



Board Report

File #: 2016-0134, File Type: Contract

Agenda Number: 23

CONSTRUCTION COMMITTEE MARCH 17, 2016

SUBJECT: UNIVERSAL CITY PEDESTRIAN BRIDGE

**ACTION: AUTHORIZATION FOR LIFE OF PROJECT BUDGET AND CONTRACT
MODIFICATION AUTHORITY**

RECOMMENDATION

APPROVE:

- A. INCREASING the Life of Project Budget (LOP) Budget for **Metro Red Line Universal City Pedestrian Bridge** (CP 809382) by \$2,285,000 from \$27,300,000 to \$29,585,000;
- B. INCREASING the Contract Modification Authority (CMA) for Contract C1043 with Griffith Company in the amount of \$577,000 from \$2,542,000 to \$3,119,000; and
- C. AMENDING the FY16 Budget by \$4,406,000 from \$9,732,000 to \$14,138,000 as shown in Attachment D.

ISSUE

Design/Build Contract No. C1043 was awarded to Griffith Company in the amount of \$21,425,000 on November 14, 2013. The original schedule for completion of the project was January 9, 2016. As of this report, the project is approximately 85% complete and is scheduled to open for revenue service on or before April 6, 2016.

The approved LOP budget was based on the 30% complete design prepared during the Project Development phase of the project. 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) has been determined to be inadequate given the complexity of the project.

During the course of construction there were numerous unanticipated design issues and differing site conditions which resulted in significant impact to the project budget and scheduled completion date. Additionally, construction management and staff oversight has increased in cost due to the above issues, including multiple shifts, weekend work, and a significantly mitigated construction schedule. This mitigated schedule has been deemed necessary as it is a more cost-effective approach to

project completion and also ensures substantial completion of the bridge construction prior to the opening of NBC Universal's 'Harry Potter' attraction, which opens to the public on April 7, 2016.

This increase addresses all current and future direct and indirect cost impacts, and will provide sufficient funding and CMA to cover the increased costs through completion of the project.

DISCUSSION

During the course of construction, there were several unanticipated design changes that occurred for technical or unforeseen reasons. For example, the project power transformer location shown in the preliminary engineering (PE) drawings had to be changed to a new location, due to an insufficient Los Angeles Department of Water and Power (LADWP) power voltage Point of Connection. The new location required new design development cost and increased construction costs to install the transformer and transport the power to the desired location.

The design of the bridge foundations is another example of significant changes to the PE design. The PE design provided for spread footings, a design chosen due to the significant increase in costs that would be associated with providing a Cast In Drilled Hole (CIDH) piling support system. The spread footing design was based upon geotechnical information obtained during the construction of the Metro Red Line Universal Station, a report which did not contain timely information or any data for the foundation system that was located on Universal property. After award of the contract, the Contractor performed a geotechnical survey of the project site and determined that the liquefaction layer, a geotechnical feature which determines the foundation system for the bridge, was located at a depth that eliminated the possibility of spread footings and in fact dictated the need for a CIDH piling system.

Additionally, several structural connections for the major supports of the bridge were determined to be inadequate to meet the requirements of the American Association of State Highway and Transportation Officials (AASHTO) manual. The structural connections required a new design which resulted in a significant amount of rework and increased fabrication costs.

The project also experienced several differing site conditions such as contaminated soil, unmarked underground utilities and appurtenances, and existing structures not identified on as built drawings.

Because of these unanticipated conditions, as well as a provision for a global claim settlement on various time impact requests and design discrepancies, the construction cost is expected to increase by \$977,000 above what was originally budgeted.

Staff has also experienced additional overhead costs, including \$166,625 for Third Party reviews and field services, \$99,500 for environmental services necessary for noise, hazardous waste, and archeological finding purposes, \$605,716 for Agency labor necessary for increased submittal reviews and related design support services needed to support the accelerated schedule, and \$176,000 for other professional services such as DEOD consultants and Legal support. Further, to ensure that Metro provides a complete project safely and to the high standards of Metro quality within an aggressive and mitigated completion schedule, staff has increased construction management

oversight by \$254,000.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards.

FINANCIAL IMPACT

If all actions are approved, the LOP budget will be increased by \$2,285,000. The increase will be distributed to affected project line items with a majority of the increase added to Cost Center 8510 (Construction Contracts/Procurement) Project 809382 (Metro Red Line Universal City Pedestrian Bridge). The project will require a \$4,406,000 amendment to the FY16 budget and \$2,436,000 in FY17 for contract closeout. Since this is a multi-year project, the Project Manager, Cost Center manager, and Executive Director, Program Management, will be responsible for budgeting the cost in future fiscal years.

Impact to Budget

If recommendation A is approved, the \$2,285,000 LOP increase will be funded using Proposition A 35%. If recommendation C is approved, FY16 budget will be increased by \$4,406,000 from \$9,732,000 to \$14,138,000 as funded per Attachment D also using Prop A 35% funds. Project 809382 was originally approved using a combination of Prop A 35% funds and a \$3.9 million contribution from NBC Universal. Prop A 35% funds are eligible for rail operations and capital.

ALTERNATIVES CONSIDERED

The Board may choose to not authorize the increases to the LOP Budget, CMA or FY16 amendment for this project. This alternative is not recommended because rejection of the LOP budget and CMA increase would prohibit staff from completing this much-needed Pedestrian Bridge while the project is under construction and to make payment to the contractor against the approved contract modifications.

NEXT STEPS

Upon Board approval, Metro's project team will continue the Universal City Pedestrian Bridge project to substantial completion and diligently work with the contractor to resolve current and potential changes within the revised LOP budget. The construction is scheduled to be substantially complete on April 6, 2016.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification
Attachment C - DEOD Summary
Attachment D - Funding/Expenditure Plan

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Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

UNIVERSAL CITY PEDESTRIAN BRIDGE
CONTRACT NO. C1043

1.	Contract Number: C1043		
2.	Contractor: Griffith Company		
3.	Mod. Work Description: Increase Contract Modification Authority (CMA) for pending modifications.		
4.	Contract Work Description: See Attachment B		
5.	The following data is current as of February 2, 2016		
6.	Contract Completion Status:		
	Bids/Proposals Opened:	7/25/13	% Completion \$s: 75%
	Contract Awarded:	11/14/13	% Completion time: 98%
	NTP:	1/9/14	Original Contract Days: 730
	Original Complete Date:	1/9/16	Change Order Days: 89
	Current Est. Complete Date:	4/7/16	Suspended Days: 0
	Total Revised Days:		
7.	Financial Status:		
	Contract Award:	\$21,425,000	
	Total Contract Modifications Approved:	\$1,295,876	
	Current Contract Value:	\$22,720,876	
	Total Contract Modification Authority:	\$2,542,500	
	Requested Additional CMA (See Attachment B):	\$576,811	
	Contract Administrator: Diana Sogomonyan	Telephone Number: (213) 922-7243	
8.	Project Manager: Milind Joshi	Telephone Number: (213) 893-7117	

A. Contract Action Summary

This Board action is to approve an increase in Contract Modification Authority (CMA) and Life of Project budget.

The pending contract modifications will be processed in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Price performing design and construction work of a new pedestrian bridge, hardscape plazas and landscaping, and a right turn lane.

History of the original procurement and post award activity:

The Board authorized the Chief Executive Officer to solicit and award a Design-Build (D/B) contract for the Universal City Pedestrian Bridge on July 26, 2012, per Settlement Agreement and Pedestrian Crossing Agreement dated July 10, 2012, between Universal NBC and LACMTA.

The Life of Project Budget was approved for increase by the Board of Directors on October 24, 2013, in the amount of \$27,300,000. Metro Chief Executive Officer approved recommendation of award to Griffith Company, a General Contractor located in Brea, California, on October 28, 2013. Griffith Company was determined to be the lowest price technically qualified responsive responsible bidder and was awarded the D/B Contract on November 14, 2013. Griffith Company's price of \$21,425,000 was determined to be fair and reasonable, based on adequate price competition. The CMA of \$2,142,500 was established per Metro policy and procedures at ten percent of the Contract Price.

Notice to Proceed was issued to Griffith Company on January 9, 2014, with a Period of Performance of 730 Calendar Days.

On December 3, 2015, Metro Board approved additional CMA of \$400,000, increasing the total CMA to \$2,542,500. The current contract completion date is February 21, 2016 (773 Calendar Days from NTP). Excusable and compensable delay will extend the current completion date to April 7, 2016.

Refer to Attachment B for modifications issued to date to add/delete work, and the proposed modification currently pending authorization.

B. Cost/Price Analysis

The recommended pricing for the pending changes will be determined to be fair and reasonable based upon an independent cost estimate, cost analysis, technical evaluation, fact finding, and negotiations, in accordance with Metro policy and procedures.

See list of pending changes in Attachment B.

CONTRACT MODIFICATION/CHANGE ORDER LOG

UNIVERSAL CITY PEDESTRIAN BRIDGE
CONTRACT NO. C1043

Mod/CO No.	Description	Status	Contract Value (A)	Mod/CO Value (B)	Board Approved CMA (C)
N/A	Initial Award		\$21,425,000		\$2,142,500
N/A	Board Approved CMA Increase		\$21,425,000		\$400,000
CO No. 1	Perforated Panel Design Change	Approved		\$46,637	
CO No. 3	Design Directive Drawings for CSS	Approved NTE		\$40,750	
CO No. 4	Perforated Metal Panel Design and Construction	Approved NTE		\$106,000	
CO No. 5	Addition of Silica Carbide for Hardscaping	Approved NTE		\$19,500	
Mod No. 1	Conversion to Metro CADD Standards	Approved		\$49,251	
Mod No. 3	Transformer Relocation (Design Change)	Approved		\$38,520	
Mod No. 5	Additional Traffic Control	Approved		\$37,733	
Mod No. 6	Additional Plaza Lighting	Approved		\$91,781	
Mod No. 7	CIDH Pile Installation and Pile Splice Zone	Approved		\$46,083	
Mod No. 8	Transformer Relocation (Construction)	Approved		\$320,000	
Mod No. 10	Bridge Mid Chord Connection (Design and Construction)	Approved		\$468,714	
Mod No. 11	Field Directed Labor and Martials - Museum Signage	Approved		\$2,657	
Mod No. 12	Additional Traffic Control for NBC Universal	Approved		\$21,990	
Mod No. 15	Additional Work due to Painting Specification Change	Approved		\$6,260	
Subtotal – Approved Changes				\$1,295,876	
Mod No. 4	Revise DEOD SBE Contract Compliance Manuel	Canceled		\$0.00	
TBD	Design Directive Drawings for CSS	Pending		\$100,000	
TBD	Use CIDH Pile Foundation and Grade Beams in Place	Pending		\$425,781	

	of Spread Footings				
TBD	Perforated Metal Panel Design and Construction	Pending		\$22,323	
TBD	Silicate Carbide Asphalt	Pending		\$77,190	
TBD	TIA 6: Design Changes Metal Cladding	Pending		\$230,000	
TBD	Material Hauling Off-site	Pending		\$68,190	
TBD	Differing Site Conditions 1 Concrete Obstructions/Delay During CIDH Construction	Pending		\$68,315	
TBD	HVAC Scope	Pending		\$110,000	
TBD	TIA 1: LABOE Pushover Analysis	Pending		\$59,448	
Mod 14	Additional Curb Ramp Improvements	Pending		\$37,188	
TBD	Differing Site Conditions: Concrete at Water Line, Unknown Ductbank at Sta. 3	Pending		\$55,000	
TBD	Phase 1 changes due to LADOT	Pending		\$20,000	
TBD	LADOT Betterments	Pending		\$50,000	
Mod 13	Add Specification Section 07 16 16	Pending		\$0.00	
TBD	Mod to Special Provisions and General Conditions	Pending		\$0.00	
TBD	Miscellaneous Other Potential Changes: <ul style="list-style-type: none"> • Area Drain Station 1 • Protection of Existing 10" Force Main • Metro Furnished Equipment Upgrades • BSL Revisions Due to Traffic Realignment • Soffit Construction due to PE Design Error • Reroute of Conduit in Existing Metro Control Rooms 	Pending		\$500,000	
Subtotal – Pending Changes				\$1,823,435	
Subtotal Approved and Pending Changes				\$3,119,311	
TBD	Holding Tanks at Station 1-3	Pending		(\$50,045)*	
Subtotal Approved and Pending Changes Including Credits				\$3,069,266	

Total Contract Value(Including Approved and Pending Changes and Credits) \$21,425,000 + \$3,069,266 =	\$24,494,266		
Prior CMA Authorized by the Board			\$2,542,500
Approved Changes			\$1,295,876
Remaining CMA for Future Changes			\$1,246,624
Pending Changes			\$1,823,435
Increased CMA for this Recommended Action			\$576,811*

*Credit value totaling \$50,045 is not included in the CMA request.

DEOD SUMMARY

UNIVERSAL CITY PEDESTRIAN BRIDGE
CONTRACT NO. C1043**A. Small Business Participation**

Griffith Company made a 10% Small Business Enterprise (SBE) commitment for this solicitation. The project is 85% complete. Current SBE participation is 7.48%, a shortfall of 2.52%. The shortfall is a result of Griffith proposing a non-compliant SBE escalator subcontractor, Excelsior Elevator, which represented 8.37% of their commitment. Metro's Project Manager confirmed that the escalator services were removed, because Excelsior did not meet all the specifications required by Metro.

On February 12, 2016, Griffith Company confirmed that they increased their SBE participation by approximately \$330,000, which was not enough to account for the percentage of work removed from Excelsior. To date, Griffith Company has added four SBE subcontractors to perform surveying, noise and vibration monitoring, construction career coordination, and community services, amounting to a 0.91% increase in their SBE participation. Griffith Company projects that their SBE participation will be approximately 7.2% at project completion.

Small Business Commitment	10% SBE	Small Business Participation	7.48% SBE
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	SBE Subcontractors	% Commitment	Current Participation¹
1.	Excelsior Elevator	8.37%	4.41%
2.	Intueor Consulting	0.83%	1.20%
3.	Diaz Yourman	0.80%	0.96%
4.	Precision Engineering	Added	0.25%
5.	RT Engineering	Added	0.17%
6.	Langford & Carmichael	Added	0.10%
7.	Morgner Technology Management	Added	0.39%
	Total	10.00%	7.48%

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

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

The Contractor has committed to complying with PLA/CCP requirements for this project. The contractor is not achieving the 40% Targeted Worker Goal at 35.64%, is achieving the 20% Apprentice Worker Goal at 30.05% and is achieving the Disadvantaged Worker Goal at 13.63%. Staff will continue to monitor and report the contractor's progress toward meeting the goals of the PLA/CCP.

C. Prevailing Wage Applicability

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

D. Living Wage Service Contract Worker Retention Policy Applicability

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

FUNDING/EXPENDITURE PLAN

Project No. 809382 – Metro Red Line Universal City Pedestrian Bridge

Use of Funds	Inception – FY15	FY16	FY17	FY18+	Capital Costs Total
Construction Contract	9,381,000	13,283,000	1,880,000	-	24,544,000
Special Conditions (3 rd Party)	190,000	200,000	98,000	-	488,000
Design Consultants	738,000	65,000	-	-	803,000
Environmental	87,500	12,000	-	-	99,500
Construction Management Consultants	1,146,000	170,000	100,000	-	1,416,000
Other Professional Services	148,000	28,000	-	-	176,000
Agency Costs: Procurement, Safety, Communications, Project Control, etc.	1,320,500	380,000	158,000	-	1,858,500
Project Contingency	-	-	200,000	-	200,000
Total Project Cost	13,011,000	14,138,000	2,436,000	-	29,585,000
Source of Funds	Inception – Jan 2016	Remaining FY16	FY17	FY18+	Capital Costs Total
Proposition A 35% (Rail Development)	13,011,000	6,489,000	-	-	19,500,000
Proposition A 35% (Metro Orange Line/Expo II Exchange)	-	2,500,000	-	-	2,500,000
Proposition A 35% (Preventive Maintenance Exchange)	-	1,400,000	-	-	1,400,000
NBC Universal	-	3,749,000	151,000	-	3,900,000
Additional Proposition A 35%	-	-	2,285,000	-	2,285,000
Total Project Funding	13,011,000	14,138,000	2,436,000	-	29,585,000