

**Board Report**

File #: 2015-1692, **File Type:** Contract

Agenda Number: 22.

**PLANNING AND PROGRAMMING COMMITTEE
JANUARY 20, 2016**

SUBJECT: VAN NUYS NORTH PLATFORM PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE Contract Modification No. 5 for **Contract No. PS2415-3268, Van Nuys North Platform Project, with RailPros Inc. (Rail Pros), in the amount of \$399,485 for Phase II bid support and additional engineering services**, increasing the contract value from \$3,176,169 to \$3,575,654; and
- B. INCREASE Contract Modification Authority (CMA) specific to Contract No. PS2415-3268, Van Nuys North Platform Project, in the amount of \$200,000, increasing the total CMA amount from \$288,750 to \$488,750.
- C. AMEND the FY16 annual budget by \$599,485 representing current year costs of the contract modifications requested above.

ISSUE

In December 2013, the California Transportation Commission (CTC) allocated \$4 million in Proposition 1B Intercity Improvement Program (ICR1B) funds to Metro to complete final design for the Van Nuys North Platform Project (Project).

In January 2014, the Metro Board approved amending the FY 2013-14 budget to add \$4 million to complete final design of the Project. Additionally, the Metro Board authorized the CEO to enter into funding agreements with Caltrans to reimburse Metro up to \$4 million in state funds for the final design of the Project.

In May 2014, the Metro Board authorized the CEO to negotiate and execute a cost-plus-fixed-fee (CPFF) Contract No. PS2415-3268 to RailPros for the Van Nuys North Platform Project inclusive of options for bid and design support services during construction. In June 2014, RailPros and Metro entered into Contract No. PS2415-3268 for a contract price of \$2,887,499 for Phase I services for plans, specifications, estimates, and final design.

Board approval for the contract modification is needed to fund Phase II bid support services and additional engineering to develop shoring plans, complete geotechnical engineering environmental investigation, Federal Communications Commission/Federal Aviation Administration (FCC/FAA) permit antenna applications, and provide support for obtaining all necessary agreements with stakeholders. If this work is not done at this point, it will lead to a delay of the project.

In addition, staff is requesting to increase the contract modification authorization amount by \$200,000 to cover any additional engineering contingencies.

Background

The Van Nuys Station is located along the Los Angeles - San Diego - San Luis Obispo (LOSSAN) corridor in the San Fernando Valley. LOSSAN is the second busiest intercity passenger rail corridor in the nation with 2.6 million Amtrak Pacific Surfliner boardings per year. Metrolink commuter rail also operates the Ventura Line through the San Fernando Valley. The planned improvements will occur along Metro owned right-of-way along the Ventura Subdivision.

Currently, there are two main line tracks at the Van Nuys Station; however, there is only one side platform. A center platform will be added to provide service to both tracks. A pedestrian underpass will be constructed to provide safe pedestrian access to the new platform. This project adds operational flexibility and has the following benefits: improved travel times, improved station safety, and enhanced cross-modal benefits to the intercity, commuter, and freight services. The project will provide for improved connectivity to the future East San Fernando Valley North South Transit Corridor along Van Nuys Boulevard. The issue for bid documents were completed on November 25, 2015.

After the completion of this final design phase, the project will proceed to construction. Metro and Metrolink are currently in discussions about transferring implementation of the construction phase to Metrolink.

Funding Commitment

Due to the significant project benefits, Caltrans Division of Rail has identified the Project as one of the highest priority LOSSAN corridor projects to advance through the environmental and design phases towards eventual construction.

In December 2013, the California Transportation Commission (CTC) affirmed its commitment to the Project by amending the Proposition 1B Intercity Rail (ICR1B) project list to add \$4 million for final design and \$30.5 million for construction.

FUNDING SOURCE	FINAL DESIGN	TOTAL
Prop 1B (State)	\$4,000,000	\$4,000,000

In January 2014, the Metro Board programmed \$4 million to advance the final design of the Project, subject to reimbursement by Caltrans.

The Project is fully funded by Caltrans. There is no Metro local match requirement. Metro acted under contract to Caltrans Division of Rail to complete issue for bid documents for the project.

DETERMINATION OF SAFETY IMPACT

The Project will include a new pedestrian underpass which will provide pedestrian access to the platform without crossing active railroad tracks. All aspects of the project will be designed in accordance with Metrolink's current design standards.

FINANCIAL IMPACT

The funding of \$4 million for this Project is from State ICR1B funds. Metro pays for the engineering work upfront from Measure R 3% funds; Metro has been getting reimbursement from the State ICR1B funds quarterly. In January 2014, the Metro Board approved amending the FY 2013-14 budget to add \$4 million to complete the final design. Currently \$823,830.79 is available for the engineering design.

This board report request is for authority to utilize \$599,485 out of the \$823,830.79 engineering funds available. The request is also for the amount of \$599,485 to be added to the FY 2015-16 Metro budget included in the department 2415, Regional Rail, Project No. 460080 to pay for Modification No. 5 and the CMA. Since this is a multi-year contract, the cost center manager, and Executive officer, Regional Rail will be accountable and responsible for budgeting the cost of future fiscal year requirements.

Impact to Budget

The request is for the amount of \$599,485 to be added to the FY 2015-16 Metro budget.

Source of Funds: \$4 million, to be reimbursed with State ICR1B funds from Caltrans, Division of Rail. The cost for final design of this project is fully reimbursable to Metro.

ALTERNATIVES CONSIDERED

The Board could choose not to execute Contract Modification No. 5 to complete the additional engineering required for the Project. This alternative is not recommended due to the significant benefits that the Project offers to the LOSSAN corridor and the Metrolink Ventura Line. Caltrans Division of Rail has also fully funded the project by allocating \$34.5 million in State ICR1B funds for final design and construction. These funds would otherwise be lost to the Los Angeles County region if the Project is not completed.

NEXT STEPS

Upon approval by the Board, staff will execute Contract Modification No. 5 for additional engineering required for the Project.

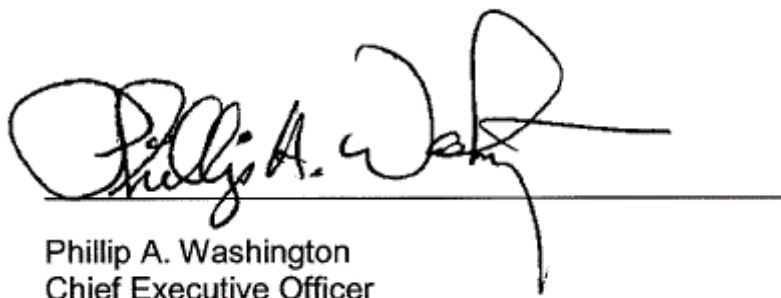
ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification Log
Attachment C - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

VAN NUYS NORTH PLATFORM PROJECT

1.	Contract Number: PS2415-3268		
2.	Contractor: RailPros, Inc.		
3.	Mod. Work Description: Modification No. 5 for Phase II bid support and additional engineering services.		
4.	Contract Work Description: Professional engineering services for the Van Nuys Metrolink Station North Platform		
5.	The following data is current as of: 11/16/15		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	06/26/14	Contract Award Amount: \$2,887,499
	Notice to Proceed (NTP):	07/01/14	Total of Modifications Approved: \$288,670
	Original Complete Date:	07/01/17	Pending Modifications (including this action): \$399,485
	Current Est. Complete Date:	07/10/17	Current Contract Value (with this action): \$3,575,654
7.	Contract Administrator: Ben Calmes		Telephone Number: (213) 922-7341
8.	Project Manager: Kunle Ogunrinde		Telephone Number: (213) 922-8830

A. Procurement Background

This Board Action is to approve Contract Modification No. 5 for Phase II bid support and additional engineering required for this project to develop shoring plans, complete geotechnical engineering environmental investigation, Federal Communications Commission/Federal Aviation Administration (FCC/FAA) permit antenna applications, and provide support for obtaining all necessary agreements with stakeholders.

This Contract Modification was processed in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee. All other terms and conditions remain in effect.

In May 2014, the Metro Board authorized the CEO to negotiate and execute a cost-plus-fixed-fee (CPFF) Contract No. PS2415-3268 to RailPros for the Van Nuys North Platform Project inclusive of options for bid and design support services during construction. In June 2014, RailPros and Metro entered into Contract No. PS2415-3268 for a contract price of \$2,887,499 for Phase I services for plans, specifications, estimates, and final design.

A total of four modifications have been issued to date. Refer to Attachment B – Contract Modification/Change Order Log.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon an independent costs estimate, cost analysis, technical evaluation, fact finding and negotiations. All contract indirect and direct rates remain unchanged from the original contract. Metro staff successfully negotiated a cost savings of \$43,119.

Proposal Amount	Metro ICE	Negotiated Amount
\$442,603	\$450,900	\$399,484

CONTRACT MODIFICATION/CHANGE ORDER LOG

VAN NUYS NORTH PLATFORM PROJECT/PS2415-3268

Mod. No.	Description	Date	Cost
1	No cost administrative changes.	09/04/14	\$0
2	Additional requirements for flagging services, right-of-entry agreements, and city permits.	11/26/14	\$54,750
3	Added additional SBE subcontractor.	01/26/15	\$0
4	Additional design work services required for site related changes and signal re-design.	09/30/15	\$233,920
5	Pending Board Approval Authorize Phase II bid support and additional engineering services support.	TBD	\$399,485
	Modification Total:		\$688,155
	Original Contract:	06/26/14	\$2,887,499
	Total:		\$3,575,654

DEOD SUMMARY

VAN NUYS NORTH PLATFORM PROJECT/PS2415-3268

A. Small Business Participation

Rail Pros, Inc. made a 22.04% Small Business Enterprise (SBE) commitment. The current SBE participation is 20.66%, a shortfall of 1.38%. The project is 88% complete. According to RailPros, and concurred by the Project Manager, Metro ultimately decided to conduct the outreach process in-house rather than using an outside subconsultant (MBI Media). Additionally, the scopes of work identified for two subcontractors (Diaz Yourman and Wagner Engineering) were less than the original budget. RailPros will utilize these subcontractors in the upcoming Contract Modification no. 5. Further, RailPros confirmed that their November invoice is pending and affirmed that they will achieve their goal commitment by the end of the project.

Small Business Commitment	22.04% SBE	Small Business Participation	20.66% SBE
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	SBE Subcontractors	% Commitment	Current Participation¹
1.	Anil Verma Associates	5.68%	6.06%
2.	BA Inc.	4.37%	4.93%
3.	Diaz Yourman Associates	1.95%	1.53%
4.	Lynn Capouya, Inc.	1.82%	1.84%
5.	MBI Media	1.83%	0.00%
6.	Wagner Engineering & Survey	6.39%	6.19%
7.	Archway Systems, Inc.	Added	0.11%
	Total	0	0

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

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will 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, soils and materials testing, building construction inspection, and other support trades.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.