and Sustainability, Construction Management, Program Control, and Third Party Administration and they conducted a comprehensive evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria and associated weightings:

Experience, Qualifications, and Capabilities of Firms on the Team and Key Personnel.....	(35%)
Effectiveness of Management Plan.....	(20%)
Understanding of Work and Appropriateness of Approach for Implementation.....	(25%)
Innovative Sustainable Practices and Experience.....	(20%)

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architect & Engineer, and other consulting services procurements. Several factors were considered when developing the criteria weightings, giving the greatest importance to the Experience, Qualifications and Capabilities of the Firms and Key Personnel on the Consultant's Team, and Effectiveness of Management Plan.

This is an Architect & Engineer qualifications based procurement therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

The one proposal received is listed below:

Cumming Management Group, Inc.

During the week(s) of April 29, 2020 through May 13, 2020, the PET evaluated and scored the proposal.

Qualifications Summary of Recommended Firm:

The evaluation performed by the PET determined Cumming Management Group, Inc. as the qualified firm and team to provide Sustainability Program Assistance Services, as provided in the RFP Scope of Services.

Cumming Management Group, Inc. demonstrated, in their written proposal a team with qualifications, experience and capabilities that substantially meets RFP minimums requirements. The organizational structure and management team structure is well-organized and intuitive. Program controls are sufficiently detailed to instill confidence in the Cumming Management Group, Inc.'s ability to effectively manage the program.

Cumming Management Group, Inc.'s proposal demonstrated a thorough understanding of an approach to the work and how each element builds off of, or contributes to, the overall work program/sustainability goals of the agency. Case studies provided demonstrates the experience and institutional competence to effectively provide the professional services required.

Cumming Management Group, Inc. demonstrated clear experience and capabilities in developing innovative practices and methods as well as an understanding of the methods and tools that the team will use to identify develop and implement innovative sustainability, consulting services and initiative for Metro facilities.

Their team consists of numerous highly qualified team members with extensive experience including well qualified subconsultants and an effective Management Plan, which substantially met the RFP minimum requirements and exceeded in some major areas.

The Proposal Evaluation Team (PET) evaluated the proposal, and assessed major strengths, weaknesses and associated risks of the Proposer to determine the qualifications of the firm. The final scoring was based on evaluation of the written proposal received from the Proposer. The results of the scoring are shown below:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	Cumming Management Group, Inc..				
3	Experience, Qualifications, and Capabilities of Firms on the Team and Key Personnel	85.28	35%	29.85	
4	Effectiveness of Management Plan	89.88	25%	22.47	
5	Understanding of Work and Appropriateness of Approach for Implementation	89.10	20%	17.82	
6	Innovative Sustainable Practices and Experience	89.60	20%	17.92	
7	Total		100.00%	88.06	1

C. Cost Analysis

The recommended total estimated cost has been determined to be fair and reasonable based upon a cost analysis of labor rates, indirect rates and other direct costs completed in accordance with Metro's Procurement Policies and Procedures. Metro negotiated and established indirect cost rates and as appropriate provisional indirect (overhead) rates, plus a fixed fee factor to establish a fixed fee amount based on the total estimated cost for task orders, during the contract term to compensate the consultant.

Audits will be completed, where required, for those firms without a current applicable audit of their indirect cost rates, other factors, and exclusion of unallowable costs, in accordance with Federal Acquisition Regulation (FAR) Part 31. In order to prevent any unnecessary delay in contract award, provisional overhead rates have been established subject to Contract adjustments. In accordance with FTA Circular 4220.1.f, if an audit has been performed by any other cognizant agency within the last twelve-month period, Metro will receive and accept that audit report for the above purposes rather than perform another audit.

Proposer: Cumming Management Group, Inc..			
Contract Duration	Proposal Amount	Metro ICE	NTE Funding Amount
Base Period – 3 Years	N/A ⁽¹⁾	\$13,975,000. ⁽²⁾	\$14,000,000. ⁽²⁾
Option Year 1	N/A ⁽¹⁾	\$4,846,000. ⁽³⁾	\$4,850,000. ⁽³⁾
Option Year 2	N/A ⁽¹⁾	\$4,943,000. ⁽⁴⁾	\$4,950,000. ⁽⁴⁾

⁽¹⁾ A proposal amount was not applicable. This is a Cost Plus Fixed Fee (CPFF) Task Order Contract with no definable level of effort for the Scope of Services. Hourly labor rates, overhead and fee were negotiated and determined to be fair and reasonable.

⁽²⁾ The amount \$13,975,000. is the Independent Cost Estimate (ICE) for 3-year base Period of the Contract.

⁽³⁾ The amount \$4,846,000. is the Independent Cost Estimate (ICE) for Option Year 1 Period of the Contract.

⁽⁴⁾ The amount \$4,943,000. is the Independent Cost Estimate (ICE) for Option Year 2 Period of the Contract.

The Sustainability Engineering Services Independent Cost Estimate (ICE) was established based on the anticipated Scope of Services developed for the Contract. The probable costs are based on the anticipated level of effort estimated for each year that will be required to perform the Scope of Services by the Consultant and sub-consultants.

D. Background on Recommended Consultant

Cumming Management Group, Inc. (Cumming) is a privately held California corporation that provides consultancy services across the globe in a wide variety of fields, including environmental, sustainability, and support services. Since opening for business in 1996, Cumming has grown consistently and substantially. Today, they have nearly 950 team members and 36 offices worldwide including their Los Angeles headquarters office. They work with private and public sector clients and provide professional services, including engineers, scientists, and related technical and project support personnel.

Cumming Management Group, Inc. and their proposed team have worked on various local and global projects, including various Metro projects and local public agency programs. Their team has expertise and specific knowledge of Metro programs, systems and facilities.

Sustainability Consultant Contract - SPAS Activities & Estimated Contract Value**ATTACHMENT B**

updated: 4/4/2019

SPAS: EMS, Training, and Sustainability Program Guidance	No. of Units (yrs., projs., etc.)	Est. Consult. Svc. Amount	Consultant Svcs. per Unit
a. EMS Program Maintenance Support	5 years	\$7,500,000	\$1,500,000
b. Environmental Training Institute	5 years	\$2,500,000	\$500,000
c. Sustainability Policies, Programs, and Guidance	5 years	\$3,500,000	\$700,000
1. Sustainability Policy Development	5 years	\$750,000	\$150,000
2. Coordinate Sustainability Projects and Initiatives	5 years	\$500,000	\$100,000
3. Sustainability Program Guidance and Oversight	5 years	\$500,000	\$100,000
4. Develop and Maintain the Sustainability Dashboard & GIS	5 years	\$500,000	\$100,000
5. Prepare Annual Environmental Sustainability Progress Report	5 years	\$1,250,000	\$250,000
d. Sustainability Plan (SP) Program Support	10 projects/yr	\$5,000,000	\$100,000
e. Green Construction Policy (GCP) Program Support	10 projects/yr	\$3,750,000	\$75,000
f. Peer Review of Sustainability Program, Projects, Initiatives	6 reports	\$300,000	\$50,000
g. EMS & Training Plans, Studies, Reports	5 reports	\$500,000	\$100,000
h. Innovative Sustainability Initiatives/Solutions	5 years	\$250,000	\$50,000
i. other	5 years	\$500,000	\$100,000

ROM/Recommended LOP Amount**\$23,800,000**

DEOD SUMMARY

**SUSTAINABILITY PROGRAM ASSISTANCE SERVICES
CONTRACT NO. PS66866**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 27% Disadvantaged Business Enterprise (DBE) goal and an overall 27% goal inclusive of 24% Small Business Enterprise (SBE) and 3% Disabled Veterans Business Enterprise (DVBE) goal for this Task Order Contract. Cumming Management Group Inc. exceeded the DBE overall goal by making a 27.06% DBE commitment. Cumming Management Group Inc. made a 24% SBE and 3% DVBE commitment, meeting the 27% overall SBE/DVBE goal.

In response to a specific Task Order request with a defined scope of work, estimated dollar value and funding source that is federally and/or state/locally funded, the Cummings Management Group will be required to identify DBE/SBE/DVBE subcontractor activity and actual dollar value commitments for that Task Order. Overall DBE/SBE/DVBE achievement in meeting the commitments will be determined based on cumulative DBE/SBE/DVBE participation of all Task Orders awarded.

Small Business Goal	27% DBE 24% SBE 3% DBVE	Small Business Commitment	27.06% DBE 24% SBE 3% DVBE
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	Subcontractors	Ethnicity	DBE	SBE	DVBE
1.	Akima	Caucasian Female	X	X	
2.	All About Waste	Caucasian Female	X	X	
3.	EcoTeal	Caucasian Female	X	X	
4.	EW Consulting	Caucasian Female	X	X	
5.	GC Green	Hispanic American	X		X
6.	Impact Sciences	Caucasian Female	X	X	
7.	Lentini	Caucasian Female	X	X	
8.	Loop Environmental	Caucasian Female	X	X	
9.	Paragon	Asian Pacific American	X	X	
10.	Polytechnique	Subcontinent Asian American	X	X	
11.	Premier Program Partners	Caucasian Female	X		
12.	Resource Solutions of California	Asian Pacific American	X	X	
13.	Schweitzer	Caucasian Female	X	X	
14.	Watearth	Caucasian Female	X	X	

	TOTAL COMMITMENT		27.06%	24%	3%
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B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

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.



Board Report

File #: 2020-0794, **File Type:** Contract

Agenda Number: 39.

CONSTRUCTION COMMITTEE JANUARY 21, 2021

SUBJECT: I-605 HIGHWAY CORRIDOR PROJECTS

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. Execute a 3-year cost-plus fixed fee Contract No. PS68033 with Ghirardelli Associates, Inc. to provide Construction Support Services for I-605 Highway Corridor Projects, in an amount not-to-exceed \$4,423,718, and to exercise two (2) one-year options when deemed appropriate, subject to resolution of any properly submitted protest; and
- B. Execute individual Contract Work Orders for each project within the approved not-to-exceed contract amount and Contract Modifications within Contract Modification Authority (CMA) at 10% of the approved contract not-to-exceed amount (\$442,371.00).

ISSUE

A Construction Support Services Consultant (CSSC) is required to assist Metro Program Management staff's direct oversight of I-605 Highway corridor projects, collectively referred to as the "I-605 Hot Spots Projects". These projects include improvements to the I-605/Beverly interchange and the I-605/South Street interchange. Construction support services will be provided from final design through pre-construction activities, construction, contract close out, and administration of the construction contracts, and will help to ensure compliance with contract requirements and government regulations.

BACKGROUND

The I-605 Hot Spots projects are located entirely within Caltrans rights of way and consist of construction of ramp improvements, retaining walls, drainage systems, elevated signage poles, traffic control and landscaping. Right of way acquisitions and temporary construction easements are minimal on these projects. The stated objectives of the projects are to ease congestion, enhance

mobility, improve public safety and improve regional traffic flow and travel time.

DISCUSSION

The I-605 Southbound South Street project and the I-605 Beverly project are the first two projects to be constructed within this corridor. The I-605 Southbound South Street off-ramp project includes freeway exit lane realignment and addition of a fourth lane at the intersection with South Street. A retaining wall with an approximate length of 1570 feet will be constructed along the west shoulder/embankment of the ramp, and traffic signs and signals will be constructed to accommodate the new configuration.

The I-605 Beverly project includes improvements to the on/off ramps, a retaining wall adjacent to the western right of way line next to Union Pacific Rail Road (UPRR), and the removal of the southbound I-605 collector-distributor road from the mainline. The new ramps will merge/diverge directly from the mainline, and a new intersection will be created on Beverly Boulevard at the southbound ramps providing for access in both directions along Beverly Boulevard.

The I-605 Hot Spots Projects are design-bid-build projects. As such, it is beneficial to have additional reviews of the technical bid documents by a consultant team to minimize risks to Metro during construction. The CSSC consultant will provide review and support of the technical bid documents, administration, oversight and inspection services during construction, and technical support during the close out phases of the project. The CSSC consultant 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.

A Contract Work Order (CWO) will be issued for each project. Each CWO will include negotiated direct labor, indirect cost rates, general and administrative expenses, fixed fee, and negotiated hours for the level of effort to match the work. The CWOs will be funded from the existing project budgets. Staff shall ensure that strict project controls are in place prior to approving and issuing each CWO, and will closely monitor the Consultant's budget, incurred costs, and schedules. No funds are obligated until the CWO is approved.

In addition, this action does not commit to construction of the project. Initial work orders will focus on pre-construction activities. The I-605 projects are "Bucket Two" projects and the decision to move forward with construction will be made separately based on financial availability and criteria for advancing Bucket Two projects.

Ghirardelli Associates, an SBE Prime, exceeded the goal by making a 93.36% SBE and 6.64% DVBE commitment, see Attachment B.

DETERMINATION OF SAFETY IMPACT

Approval of this item will have no impact on safety

FINANCIAL IMPACT

The I-605 Hot Spots projects are funded on a fiscal year basis. I-605 Southbound South Street and I-605 Beverly project are funded under project numbers 460346 and 460345, respectively, within Cost Center 8510. There are no impacts to the FY21 Adopted Budget. Funding for individual CWOs will be funded from existing project budgets and subject to funding availability. The CSSC contract work scope will be planned and funded on an annual basis within Board approved project budgets until the Life of Project Budget is established.

Since this is a multi-year contract/project, the Project Manager, Cost Center Manager and the Senior Executive Officer, Program Management - Highway Program will be responsible for budgeting costs in future fiscal years.

IMPACT TO BUDGET

The source of funds for this recommendation is Measure R Highway Capital (20%) Funds, which are not eligible for bus or rail operations. No other funds were considered.

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. However, this alternative is not recommended, as it would require diversion of staff resources from on-going projects and would require the hiring of multiple full-time personnel that are not immediately available or funded.

NEXT STEPS

After Board approval of the recommended action, staff will complete the process to award and execute Contract No. PS68033.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared _By

Prepared by:

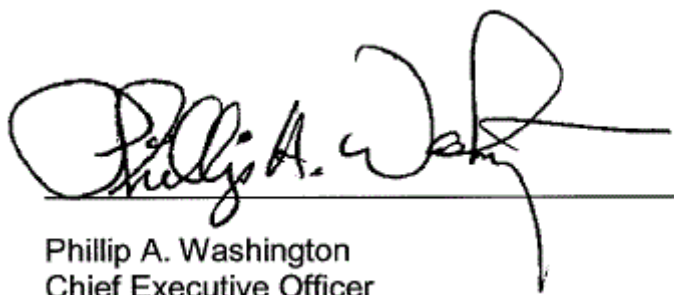
Sapana Shah, Senior Construction Manager, Program Management (213) 418-3162

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-605 CONSTRUCTION SUPPORT SERVICES
CONTRACT NUMBER PS68033**

1.	Contract Number: PS68033	
2.	Recommended Vendor: Ghirardelli Associates, Inc.	
3.	Type of Procurement (check one): <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.	Procurement Dates:	
	A. Issued: Feb 18, 2020	
	B. Advertised/Publicized: February 15, 2020	
	C. Pre-Proposal Conference: February 25, 2020	
	D. Proposals Due: April 2, 2020	
	E. Pre-Qualification Completed: September 10, 2020	
	F. Conflict of Interest Form Submitted to Ethics: April 8, 2020	
	G. Protest Period End Date: January 25, 2020	
5.	Solicitations Picked up/Downloaded: 102	Proposals Received: 6
6.	Contract Administrator: Rafael Vasquez	Telephone Number: 213-418-3036
7.	Project Manager: Sapana Shah	Telephone Number: 818-435-7759

A. Procurement Background

This Board Action is to approve the award of Contract No. PS68033, I-605 Construction Support Services Consultant (CSSC) to provide construction support services that will assist and support Metro in the performance of Metro's responsibilities directly managing the Construction of the I-605 Improvements Project. Services will be provided from final design through pre-construction activities (early demolition and environmental work, advanced utility relocation work), construction, and contract closeout. 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's Acquisition Policies and Procedures. This process required each of the proposals and qualifications to be evaluated based on the evaluation criteria set forth in the RFP. The evaluation criteria were weighted in order of importance, including the cost proposal. The proposals were evaluated and rated accordingly, and the results are shown in the table below. The RFP was issued with an SBE goal of 27% and a DVBE goal of 3%. The contract type is a Cost-Plus Fixed Fee (CPFF). The Contract is for a base term of three (3) years plus two (2) one year (1) options.

A pre-proposal conference was scheduled on February 25, 2020. One hundred and two (102) individuals from various firms picked up or downloaded the RFP Package.

Four amendments were issued during the solicitation phase of this RFP:

- Amendment 1: issued on February 28, 2020; revised Scope of Services, Evaluation Criteria and Form of Contract-Article 1 Contract Documents Order of Precedence.
- Amendment 2: issued on March 4, 2020; added CSSC staffing plan sheet to Proposal Content under Volume III, Cost Proposal.
- Amendment 3: issued on March 17, 2020; revised and extended Proposal due date to April 2, 2026.
- Amendment 4: issued on March 27, 2020; revised and clarified Proposal submittal information.

A total of six (6) proposals were received on April 2, 2020, from the following firms, in alphabetical order:

1. Fountainhead Consulting Corporation.
2. Ghirardelli Associates, Inc.
3. MARRS Services, Inc.
4. PPM Group, Inc.
5. PreScience Corporation.
6. RT Engineering & Associates, Inc.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro Construction and Program Management 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 Capabilities of the Firms on the Team | (20%) |
| • Experience and Capabilities of the Key Personnel | (20%) |
| • Effectiveness of Management Plan | (20%) |
| • Project Understanding and Approach | (25%) |
| • Cost Proposal | (15%) |
| Total | 100% |

The evaluation criteria are appropriate and consistent with criteria developed for other professional services procurements. Several factors were considered when

developing the weightings, giving the greatest importance to the Project Understanding and Approach.

The PET evaluated all six (6) written proposals during April 12, 2020 through April 22, 2020. All six (6) proposals received were determined to be within the competitive range.

Oral Presentations were not held due to COVID-19 as a safety response for proposers and staff.

Qualifications Summary of the responsive firm within the Competitive Range:

Ghirardelli Associates, Inc.

- The Proposal significantly exceeds the RFP minimum requirements in the Experience and Capabilities of the Firms on the Team criteria. The proposed firms on the team demonstrated a thorough understanding of the project scope, schedule, and staffing requirements. The proposed team has demonstrated past-experience on projects of similar size, scope and complexity under Metro and Caltrans.
- The team demonstrated an exceptional understanding of the challenges and clear path to overcome them; among the proposed critical elements and approaches the team will utilize: communication and coordination with Caltrans oversight, partnering with other third-party entities, resourcing and inspection support and scheduling, traffic control (California Highway Patrol) construction zone enhanced enforcement program and overall quality/safety on the project.
- The proposed team's organizational chart explained roles of key personnel accurately and effectively identifies available personnel resources.
- The Proposal significantly exceeds the RFP minimum requirements in the Key Personnel's Skill and Experience criteria. The Proposal demonstrated the team's experience with project of similar size, scope and complexity and included several projects that are comparable to the I-605 Statement of Services (SOS). In addition, all key personnel have demonstrated Caltrans Highway and previous Metro work experience.
- The proposed team has good experience with highway projects and applicable guidelines and agency standards, some previous projects include sound-walls installation, roadway/bridge widening, and retaining walls among others.
- The proposed Resident Engineer and Sr. Inspector demonstrated strong background in project delivery of design/bid/build projects and the involvement of stakeholders.
- Implementation of SOS is clearly described, the Proposal demonstrated a strong emphasis on staff utilization and management/project control tools application.
- Proposed team staff is crossed-trained and familiar with schedule rotation, and has shown awareness of night work.
- The Proposal demonstrated understanding of the urgency in replacing and providing staff personnel on short notice.

- The Proposal significantly exceeds the RFP minimum requirements in the Project Understanding and Approach. The Proposal demonstrated a thorough understanding of project duration and plan establishment. Furthermore, the team demonstrated the importance of getting long lead items, source inspections and quality assurance.

PreScience Corporation

- The Proposal substantially meets the RFP minimum requirements in the Experience and Capabilities of the Firms on the Team criteria.
- The Proposed team of subconsultants have demonstrated extensive Caltrans highway experience.
- The Proposal substantially meets the RFP minimum requirements in the Experience and Capabilities of the Key Personnel. Proposed Project Manager, Resident Engineer and Quality personnel are highly qualified and met the requirements of the RFP experience qualifications. The Proposer has demonstrated that can handle fluctuating demands and proposed a cost savings approach and presented cross-trained personnel.
- The Proposer demonstrated an understanding of cost control methodology, schedule requirements and familiarity with Caltrans quantities, and risks mitigation for overall implementation of SOS.
- The Proposal identified key project elements and challenges associated with the SOS, along with the team's corresponding project goals and mitigation measures. Safety, third party coordination, utility relocation, staging and project phasing are amongst the key challenges addressed.
- The Prime and subconsultants have demonstrated to have excellent knowledge and experience working with other stakeholders.

MARRS Services, Inc.

- The Proposal substantially meets the RFP minimum requirements in the Experience and Qualifications of Firms on the Team criteria. The Proposer included multiple project examples relative to the SOS that convey the level of experience required for projects of similar, in size, scope and complexity for both the Prime and subconsultants on the team.
- The Resident Engineer, Project Manager, Sr. Construction Inspector and Quality personnel substantially meet all qualifications as required in the SOS. The organizational chart clearly identifies all key personnel and their specific responsibilities on this project.
- The Proposal demonstrates the key personnel's knowledge and experience with agency standards based on experience on Metro and Caltrans projects.
- The Proposal substantially meets the RFP minimum requirements in the Effectiveness of Management Plan criteria. The Proposer demonstrated a thorough understanding of the work expected and proposed experienced staff. The Proposer proposed a streamlined process for contract work orders due to extensive experience on Metro projects.

- The Proposer's project controls methodology and implementation strategy includes an emphasis on scheduling aspects, safety and quality.
- The Proposal highlights utility coordination as a significant project risk and includes language on how the Team intends to address them, specific to the project.
- The Proposal included relevant projects, safety, environmental studies, green construction policy, watch manual and sustainability plan.

PPM Group, Inc.

- The Proposal substantially meets the RFP minimum requirements in the Experience and Capabilities of the Key Personnel. The Proposer's planned team, specifically the proposed Project Manager and Resident Engineer appear to have the Caltrans knowledge, skills and experience that would be beneficial to the Project. The proposed staff is flexible and can accommodate Metro's work demand.
- Organization chart clearly identifies all key personnel. The Proposer presented a very good staff experience matrix.
- The Proposal substantially meets the RFP minimum requirements in the Effectiveness of Management Plan. The Proposal provides a detailed summary of the team's project controls methodology and implementation, with an emphasis on scheduled/budget control and dispute resolution.
- The Proposal substantially meets the RFP minimum requirements in the Project Understanding and Approach. This section in the Proposal demonstrates a thorough understanding of the SOS and how it will be implemented. It highlights potential utility impacts, traffic control measures, third party coordination, and other key coordination items that are essential to the success of the Project.
- The Proposal identifies potential challenges specific to the project and innovative solutions that would result in more efficient or better-quality outcomes while meeting the overall requirements.
- The Proposer included the project challenges with Caltrans, homeless encampments, ADA ramps easements, survey-lines, long lead items, and BMPS.
- The Proposer has excellent safety culture and standards.

Fountainhead, Inc. – Strengths

- Relevant project experience shows that the Proposer has extensive experience with engineering and construction services with Caltrans.
- The Proposal substantially meets the RFP minimum requirements in the Experience and Capabilities of the Key Personnel. The Project Manager and Resident Engineer have a wide range of professional engineering experience on Caltrans projects and areas of expertise are applicable to this Project.
- The Proposal clearly explains the role and technical experience of each key personnel proposed. The organizational chart delineates the communication and reporting relationships clearly.

- The Proposal substantially meets the RFP minimum requirements in the Effectiveness of Management Plan criteria. The organizational chart includes all necessary information in the RFP requirements, identifying key personnel' project roles, available resources, and capability to complete tasks outlined by the SOS.
- The Proposer's project controls methodology and implementation puts a strong emphasis on quality assurance/quality control and the steps taken to implement their review procedure.
- The Proposal generally meets the RFP minimum requirements in the project Understanding and Approach. The proposer provides a thorough understanding of Metro's objectives for the Contract, as well as a plan on how intends to perform and satisfy the requirements of the SOS, broken down in the pre-construction, construction and close-out phases.

RT Engineering, Inc.

- The Proposal generally meets the RFP minimum requirements in the Experience and Qualifications of Firms on the Team. The experience and qualifications described in the proposal demonstrate that the proposed firms on the team have experience with Caltrans and Metro with project of similar size, scope and complexity.
- The Proposal generally meets the RFP minimum requirements in the Experience and Capabilities of the Key Personnel. The Proposal demonstrated a team of subconsultants with depth in personnel for support and inspections for the project.
- The Proposed Project Manager has extensive Caltrans experience.
- The Proposal includes significant details on risk and delay mitigation.
- The Proposal generally meets the RFP minimum requirements in the Project Understanding and Approach.

The Proposal Evaluation Team (PET) evaluated and ranked the six proposals within the competitive range, based on the evaluation criteria in the RFP. The PET assessed major strengths, weaknesses and associated risks of each of the proposers to determine the most advantageous firm. The final scoring was based on evaluation of the written proposals and clarifications received from the Proposers. The results of the final scoring and ranking are shown below:

1	Firm	Average Score	Factor Weight	Weighted Average Score (1)	Rank
2	Ghirardelli Associates, Inc.				
3	Experience and Capabilities of the Firms on the Team	94.00	20%	18.80	

4	Experience and Capabilities of the Key Personnel	92.83	20%	18.57	
5	Effectiveness of Management Plan	96.08	20%	19.22	
6	Project Understanding and Approach	95.53	25%	23.88	
7	Cost Proposal (2)	83.73	15%	12.56	
8	Total		100.00%	93.03	1
9	PreScience Corporation				
10	Experience and Capabilities of the Firms on the Team	89.50	20%	17.90	
11	Experience and Capabilities of the Key Personnel	94.33	20%	18.87	
12	Effectiveness of Management Plan	89.92	20%	17.98	
13	Project Understanding and Approach	83.60	25%	20.90	
14	Cost Proposal (2)	100.00	15%	15.00	
15	Total		100.00%	90.65	2
16	MARRS SERVICES, INC.				
17	Experience and Capabilities of the Firms on the Team	83.00	20%	16.60	
18	Experience and Capabilities of the Key Personnel	92.92	20%	18.58	
19	Effectiveness of Management Plan	92.25	20%	18.45	
20	Project Understanding and Approach	85.33	25%	21.33	
21	Cost Proposal (2)	73.6	15%	11.04	
22	Total		100.00%	86.00	3

23	PPM Group, Inc.				
24	Experience and Capabilities of the Firms on the Team	84.42	20%	16.88	
25	Experience and Capabilities of the Key Personnel	84.83	20%	16.97	
26	Effectiveness of Management Plan	84.67	20%	16.93	
27	Project Understanding and Approach	93.00	25%	23.25	
28	Cost Proposal (2)	76.01	15%	11.40	
29	Total		100%	85.43	4
30	Fountainhead Consulting Corporation				
31	Experience and Capabilities of the Firms on the Team	87.50	20%	17.50	
32	Experience and Capabilities of the Key Personnel	86.17	20%	17.23	
33	Effectiveness of Management Plan	82.83	20%	16.57	
34	Project Understanding and Approach	72.33	25%	18.08	
35	Cost Proposal(2)	90.20	15%	13.53	
36	Total		100%	82.91	5
37	RT Engineering & Associates, Inc.				
38	Experience and Capabilities of the Firms on the Team	77.17	20%	15.43	
39	Experience and Capabilities of the Key Personnel	72.00	20%	14.40	

40	Effectiveness of Management Plan	72.00	20%	14.40	
41	Project Understanding and Approach	76.87	25%	19.22	
42	Cost Proposal (2)	83.67	15%	12.55	
43	Total		100%	76.00	6

Note:

- 1) Weighted scores are rounded up to the nearest second decimal point.
- 2) Cost proposals were based on the Proposers' rates for the provided level of effort of 64,690 hours. Scores shown above for the cost proposals are based on formula in the RFP highest score going to the lowest cost proposal.

C. Cost/Price Analysis

Metro staff performed a cost analysis on all six proposals in the competitive range and established a negotiation plan and commenced with negotiations. The final negotiated amounts complied with all requirements of Metro Procurement Policies and Procedures, including fact-finding, clarifications and cost analysis. To prevent delay in contract award, provisional indirect cost rates were established subject to retroactive adjustments upon completion of any necessary audits. The negotiated costs were determined to be fair and reasonable.

	Proposer Name	Proposal Amount ⁽¹⁾	Metro ICE	Recommended Contract Amount ⁽²⁾
1	Ghirardelli Associates, Inc.	\$4,838,257.36	\$5,354,880.91	\$4,423,717.65
2	PreScience Corporation	\$4,049,766.00		
3	MARRS SERVICES, INC.	\$5,502,592.77		
4	PPM Group, Inc.	\$5,532,563.86		
5	Fountainhead Consulting Corporation	\$4,489,279.55		
6	RT Engineering & Associates, Inc	\$4,839,764.75		

Note¹: The Proposal Amount is based on revised level of effort and included the Base three (3) years plus two (2) years option.

Note ²: The Award Price includes the Base three (3) years, only.

D. Background on Recommended Contractor

The recommended firm, Ghirardelli Associates, Inc., located in Irvine, California, has been in business since 1999, providing construction management services to California cities, counties, regional transportation agencies, and Caltrans. A few of their regional clients include LACMTA, Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), Transportation Corridor Agencies (TCA), City of Anaheim, County of Los Angeles, and Caltrans Districts 7, 8, 9, 11, and 12.

DEOD SUMMARY

**I-605 CONSTRUCTION SUPPORT SERVICES
CONTRACT NUMBER PS68033**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 27% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. Ghirardelli Associates, an SBE Prime, exceeded the goal by making a 93.36% SBE and 6.64% DVBE commitment.

Small Business Goal	27% SBE 3% DVBE	Small Business Commitment	93.36% SBE 6.64% DVBE
----------------------------	----------------------------	----------------------------------	----------------------------------

	SBE Subcontractors	% Committed
1.	Ghirardelli Associates (SBE Prime)	72.87%
2.	GPA Consulting	5.01%
3.	SafeworksCM	3.10%
4.	ZT Consulting Group	12.38%
	Total SBE Commitment	93.36%

	DVBE Subcontractor	% Committed
1.	Casamar Group	6.64%
	Total DVBE Commitment	6.64%

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

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.



Board Report

File #: 2020-0825, **File Type:** Informational Report

Agenda Number: 40.

CONSTRUCTION COMMITTEE JANUARY 21, 2021

SUBJECT: OFFICE OF THE INSPECTOR GENERAL CHANGE ORDER CONSTRUCTION SPOT CHECKS

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE Office of the Inspector General Change Order Construction Spot Check Report for the period September 1 to November 30, 2020.

ISSUE

On January 25, 2018, the Metro Board directed the Office of the Inspector General ("OIG") to conduct random spot checks on change orders for the projects listed in the quarterly program management report to ensure that the CEO Delegation of Authority to approve Construction Change Orders Policy is performing in the manner desired by the Board of Directors.

BACKGROUND

The OIG's Construction Change Order Spot Check Program ("Spot Checks") focuses on approved change orders and modifications that exceed \$500,000. The four change orders in this report were selected from the January 2021 Program Management Major Project Status Report (Legistar file # 2020-0836) covering September 1 to November 30, 2020. The information for the Spot Checks was collected from the Program Management Information System (PMIS) which is the department's database system. Also, TEAM meetings and telephonic interviews were conducted with Metro Program Management, Project Control, and Procurement staff from each project office.

We found that all four of the change orders in this report were negotiated and executed more expeditiously than would have occurred pursuant to the former Board approval process, and all four were approved faster with the new delegation of authority. In addition, all four change orders were negotiated at lower cost than the contractors' proposed price. This quarter's Spot Checks of change orders found the delegation of authority has resulted in:

- A negotiated amount that was less than the contractors' proposed price for the work to be done,
- Enabled the contractor to immediately order parts and materials, reducing delay,

- Contractor and was able to continue working without stoppages related to these change orders, and
- Zero construction delay costs were incurred for these changes.

Each Spot Check summarizes the following areas:

- Description of the change order,
- Change order detail,
- Scope of Work,
- Budget,
- Schedule: Time to execute the change order, and
- Recommendations if any.

Metro's Program Control department will provide responses to the recommendations in this report of OIG Spot Checks within 30 days after this Board report. Included with this report is a separate spreadsheet of recommendations and the status of responses concerning former OIG Spot Check recommendations.

DISCUSSION

Spot Checks Performed in this Quarter

A. Spot Check #1 - Regional Connector - Transit Corridor Project

This OIG Spot Check report concerns the Regional Connector - Transit Corridor Project (Contract C0980 MOD-00184) Expanded Duco Yard and Temple Street Sanitary Sewer Work

Change Order Detail

See Attachment A Spot Check #1 chart.

Summary #1

Scope of Work -

This change order is to realign a sewer line inside of Los Angeles Department of Water and Power (LADWP) Facility at Duco Yard, located on the corner of East Temple Street and Alameda Street.

During field investigation it was discovered that an active sewer line into LADWP's Duco Yard was in direct conflict with the proposed underground track and guideway structure construction plans. This active sewer line was incorrectly shown on recorded as-built drawings as being abandoned.

The project team performed analysis of multiple alternatives and determined the only workable solution for the sewer conflict was to realign the sewer inside Duco Yard to drain into the publicly owned sanitary sewer line on Temple Street. Temple Street sewer would need to be expanded from 8-inch pipe to a 10-inch to accommodate the additional sewage flow. The work will be done within the LADWP Duco Yard and a property right-of-entry agreement has been secured from LADWP.

Budget -This modification was negotiated, and the award amount is \$3,060,510. The contractor's proposal was \$3,724,682 and the ICE was \$2,924,507. The award amount was \$664,172 (17.8%) under the contractor's proposal. The negotiated amount was \$136,003 (4.65%) over the ICE. Staff has stated that funds for this change are within the approved Life-of-Project budget.

Schedule - The new delegation process was utilized for this modification. The agreed upon scope of work occurred on November 5, 2020. The modification was awarded on November 20, 2020 and was completed in 12 workdays. Under the prior Board approval method for change orders, assuming a January Board meeting date, it would have taken an additional 54 workdays to complete the work.

Recommendation - The OIG recommends that future contracts with the designer should include verification of sewers identified as abandoned, and to document the verification on the construction drawings if the cost of such verification is minor and the consequences of reliance on erroneous information is significant. Additionally, the OIG recommends that the as-built record drawings at the City be updated.

B. Spot Check #2 - Purple Line Extension Section 1 Transit Project

This OIG Spot Check report concerns the Purple Line Extension Section 1 Transit Project (Contract C1045 MOD-00121), Alternate Soil Disposal

Change Order Detail

See Attachment A Spot Check #2 chart.

Summary #2

Scope of Work - This change order is due to an increase in fees, capacity limits, and modified hours of operation at the Chiquita Canyon landfill where dumping of materials is done for this project. Metro has an agreement with this landfill location, but the landfill changed its pricing in 2017 which affected the Purple Line Section 1 ongoing costs. The Chiquita Canyon landfill dump fees for clean dirt increased from \$5 per ton to \$10 per ton and for contaminated non-hazardous soil from \$17.25/ton to \$23.25/ton. Additionally, the landfill's daily maximum capacity was lowered to not exceed 12,000 tons on any given day. Furthermore, the landfills open hours were reduced.

Invoices and weight tickets have accumulated over the years and have now been provided for October 1, 2017 through December 31, 2020. During this period a total of 1,112,965 tons of clean soil and 539,291 tons of contaminated soil were identified as 'Alternate Soil Disposal Quantities' that were hauled away from the project and disposed of at other landfill sites and at higher rates than applied before the rate increase.

By both raising the rates, limiting hours of operation and lowering the daily capacity the contractor not only had to pay more than what was originally negotiated in the construction contract but was forced to haul both the clean and contaminated dirt to other landfills that may be a farther distance.

Budget -This modification was negotiated, and the award amount is \$16,469,000. The contractor's proposal was \$21,525,548 and the ICE was \$15,680,422. The award amount was \$5,056,548 (23.5%) under the contractor's proposal. The negotiated amount was \$788,558 (5.0%) over the ICE. Staff has stated that funds for this change are within the approved Life-of-Project budget.

Schedule - The new delegation process was utilized for this modification. The agreed upon scope of work occurred on September 10, 2020. The modification was awarded on October 21, 2020 and was completed in 30 workdays. Under the prior Board approval method for change orders, assuming a November Board meeting date, it would have taken an additional 52 workdays to complete the work.

Recommendation - California laws, including Senate Bill 1383 of 2016 set mandatory targets to reduce waste going to landfills. Metro developed a recycling policy (GEN 51) in response to State recycling goals and to support Metro's sustainability goals. The Conditional Use Permit for the Chiquita Canyon Landfill was set to expire and the Landfill operator sought a new permit, which was granted in July, 2017. The new permit requirements limits the rate of tonnage of dumping allowed, hours of operation, and the county set other multiple requirements that Chiquita Canyon must adhere to. The OIG recommends:

1. Construction waste disposal options are utilized to minimize project costs and to help achieve the reduction goal of a 75% reduction in waste by 2025;
2. Project teams work very closely with the Metro Sustainability Department, State, Los Angeles County, other regulators, landfill owners, and contractor's personnel, to determine options consistent with GEN 51 for the reuse of soils and construction debris in the current or other construction sites;
3. When a Board member has a matter come before them at their respective municipalities that can potentially effect Metro projects, if they would give notice to Metro of the matter, Metro can determine how its projects will be impacted and possibly address the matter with the municipality or 3rd party prior to the matter being approved including possibly negotiate that the terms of a permit not allow price increases or other impacts on Metro projects where contractual commitments have previously been negotiated in reliance on previous conditions; and
4. LA Metro evaluate how other LA Metro projects for which a contract was entered may be impacted by the newly imposed landfill mitigations and higher fees.

C. Spot Check #3 - Purple Line Extension Section 2 Transit Project

This OIG Spot Check report concerns the Purple Line Extension Section 2 Transit Project (Contract C1120 MOD-0091), Increase UPS Spare Capacity at Wilshire Rodeo and Century City Constellation Stations

Change Order Detail

See Attachment A Spot Check #3 chart.

Summary #3

Scope of Work -

This change order concerns uninterruptible power supplies (UPS). UPS are primarily used to provide a backup power source. This change order will increase the capacity of the UPS batteries from 50% to 100% at the Wilshire Rodeo and Century City Constellation Stations along the Purple Line.

When the RFP for this project was prepared the Metro Rail Design Criteria (MRDC) technical requirements were amended, however Contract General and Technical Requirements for the UPS capacity were not accordingly updated to match the updates in the MRDC. This Change Order accomplishes compliance with the MRDC that determined a higher level of backup power capacity

was more prudent.

Budget -This modification was negotiated, and the award amount is \$800,381. The contractor's proposal was \$1,115,685 and the ICE was \$697,053. The award amount was \$315,304 (28.3%) under the contractor's proposal. The negotiated amount was \$103,328 (14.8%) over the ICE. Staff has stated that funds for this change are within the approved Life-of-Project budget.

Schedule - The new delegation process was utilized for this modification. The agreed upon scope of work occurred on July 30, 2020. The modification was awarded on September 16, 2020 and was completed in 33 workdays. Under the prior Board approval method for change orders, assuming a September Board meeting date, it would have taken an additional 39 workdays to complete the work.

Recommendation - The OIG recommends that immediately prior to sending out an RFP, Metro should insure that the most current MRDC is used.

D. Spot Check #4 - Purple Line Extension Section 3 Transit Project

This OIG Spot Check report concerns the Purple Line Extension Section 3 Transit Project (Stations Contract C1152 CO-0005.1), VA Hospital Replacement Parking for Lot 42 During Station Construction Phase.

Change Order Detail

See Attachment A Spot Check #4 chart.

Summary #4

Scope of Work - In order to build the Metro station at the Veterans Administration (VA) hospital campus to serve the patrons and the users of the VA hospital, the station location was decided to be placed at the primary parking lot #42. Currently, lot #42 has accessible parking for ADA and is close to the main entrance.

The station area will eliminate approximately two thirds of the parking spaces in lot #42 and temporary parking must be provided over the next several years during construction. The VA has requested Metro to provide temporary parking at other parking lots on the VA campus to accommodate the loss of spaces from parking lot #42 while a permanent replacement parking structure is being constructed. This change order is to upgrade the other parking lots which are in disrepair and not designed to accommodate ADA parking. The upgrade will refurbish the lots and bring them up to ADA code to meet the capacity needs of the hospital.

This change order is out of scope from the original contract because when the RFP was prepared in 2017, there was insufficient information available from the VA to define temporary replacement parking and the location of the new VA parking structure was not yet determined.

In February 2020, Metro issued a change order to initiate the design effort. September of 2020, Metro and the contractor agreed to set an incremental increase with a Not-to-Exceed value in order to provide finances to the contractor to move forward with the construction project. Completion of negotiations is pending receipt of the contractor's future cost schedule proposal (CSP).

Budget -This modification was negotiated as a Not-to-Exceed amount of \$1,727,505. The contractor's proposal was \$2,716,681 and the ICE was \$2,159,382. The award amount was granted as a partial award and the contractor is to notify Metro when costs reach \$1,382,004 which is 80% of the Not-to-Exceed value. The final negotiated amount is to be determined when the contractor submits an updated CSP because of the parking lot changes from the original contract scope.

Schedule - The new delegation process was utilized for this modification. The project office and contractor have only reached a partial agreement on August 28, 2020. The authorization to proceed was reached on September 4, 2020, and work was completed in 5 workdays. Under the prior Board approval method for change orders, assuming an October Board meeting date, it would have taken an additional 39 workdays to complete the transaction.

Recommendation - The OIG recommends that the Project office and Real Estate continue to work closely and aggressively to come to a full resolution with the VA hospital and the contractor on the modified costs.

FINANCIAL IMPACT

This report will have no Financial Impact to the agency.

Impact to Budget

For all of the construction change orders, Metro states the funds are within the approved budget, and will utilize the contingency funds to cover the costs.

- Spot Check #1) \$3,060,510 Regional Connector Transit Corridor Project
- Spot Check #2) \$16,469,000 Purple Line Extension Section 1
- Spot Check #3) \$800,381 Purple Line Extension Section 2
- Spot Check #4) \$1,727,505 Purple Line Extension Section 3

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendations that the Office of Inspector General has put forward support Metro's Strategic Plan Goal #5: Provide responsive, accountable, and trustworthy governance within the Metro organization and CEO goals to exercise fiscal discipline to ensure financial stability. The OIG mission includes reviewing expenditures for fraud, waste, and abuse in Metro program, operations and resources. For each selected change order reviewed, the OIG evaluates whether there are red flags of fraud, waste, or abuse taking place. We report the details of the significant change orders, and make recommendations consistent with the OIG's Construction Best Practices report dated February 29, 2016, more particularly focusing on lessons learned, improving efficiencies, and prudent spending.

Our goal is to provide rational, trustworthy information to the Board and support the efforts of Metro management to constantly improve and refine its efforts for the benefit of the public. The Office of the Inspector General will continue reporting to the Board the results of Construction Change Order Spot Checks selected from the Program Management Major Project Status Quarterly Report.

NEXT STEPS

The OIG shall provide every quarter, an on-going spread sheet of recommendations to Program Control. Program Control and Program Management agrees to respond to the recommendations of the OIG within 30 days. The OIG continues to meet periodically to discuss reports, recommendations, and the status of implementation of recommendations, with Project Management and receive updates. The list of OIG recommendations and Metro management responses, is an attachment to this OIG report.

ATTACHMENTS

Attachment A - Charts for Spot Checks

Attachment B - Tracking Sheet of OIG Recommendations and Responses

Attachment C - Power Point for January 2021 Construction Spot Checks

Prepared by: Prepared by: Suzanna Sterling, Construction Specialist Investigator, (213) 244-7368

Reviewed by: Karen Gorman, Inspector General, (213) 244-7337


Karen Gorman
Inspector General

Spot Check #1 – Regional Connector Transit Corridor Project - Contract C0980**Change Order Detail**

<u>Description of Modification MOD-00184</u> Expanded Duco Yard and Temple Street Sanitary Sewer Work	
<u>Change Order Dates:</u>	
Scope of Work approved	November 5, 2020
Modification Executed	November 20, 2020
<u>Elapsed Time for Executing Change Order:</u>	
Using new delegated process	12 work days
Estimate using former Board approval process Agenda for the January Board (December dark)	54 work days
<u>Cost of Change Order:</u>	
Metro independent cost estimate (ICE)	\$2,924,507
Contractor's proposed cost	\$3,724,682
Negotiated amount	\$3,060,510
Percentage of negotiated amount over ICE	4.65%
Amount negotiated less than the Contractor's proposal	\$664,172

Spot Check #2 - Purple Line Extension Section 1 Transit Project - Contract C1045**Change Order Detail**

<u>Description of Modification MOD-00121</u> Alternate Soil Disposal	
<u>Change Order Dates:</u>	
Scope of Work approved	September 10, 2020
Modification Executed	October 21, 2020
<u>Elapsed Time for Executing Change Order:</u>	
Using new delegated process	30 work days
Estimate using former Board approval process Agenda for the November Board	52 work days
<u>Cost of Change Order:</u>	
Metro independent cost estimate (ICE)	\$15,680,422
Contractor's proposed cost	\$21,525,548
Negotiated amount	\$16,469,000
Percentage of negotiated amount over ICE	5.0%
Amount negotiated under Contractor's proposal	\$5,056,548

Spot Check #3 - Purple Line Extension Section 2 Transit Project - Contract C1120**Change Order Detail**

<u>Description of Modification MOD-0091</u> Increase UPS Spare Capacity at Wilshire Rodeo and Century City Constellation Stations	
<u>Change Order Dates:</u>	
Scope of Work approved	July 30, 2020
Modification Executed	September 16, 2020
<u>Elapsed Time for Executing Change Order:</u>	
Using new delegated process	33 work days
Estimate using former Board approval process Agenda for the September Board	39 work days
<u>Cost of Change Order:</u>	
Metro independent cost estimate (ICE)	\$697,053
Contractor's proposed cost	\$1,115,685
Negotiated amount	\$800,381
Percentage of negotiated amount over ICE	14.8%
Amount negotiated under Contractor's proposal	\$315,304

Spot Check# 4 - Purple Line Section 3 Transit Project – Stations Contract C1152**Change Order Detail**

<u>Description of Modification - CO-0005.1</u> VA Hospital Replacement Parking for Lot 42 During Station Construction Phase	
<u>Change Order Dates:</u>	
Scope of Work partial agreement	August 28, 2020
Modification Executed as Not-to-Exceed	September 04, 2020
<u>Elapsed Time for Executing Change Order:</u>	
Using new delegated process	5 work days
Estimate using former Board approval process Agenda for the October	39 work days
<u>Cost of Modification:</u>	
Metro independent cost estimate (ICE)	\$2,159,382
Contractor's proposed cost	\$2,716,681
Negotiated as PARTIAL AWARD: Not-to-Exceed	\$1,727,505
Percentage of negotiated amount over ICE	TBD
Amount negotiated under the Contractor's proposal	TBD

ATTACHMENT B (January 2021)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
January 2021 #1 Contract C0980 MOD-00184 Regional Connector - Transit Corridor Project Expanded Duco Yard and Temple Street Sanitary Sewer Work	The OIG recommends that future contracts with the designer should include verification of sewers identified as abandoned, and to document the verification on the construction drawings if the cost of such verification is minor and the consequences of reliance on erroneous information is significant. Additionally, the OIG recommends that the as-built record drawings at the City be updated.		
January 2021 #2 Contract C1045 MOD-00121 Purple Line Extension Sect. 1 Alternate Soil Disposal	<p>California laws, including Senate Bill 1383 of 2016 set mandatory targets to reduce waste going to landfills. Metro developed a recycling policy (GEN 51) in response to State recycling goals and to support Metro's sustainability goals. The Conditional Use Permit for the Chiquita Canyon Landfill was set to expire and the Landfill operator sought a new permit, which was granted in July, 2017. The new permit requirements limits the rate of tonnage of dumping allowed, hours of operation, and the county set other multiple requirements that Chiquita Canyon must adhere. The OIG recommends:</p> <ol style="list-style-type: none"> 1. Construction waste disposal options are utilized to minimize project costs and to help achieve the reduction goal of a 75% reduction in waste by 2025; 2. Project teams work very closely with the Metro Sustainability Department, State, Los Angeles County, other regulators, landfill owners, and contractor's personnel, to determine options consistent with GEN 51 for the reuse of soils and construction debris in the current or other construction sites; 3. When a Board member has a matter come before them at their respective municipalities that can potentially effect Metro projects, if they would give notice to Metro of the matter, Metro can determine how its projects will be impacted and possibly address the matter with the municipality or 3rd party prior to the matter being approved including possibly negotiate that the terms of a permit not allow price increases or other impacts on Metro projects where contractual commitments have previously been negotiated in reliance on previous conditions; 4. LA Metro evaluate how other LA Metro projects for which a contract was entered may be impacted by the newly imposed landfill mitigations and higher fees. 		
January 2021 #3 Contract C1120 MOD-0091 Purple Line Extension Sect. 2 Increase UPS Spare Capacity at Wilshire Rodeo and Century City Constellation Stations	The OIG recommends that immediately prior to sending out an RFP, Metro should insure that the most current MRDC is used.		

ATTACHMENT B (January 2021)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
January 2021 #4 Contract C1152 CO-0005.1 Purple Line Extension Sect. 3 VA Hospital Replacement Parking for Lot 42 During Station Construction Phase	The OIG recommends that the Project office and Real Estate continue to work closely and aggressively to come to a full resolution with the VA hospital and the contractor on the modified costs.		

ATTACHMENT B (October 2020)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
October 2020 #1 Contract C0988 MOD-00485 Crenshaw/LAX Transit Corridor Project Case 5 Bedding Required by LABOE	<p>Since the 'Green book' states the support and materials for sewer and storm drain pipe are to be encased in concrete, the OIG recommends that the LA Metro rail standard drawing US-014, be updated to reflect the required City standard and Metro may negotiate with the LABOE to adopt a different standard for specific projects as warranted.</p> <p>We further recommend, as discussed in previous reports, that Metro study the large discrepancies between the Metro ICE and the award amounts to determine if there is a method by which those discrepancies can be narrowed. This recommendation applies to many of the Spot Checks reviewed in this Report, and is based also on a Metro audit completed by the Management Audit Services Department that noted significant discrepancies in these amounts to be a frequent occurrence.</p>	Recommendation will be incorporated into C/LAX project Lessons Learned.	
October 2020 #2 Contract C1045 MOD-00111 Purple Line Extension Sect. 1 Fairfax Paleo Zone Modified Limits	The OIG recommends future GBR's include a more comprehensive underground site assessment to determine a better approximation of the marine and paleo geological layers. In this instance, a robust underground assessment would have avoided the costly change order. However, the additional excavation costs would have been included in the higher base bid value.	Recommendation will be incorporated into PLE1 project Lessons Learned.	
October 2020 #3 Contract C1120 MOD-00080 Purple Line Extension Sect. 2 Demobilization and Remobilization due to COBH Moratorium	<p>The MOA between Metro and COBH imposes additional restrictions on Metro and adds costly change orders to the original contract.</p> <p>The OIG recommends Metro adopts a standardized MOA for use in negotiations with all jurisdictions within Los Angeles County and utilizes this agreement for every construction project going forward in each respective jurisdiction and that budget estimates for projects should be revised as necessary to take into consideration MOAs entered into.</p>	Agreed.	
October 2020 #4 Contract C1151 MOD-0004.1 Purple Line Extension Sect. 3 Increase Ground Water Treatment Plant Capacity at Tail Track Exit Shaft	<p>It is the OIG's understanding that water pump tests and water quality tests were performed, but they were performed at the original location, the Army Reserve site, which is no longer the correct shaft location. Now the site is at the Veterans Administration property. A change in location can greatly affect both the levels and quality of the groundwater, thus increasing the revised dewatering process.</p> <p>It is critical that the Real Estate Department be included at the earliest possible time in negotiating the property requirements for a project. Having to change location plans after a contract award can have significant scheduling and expense consequences.</p>	The location of the Tail Track Exit Shaft had to move from an environmentally cleared site occupied by the Army reserve site to the US Department of Veterans Affairs West Los Angeles campus when it became evident that the US Army Reserve was unwilling to allow the use of this location for either construction laydown or a permanent Metro Facility. Metro Real Estate and Project staff successfully negotiated with the Department of Veterans Affairs to enable relocation of this construction laydown area and permanent facility to their West Los Angeles Campus.	

ATTACHMENT B (October 2020)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
October 2020 #5 Contract C1151 MOD-0005 Purple Line Extension Sect. 3 Addition of Sepulveda Staging Area to Compensate VA Site Reduction	<p>The Purple Line Extension 3 was a 'next decade project' and was accelerated to be completed in the next 5 years with many project processes that had to be compressed to meet the schedule. We also understand that the real estate acquisition process is contingent on the funding being in place.</p> <p>The real estate acquisition process and all other real estate arrangements must be negotiated as early as possible and negotiate those property rights strategically to ensure we have our real estate needs met at the earliest and least expensive manner possible.</p>	<p>The space available for staging at the Tail Track Exit Shaft on the Department of Veterans Affairs Campus is limited; being located in a nationally designated historic district. Metro Real Estate and Project Staff have and are working closely together, in a timely manner to ensure real estate acquisitions are coordinated with project need dates to minimize overall risk and cost to Metro in delivering the project.</p>	

ATTACHMENT B (August 2020)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
<p>August 2020 #1 Contract C1045 MOD-00095 Purple Line Extension Sect. 1 Transit Project: Phase 5 Golder EOR Mitigation Plan Implementation</p>	<p>The OIG is in agreement with applying extra safety precautions that the Metro project office has put forward. Where conditions are relatively unique to the tunneling industry, more prescriptive specifications for means and methods in these zones is warranted.</p> <p>Since the Contractor, Golder Gas, performed the entire mitigation plan including removal and mitigation, the OIG recommends that LA Metro ensure that Golder Gas is held contractually, jointly, and severally liability for any future incident involving gas in the area where the soil vapor extraction wells and the monitoring wells are installed and abandoned. This is the common practice in environmental cases where a "consulting expert" is hired to monitor and mitigate a hazardous substance issue.</p>	<p>The Section 1 Project will review the indemnification text issued to Golder that was required by STS in order for Golder to proceed with the work. This indemnification will determine what Golder's future obligations are.</p>	
<p>August 2020 #2 Contract C1045 MOD-00106 Purple Line Extension Sect. 1 Center Muck Shaft at La Brea (ECI-03)</p>	<p>The OIG recognizes that this type of shaft at the La Brea station can serve a legitimate purpose and that the OIG recommends that use of such methods should be considered and contemplated in future project specifications and a reserve for same should be made when the savings in time, expense, and safety outweigh the cost of such a shaft.</p>	<p>OIG comment received will be included in the lessons learned.</p>	
<p>August 2020 #3 Contract C1045 MOD-00107 Purple Line Extension Sect. 1 Center Muck Shaft at La Brea (ECI-03)</p>	<p>The OIG is concerned that a bid of 40% over an ICE, when you are in a noncompetitive circumstance, may not be a good faith offer or bad communication on specifications. Such behaviors can have the effect of damaging a relationship during an early phase of construction and create distrust that can harm project collaboration in the future. We appreciate a contractor's willingness to proceed on work even without a commitment from Metro in some cases for the payment for that work, but recommend the contractor exercise greater care in formulating its proposals and that Metro be clear and fair but diligent and firm in its ICE calculations and negotiations stance.</p>	<p>OIG comment received. Contractor will be reminded to have appropriate personell attend the fact finding and provide timely complete CSP in order to resolve issues in a collaborative manner.</p>	

ATTACHMENT B (August 2020)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
<p>August 2020 #4 Contract C1120 MOD-00073 Purple Line Extension Sect. 2 Century City Constellation Station Track work Extension</p>	<p>1. The OIG is concerned that a bid is almost 3 times over the ICE, when you are in a noncompetitive circumstance, may not be a good faith offer or bad communication on specifications. Such behaviors can have the effect of damaging a relationship during an early phase of construction and create distrust that can harm project collaboration in the future. We appreciate a contractor's willingness to proceed on work even without a commitment from Metro in some cases for the payment for that work, but recommend the contractor exercise greater care in formulating its proposals and that Metro be clear and fair but diligent and firm in its ICE calculations and negotiations stance.</p> <p>LA Metro is having to absorb the cost of track extension change orders that arose due to errors and omissions on the part of the engineering consultant WSP. The OIG was informed that WSP miscalculated the braking distance in the initial project definition drawings that were supplied to the construction contractor. Metro will have to cover this expense with the contractor, but should look to the design engineering firm for reimbursement to Metro of the costs it would not have had to otherwise incur less amounts saved or mitigations.</p> <p>2. The OIG additionally recommends that Metro review the current Metro Rail Design Criteria (MRDC) compared to the newly released FRA track design standards for accommodating a train entering a stub-end to determine if any modification or update to our MRDC is warranted.</p>	<p>1. If a Cost and Schedule Proposal (CSP) is significantly higher than the Independent Cost Estimate (ICE), Metro's Contract Administrator and the Project Team engages in further meetings with the Contractor to clarify scope in order to determine the source of the discrepancies between the two estimates. These meetings are professional in nature, and often result in favorable resolution on a price that is somewhere between the ICE and the revised CSP. This process ultimately leads to the execution of mutually agreed upon Contract Modifications, and avoids costly disputes related to Changed Work.</p> <p>Related to the cost of the change, if WSP had calculated the braking distance correctly, the Contractor's proposal price would have included the cost for the trackwork that was recently added by Contract Modification. As a result, the awarded contract value would have been slightly higher, and the project contingency slightly lower at Notice to Proceed. The only additional cost that this error by WSP may have created is a theoretical premium for paying for added trackwork in a non-competitive environment, which would be difficult to prove. It should be noted that the difference between the executed Contract Modification price and the ICE was about 17%, or \$171,000. As a result, it is likely that it would be difficult for Metro to determine if it paid a non-competitive premium. That said, the recommendation will be discussed with senior executive management in VCM and Program Management to determine if any action against WSP will take place.</p> <p>2. This recommendation will be referred to Metro Engineering for consideration.</p>	

ATTACHMENT B (April 2020)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
April 2020 #1 C0980 MOD-00161 Regional Connector - Procure Medium Attenuation Fasteners in Lieu of Standard Direct Fixation Rail Fasteners for the 2nd & Broadway Crossover	<p>Regional Connector project is very unique because of all the existing historical buildings above the construction. Noise pollution has become a major concern for urban transit dwellers and authorities. The rule of thumb is a 10decibel technical increase in noise is heard by the human ear as "doubled" in loudness. When constructing underground for tunnels and stations the Environmental Impact Report must remember to always mitigate sound and vibration to protect the potentially impacted fragile surface buildings.</p> <p>The OIG recommends this scenario be written into the Lessons Learned file for future similar situations when constructing under historic or special case existing buildings.</p>	<p>The Regional Connector Project has extensive vibration mitigation elements included in the design where the operating guidway passes nearby sensitive receptors including recording studios, music venues and hotels. The project also requires that noise and vibration monitoring be performed during construction near sensitive facilities.</p> <p>The lesson learned and responded to in the referenced Contract Modification, is that information gathered during construction monitoring should be used to adjust the designed mitigations where field conditions indicate they are necessary.</p>	Completed with issuance of subject contract modification. Equipment to be installed 3rd quarter 2020
April 2020 #2 C1045 MOD-00098 Purple Line Sect. 1 Additional Air Scrubbers at Fairfax Station	<p>The OIG recommends further questioning to Southern California AQMD to determine why on a previous Metro construction contract (at the same location) they set the emission limit at 50 parts per billion, and the published standards are set at an emission limit of 30 parts per billion. On this contract the limits are set at 15 parts per billion. The inconsistency of the emissions limit should be taken under consideration and request in writing from AQMD why the standard emission limit could not be applied to this permit.</p> <p>The OIG further recommends in future construction pre-bid meetings, disclose to all potential contractors that the AQMD permit values necessary for the technical specification, "Temporary Construction Ventilation for Scrubber Units" has varied in the recent past and to verify the amount with an AQMD representative. If possible a commitment needs to be obtained from AQMD by the contractor at the time of submission of a bid amount, that the standard is firm for a defined period.</p>	<p>The emissions limit for equipment was set at the time the Contractor submitted the specific ventilation plan to SCAQMD for permit.</p> <p>The SCAQMD does not have a set standard for hydrogen sulfide, but the states standard is 30 parts per billion. SCAQMD develops their requirements based on specific site conditions. Our EIR states Metro and its contractors will set and maintain work equipment and standards to meet SCAQMD standards.</p> <p>A letter will be sent to SCAQMD for clarification on how SCAQMD can consistently apply emissions regulations for hydrogen sulfide for Metro's future projects.</p>	
April 2020 #3 C1120 MOD-00064 Purple Line Sect. 2 Geotechnical Instrumentation Installation and Monitoring AT&T and Beverly Hills High School	The OIG recommends that the independent estimator visit the field location concerning where the work for this change order will occur. The construction manager should walk the estimator through the scope of the changes for which they are developing a cost estimate. The independent estimate was a 126.7% lower than the negotiated price. Where such significant discrepancies in price estimates exist, either the estimator for Metro, or the estimator for the contractor needs to re-evaluate the scope of the change order.	Agreed. Moving forward the estimating group will endeavor to work even more closely with available subject matter experts to assure a thorough understanding of scope and of the engineering and construction processes involved.	
April 2020 #4 C1151 MOD-00001 Purple Line Sect. 3 Revise the Tail Track Exit Shaft Location from US Army Reserv to Veterans Affairs Property	<p>If the Army Reserve location had been negotiated prior to the contract award, these amounts might have been included in the original bid, although the price then and now might have been the same for this different location.</p> <p>The OIG recommends Real estate arrangements should be negotiated as early as possible.</p>	Metro agrees with the OIG's comment regarding the price of the change. The cost would roughly be the same whether it was negotiated prior to contract award or after award. We agree that real estate arrangements (agreements) should be negotiated as early as possible. The project initiated contact with the property owner for the Exit Shaft property acquisition after the project was identified to be accelerated from the original 2035 Revenue Service Date. Metro did engage in talks with the VA early in the Project but obtaining VA approval to access their property has not been without a few challenges that Metro was able to overcome.	

ATTACHMENT B (January 2020)

OIG REPORT/ SPOT CHECK # MOD #	RECOMMENDATIONS	MANAGEMENT'S RESPONSES	COMPLETION DATE
Jan 2020 / #1 C0988-MOD-00437 Crenshaw/LAX UG1 (H2S) Ventilation Fans - Construction	none		
January 2020 #2 C0980 MOD-00154 Regional Connector - Acoustical Treatments for Areas Not on Finish Schedule	none		
January 2020 #3 C1045 MOD-00089 Purple Line Sect. 1 Development and On Site Validation of the Selected Gas Mitigation Option for M13	<p>While the soil at every site is unique, it is possible to create a standard for testing soils for gasses. There is no current rule or technical specification within Metro criteria for extraction of CH₄ or H₂S from the soil.</p> <p>The OIG recommends after the final report is submitted by the contractor, that a technical specification for testing be developed and written into the MDRC to use in the future.</p>	PLE1 Final M13 Mitigation Report will be forwarded to Metro Geotechnical Department for their review and further processing.	
January 2020 #4 C1045 MOD-00090 Purple Line Sect. 1 Oil Well Investigation In Lieu of TBM Probe Ahead	<p>The implementation of the drilling and magnetometer survey from Section 1 has been incorporated into Purple Line Extension Section 2 and 3 contracts.</p> <p>The OIG recommends that the procedures implemented for locating tanks, pipes and other abandoned waste be added to the Lessons Learned database.</p> <p>The OIG further recommends that Metro evaluates whether to pursue recovery for waste removal costs under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund. Passed in 1980). The OIG recommends that Metro's Engineering Program Management provide information on this matter to Metro's Legal department to assist in making this determination and potentially pursuing this recovery.</p>	PLE1 implemented methodologies for locating known tanks, pipes and other abandoned waste will be added to the Lessons Learned database. PLE1 notes that the hazardous waste removal is relatively small/negligible compared with the overall volume of soil removed. After reviewing the potential ROI on pursuing legal actions against any potential responsible parties for cost recovery the current determination based on the available data is that it is not worth the effort and cost at this time. However, it was decided that Metro County Counsel would provide a preliminary review on the issue and it would be revisited in the future.	

Office Of Inspector General Construction Change Order Spot Check Report

Presented By
Karen Gorman
Inspector General

January 2021

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Spot Check Costs

File #
2020-0825

Summary of Selected Change Order Costs

Four OIG spot checks of Change Orders / Modifications reported

1 Change Order for Regional Connector Transit Corridor

❖ Expanded Duco Yard and Temple Street Sanitary Sewer Work = \$3,060,510

2 Change Order Purple Line Section 1

❖ Alternate Soil Disposal = \$16,469,000

3 Change Order for Purple Line Section 2

❖ Increase UPS Spare Capacity at Wilshire Rodeo and
Century City Constellation Stations = \$800,381

4 Change Order for Purple Line Section 3

❖ VA Hospital Replacement Parking for Lot 42 During Station
Construction Phase = \$1,727,505

Spot Check Schedule Comparison

File #
2020-0825

Schedule Comparison: new delegated process vs. former Board approval process

PROJECT	Title of Change Order	Time Saved Executed date to Board Mtg.	NEW Delegated Process final SOW to Executed date	Former Board Approval Process
REGIONAL CONNECTOR	Expanded Duco Yard and Temple Street Sanitary Sewer Work	42	12	54
WESTSIDE PURPLE LINE SECT 1	Alternate Soil Disposal	22	30	52
WESTSIDE PURPLE LINE SECT 2	Increase UPS Spare Capacity at Wilshire Rodeo and Century City Constellation Stations	6	33	39
WESTSIDE PURPLE LINE SECT 3	VA Hospital Replacement Parking for Lot 42 During Station Construction Phase	34	5	39

Spot Check Recommendations

File #
2020-0825

#1
Contract C0980
MOD-00184
Regional
Connector -
Transit Corridor
Project
Expanded Duco
Yard and Temple
Street Sanitary
Sewer Work

The OIG recommends that future contracts with the designer should include verification of sewers identified as abandoned, and to document the verification on the construction drawings if the cost of such verification is minor and the consequences of reliance on erroneous information is significant. Additionally, the OIG recommends that the as-built record drawings at the City be updated.

Spot Check Recommendations

File #
2020-0825

#2
Contract C1045
MOD-00121
Purple Line
Extension Sect. 1
Alternate Soil
Disposal

California laws, including Senate Bill 1383 of 2016 set mandatory targets to reduce waste going to landfills. Metro developed a recycling policy (GEN 51) in response to State recycling goals and to support Metro's sustainability goals. The Conditional Use Permit for the Chiquita Canyon Landfill was set to expire and the Landfill operator sought a new permit, which was granted in July, 2017. The new permit requirements limits the rate of tonnage of dumping allowed, hours of operation, and the county set other multiple requirements that Chiquita Canyon must adhere. The OIG recommends:

1. Construction waste disposal options are utilized to minimize project costs and to help achieve the reduction goal of a 75% reduction in waste by 2025;
2. Project teams work very closely with the Metro Sustainability Department, State, Los Angeles County, other regulators, landfill owners, and contractor's personnel, to determine options consistent with GEN 51 for the reuse of soils and construction debris in the current or other construction sites;
3. When a Board member has a matter come before them at their respective municipalities that can potentially effect Metro projects, if they would give notice to Metro of the matter, Metro can determine how its projects will be impacted and possibly address the matter with the municipality or 3rd party prior to the matter being approved including possibly negotiate that the terms of a permit not allow price increases or other impacts on Metro projects where contractual commitments have previously been negotiated in reliance on previous conditions;
4. LA Metro evaluate how other LA Metro projects for which a contract was entered may be impacted by the newly imposed landfill mitigations and higher fees.

January 2021

Construction Committee

Los Angeles County Metropolitan Transportation Authority

Spot Check Recommendations

File #
2020-0825

#3

Contract C1120

MOD-0091

Purple Line

Extension Sect. 2

Increase UPS Spare

Capacity at Wilshire

Rodeo and Century

City Constellation

Stations

The OIG recommends that immediately prior to sending out an RFP, Metro should insure that the most current MRDC is used.

#4

Contract C1152

CO-0005.1

Purple Line

Extension Sect. 3

VA Hospital

Replacement

Parking for Lot 42

During Station

Construction Phase

The OIG recommends that the Project office and Real Estate continue to work closely and aggressively to come to a full resolution with the VA hospital and the contractor on the modified costs.

January 2021

Construction Committee

Los Angeles County Metropolitan Transportation Authority



Metro

Board Report

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

File #: 2020-0836, **File Type:** Contract

Agenda Number: 41.

CONSTRUCTION COMMITTEE JANUARY 21, 2021

SUBJECT: PROGRAM MANAGEMENT QUARTERLY CHANGE REPORT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

RECEIVE AND FILE status report on Program Management Quarterly Change Report.

BACKGROUND

At the January 26, 2018 Board meeting, the Board approved the continuation and expansion of the delegation of authority within Life of Project (LOP) budget management on all Transit and Regional Rail Capital Projects. Staff was directed to provide quarterly reports to the Board on change orders and modifications that are above \$500,000.

DISCUSSION

The change activities for the reporting period between September 1, 2020 and November 30, 2020 are included in Attachment A.

FINANCIAL IMPACT

The changes included in this report are included in the approved life-of-project budget for each project.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports strategic plan goal # 5 to provide responsive, accountable, and trustworthy governance within the Metro organization by keeping the Board informed of the Projects' change orders and modifications via submitting the Change Order log on a quarterly basis.

NEXT STEPS

The next Change Order Log will cover the period of December 1, 2020 through February 28, 2021 and will be presented to the April 2021 Construction Committee.

ATTACHMENTS

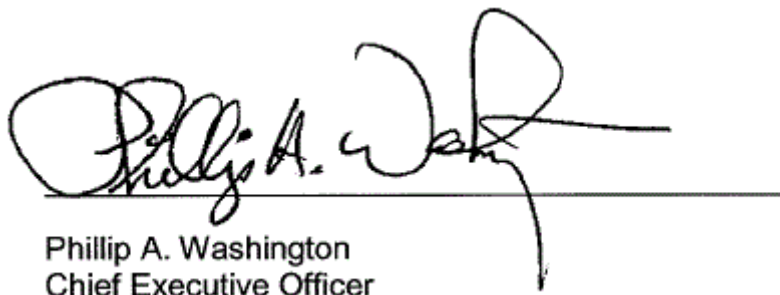
Attachment A - Quarterly Change Orders Report for Reporting Period of September 1, 2020 - November 30, 2020.

Prepared by:

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- **Westside Purple Line Ext 3** - Kimberly Ong, EO Project Mgmt., (424) 551-4501
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Reviewed by:

Richard Clarke, Chief Program Management Officer, (213) 922-7557



Phillip A. Washington
Chief Executive Officer

CRENSHAW/LAX TRANSIT PROJECT

I. APPROVED MODIFICATIONS/CHANGES GREATER THAN \$500K IN THIS REPORTING PERIOD (September 1, 2020 - November 30, 2020)

Change Types:

1 - Betterment 2 - Third Party 3 - Differing Site Conditions 4 - Regulatory Requirements 5 - Scope 6 - Value Engineering 7 - Safety

A. DESIGN BUILD CONTRACT - Contract No. C0988 - WALSH SHEA CORRIDOR CONSTRUCTORS

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts that is why this is unilateral and a modification will follow upon negotiation is finalized between Contractor and Metro).	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
CO-00275	<u>Laydown Lease Payments, Locations A/B/C (Credit)</u> : Metro and WSCC entered into a Lease Agreement commencing December 1, 2015 for 3 portions of Metro's Harbor Subdivision Right-of-Way fo WSCC's use as a laydown area. Rent was waived for the initial period 12/1/2015 through 11/20/2018. WSCC shall pay to Metro rents due and payable for Laydown Locations A, B, and C since December 1, 2018.	4	10/21/2020	11/5/2020	\$ (1,300,000)	\$ (1,300,000)

D) OTHER AGREEMENTS

MOD/CHANGE #	DESCRIPTION	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
F104-865512-AWP (FY21)	Master Cooperative Agreement between LA Metro and the City of Los Angeles for Fiscal Year 2021 for project support services by LADOT, LABOE, LABSL, LABSS and LAPD.	2	11/4/2020	12/1/2020	\$ 3,369,345	\$ 3,369,345

II. PENDING MODIFICATIONS/CHANGES GREATER THAN \$500K (September 1, 2020 - November 30, 2020)

A) DESIGN BUILD CONTRACT - Contract No. C0988 - WALSH SHEA CORRIDOR CONSTRUCTORS

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
CO-00253.2 cancels & supersedes CO-00202, -00228, -0234, -0253, -0253, -0253.1	<u>Landscape Changes - Park Mesa</u> : Contractor shall provide costs for labor, material, equipment, and overhead and profit associated with curb and gutter for landscape medians, standard urban stormwater mitigation plan requirements, and landscape planting and irrigation maintenance.	5	Between \$1M and \$5M

REGIONAL CONNECTOR TRANSIT PROJECT

I. APPROVED MODIFICATIONS/CHANGES GREATER THAN \$500K IN THIS REPORTING PERIOD (September 1, 2020 - November 30, 2020)

Change Types:

1 - Betterment 2 - Third Party 3 - Differing Site Conditions 4 - Regulatory Requirements 5 - Scope 6 - Value Engineering 7 - Safety

A. DESIGN BUILD CONTRACT - CONTRACT NO. C0980 - REGIONAL CONNECTOR CONSTRUCTORS

MOD/CHANGE #	DESCRIPTION	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
C0980-CO-0038	Construct the 2nd/Broadway Station Overbuild Load Transfer System	5	N/A	10/8/2020	TBD	\$ 4,000,000
C0980-MOD-184	Expanded Duco Yard and Temple Street Sanitary Sewer Work	5	10/30/2020	11/17/2020	\$ 3,724,682	\$ 3,060,510

B. PROFESSIONAL SERVICES CONTRACT

MOD/CHANGE #	DESCRIPTION	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
	None					

C. OTHER AGREEMENTS

MOD/CHANGE #	DESCRIPTION	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
	None					

II. PENDING MODIFICATIONS/CHANGES GREATER THAN \$500K

A. DESIGN BUILD CONTRACT - CONTRACT NO. C0980 - REGIONAL CONNECTOR CONSTRUCTORS

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

B) PROFESSIONAL SERVICES CONTRACTS

Design Support Services During Construction			
CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

C) CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONTRACTS

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

D. OTHER AGREEMENTS

MOD/CHANGE #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

WESTSIDE PURPLE LINE EXTENTION, SECTION 1 PROJECT

I. APPROVED MODIFICATIONS/CHANGES GREATER THAN \$500K IN THIS REPORTING PERIOD (September 1, 2020 – November 30, 2020)

Change Types:

1 - Betterment 2 - Third Party 3 - Differing Site Conditions 4 - Regulatory Requirements 5 - Scope 6 - Value Engineering 7 - Safety

A. DESIGN BUILD CONTRACT - CONTRACT NO. C1045 - SKANSKA-TRAYLOR-SHEA, A JOINT VENTURE

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts)	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
CO-6.2	Chemical grouting at Wilshire/San Vicente area (CN-00164) : This Change Order covers the cost to install two chemical grouting blocks within the tunnel envelopes of BR and BL tunnels at the Wilshire/San Vicente intersection. These grout blocks provide ground treatment in the area of possible hand mining work in front of the TBM to remove metal anomalies within the tunnel envelope to avoid damage to TBM's cutting tool.	3	N/A	11/30/2020	N/A	\$ 8,667,152
MOD 120	REACH 3 - Supplementary HDD Investigation at Wilshire/San Vicente Area : As part of Metro's effort to mitigate TBM stoppage, Horizontal Direction Drilling (HDD) is performed at potential oil well locations, prior to the arrival of the TBMs, to ensure the tunnel envelope is clear. During HDD of the Wilshire/San Vicente Intersection area, an anomaly was discovered just outside the oil well zone. This CN allows the contractor to perform additional horizontal and vertical drilling investigations in this area.	3	8/27/2020	9/15/2020	\$ 780,706	\$ 645,186
MOD 121	Alternate Soil Disposal : This change covers the additional fees for the disposal of clean and contaminated non-hazardous soils due to the change in the Conditional Use Permit (CUP) by the County of Los Angeles.	4	9/25/2020	10/20/2020	\$ 21,525,548	\$ 16,469,000
CO-8.0	San Vicente Anomaly TBM Standby : This Change Order covers the cost 181 calendar days of Daily Standby for either or both TBMs during the following events: 1) TBM(s) stopped while waiting for the Wilshire/San Vicente grout block to be complete; 2) during intervention work inside the Wilshire/San Vicente grout block; 3) during other periods when one TBM is idle while the other TBM is progressing on double-shifts.	3	N/A	11/5/2020	N/A	\$ 9,050,000

A. DESIGN BUILD CONTRACT - CONTRACT NO. C1078 - CLARK CONSTRUCTION GROUP

	Nothing to Report this Period.					
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B. PROFESSIONAL SERVICES CONTRACTS

MOD - 00002	Systems Engineering Design Services During Construction of WPLE Section 1 - FY 21 Level of Effort	5	11/3/2020	11/5/2020	\$ 804,789	\$ 804,789
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C. CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONTRACTS

	None					
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II. PENDING MODIFICATIONS/CHANGES GREATER THAN \$500K (September 1, 2020 – November 30, 2020)**A) DESIGN BUILD CONTRACT - CONTRACT NO. C1045 - SKANSKA-TRAYLOR-SHEA, A JOINT VENTURE**

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

A. DESIGN BUILD CONTRACT - CONTRACT NO. C1078 - CLARK CONSTRUCTION GROUP

	None		
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B) PROFESSIONAL SERVICES CONTRACTS

	None		
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C) CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONTRACTS

	None		
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WESTSIDE PURPLE LINE EXTENTION, SECTION 2 PROJECT

I. APPROVED MODIFICATIONS/CHANGES GREATER THAN \$500K IN THIS REPORTING PERIOD (SEPTEMBER 1-NOVEMEBR 30, 2020)

Change Types:

1 - Betterment 2 - Third Party 3 - Differing Site Conditions 4 - Regulatory Requirements 5 - Scope 6 - Value Engineering 7 - Safety

A. DESIGN BUILD CONTRACT - C1120

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts)	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
MOD-00091	Increase UPS Spare Capacity at Wilshire/Rodeo and Century City Constellation Stations: This Change increases the spare capacity of the facilities and communications UPS batteries at both stations from 50% to 100% as per MRDC 7.10.13.G, Revision 8. The MRDC change was provided with the last technical Amendment to the RFP during procurement, however Contract's General and Technical Requirements for the UPS capacity were not accordingly updated to match the updates in MRDC 7.10.13.G, Revision 8. This Change clarifies the discrepancy between the Contract specific requirements and the MRDC.	5	7/30/2020	9/16/2020	\$ 1,115,685	\$ 800,381

B. PROFESSIONAL SERVICES CONTRACT

MOD/CHANGE #	DESCRIPTION	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
	None					

II. PENDING MODIFICATIONS/CHANGES GREATER THAN \$500K (SEPTEMBER 1-NOVEMBER 30, 2020)

A) DESIGN BUILD CONTRACT - C1120

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
CN-00105	<u>Design and Construction of Relocated UPE Plenum at Westfield Mall:</u> This Change is for the relocation of the under platform exhaust (UPE) plenum from private property to the public right-of-way (sidewalk) along Constellation Boulevard. It was initiated when Westfield Mall informed Metro that they were no longer interested in constructing their own private entrance to the station. Metro is moving the UPE appendage into the public ROW to avoid the cost of acquiring temporary and permanent easements from Westfield.	5	Between \$500K and less than \$1M
CN-00106.1	<u>Separate Final Design for Potential Wilshire Rodeo Station North Secondary Entrance:</u> This Change makes provisions for the future north entrance for the Wilshire/Rodeo Station at Beverly Drive. The entrance will be constructed by the City of Beverly Hills pursuant to a settlement agreement between Metro and the City, but TPOG will be required to modify the inside of the station box to connect to the entrance. The scope of this Change includes the design of a walkway extending from the northwest corner of the concourse to a new knock out panel at the northwest corner of the station platform module. The Change also includes the evaluation of deleting Emergency Exit Stair No. 2 from the design, and its removal from the design if the evaluation demonstrates the added walkway provides the required emergency egress.	5	Between \$1 and \$5 Million
CN-00108	<u>Wilshire/Rodeo Station Permanent Power Duct Banks:</u> The scope of this Change is to pothole, complete Final Design, and install Southern California Edison (SCE) duct banks for primary and secondary SCE power feeds to Wilshire/Rodeo Station switchgears, based on a preliminary design provided by SCE which was not a part of the original C1120 contract scope.	5	Between \$5 and \$10 Million

B) PROFESSIONAL SERVICES CONTRACTS

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
TBD	Continuation of Engineering Support Services during Construction for WPLE 2	5	Between \$5 and \$10 Million

C) CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONTRACTS

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
TBD	Continuation of Construction Management Support Services for WPLE 2	5	TBD

D) OTHER AGREEMENTS

MOD/CHANGE #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

WESTSIDE PURPLE LINE EXTENTION, SECTION 3 PROJECT

I. APPROVED MODIFICATIONS/CHANGES GREATER THAN \$500K IN THIS REPORTING PERIOD (Sep 01, 2020 - Nov 30, 2020)

Change Types:

1 - Betterment 2 - Third Party 3 - Differing Site Conditions 4 - Regulatory Requirements 5 - Scope 6 - Value Engineering 7 - Safety

A. DESIGN BUILD CONTRACT - C1151

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts)	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
	None					

A. DESIGN BUILD CONTRACT - C1152

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts)	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
CO-0005.1	Resurface existing parking lot to provide temporary replacement parking at VA Hospital during Station Construction. This is a NTE amount to authorize the start of construction. Total cost will be finalized under Mod-0007.	2	2/4/2020	8/28/2020	NA	\$ 1,727,505

A. DESIGN BUILD CONTRACT - C1153

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts)	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
	Contract Closed					

B. PROFESSIONAL SERVICES CONTRACTS

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts)	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
	None					

II. PENDING MODIFICATIONS/CHANGES GREATER THAN \$500K (Sep 01, 2020 - Nov 30, 2020)**A) DESIGN BUILD CONTRACT - C1151**

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

A) DESIGN BUILD CONTRACT - C1152

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
Mod-0007	Balance of construction cost (VA Hospital Replacement Parking) from the approved CO-0005.1 to be finalized under Mod-0007.	2	Between \$500 K - \$1.0 M

A) DESIGN BUILD CONTRACT - C1153

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	Contract Closed		

B) PROFESSIONAL SERVICES CONTRACTS

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

C) CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONTRACTS

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
	None		

DIVISION 20 PORTAL PROJECT

I. APPROVED MODIFICATIONS/CHANGES GREATER THAN \$500K IN THIS REPORTING PERIOD (SEPTEMBER 1, 2020 – NOVEMBER 30, 2020)

Change Types:

1 - Betterment 2 - Third Party 3 - Differing Site Conditions 4 - Regulatory Requirements 5 - Scope 6 - Value Engineering 7 - Safety

A. DESIGN BID BUILD CONTRACT - CONTRACT NO. C1136 - TUTOR PERINI CORPORATION

MOD/CHANGE #	DESCRIPTION (if the change is a unilateral, explain in BOLD fonts)	Change Type	Submission Date	Approval Date	Contractor's Proposed Amount	Approved Amount
002.1	Temporary cleaning platform; transfer of scope from C1193 to C1136 , existing electrical testing requirements, LADWP P Drawing	5	6/19/2020	9/16/2020	\$5,632,000	\$5,632,000

A. DESIGN BID BUILD CONTRACT - CONTRACT NO. C1184 - C3M

	None		
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B. PROFESSIONAL SERVICES CONTRACTS -CONTRACT NO. AE66758000 T.Y.LIN INTERNATIONAL

	None		
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C. CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONTRACTS- CONTRACT NO.MC074 ANSER ADVISORY MANAGEMENT LLC

	None		
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II. PENDING MODIFICATIONS/CHANGES GREATER THAN \$500K (JUNE, 2020 – AUGUST, 2020)**A) DESIGN BID BUILD CONTRACT - CONTRACT NO. C1136 - TUTOR PERINI CORPORATION**

CHANGE NOTICE/ORDER #	DESCRIPTION	Change Type	Rough Order of Magnitude Cost
003.1	Long Lead procurement (manholes and special trackwork)	6	Between \$1M - \$5M
006	Design Changes	6	More than \$15M

B) DESIGN BID BUILD CONTRACT NO. C1184 - C3M

	None		
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C) PROFESSIONAL SERVICES CONTRACTS- CONTRACT NO.AE66758000 T.Y.LIN INTERNATIONAL

	None		
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D) CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONTRACTS - CONTRACT NO.MCO74 ANSER ADVISORY MANAGEMENT LLC

	None		
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