



Board Report

File #: 2017-0138, **File Type:** Contract

Agenda Number: 28.

**CONSTRUCTION COMMITTEE
APRIL 20, 2017**

SUBJECT: UNIVERSAL CITY PEDESTRIAN BRIDGE

ACTION: AUTHORIZATION FOR CONTRACT MODIFICATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to execute a Modification to Contract No. C1043 with Griffith Company, for the **design and construction of the Universal City Pedestrian Bridge**, in the amount of \$450,000, increasing the total current contract value from \$24,264,752 to \$24,714,752 within the Life of Project budget.

ISSUE

This action represents staff's efforts through negotiations to settle all claims. Staff is requesting approval to execute this final Contract Modification because the current available CMA is not sufficient to take action within staff authority. This Contract Modification is required to close-out the contract, and does not affect the Life of Project (LOP) budget.

DISCUSSION

Findings

Metro issued the Notice to Proceed (NTP) for Design-Build (DB) Contract No. C1043 for the Universal City Pedestrian Bridge on January 9, 2014. The bridge had an aggressive schedule and was opened to the public on April 7, 2016.

During the course of construction, the contractor requested several design and construction changes. This Modification includes additional costs for escalators, increased elevator framing, and design modifications due to easement constraints.

Considerations

Staff has evaluated the merit of the requested changes and has followed Metro processes and

procedures to validate and negotiate the change request. A list of executed (approved) and unexecuted (pending) modifications is included in Attachment B.

There is no change in the approved LOP amount of \$29,585,000.

DETERMINATION OF SAFETY IMPACT

This recommended action has no impact on safety.

FINANCIAL IMPACT

The FY17 adopted budget of \$2,078,000 for the Universal Pedestrian Bridge, project 809382, in Cost Center 8510 includes the \$450,000 required for this board action. With the approval of this action, staff will no longer need to budget for the construction contract in FY18.

Impact to Budget

The source of funds for this project is Prop A 35%. Prop A 35% funds are eligible for rail operations.

ALTERNATIVES CONSIDERED

The Board may choose not to approve the Modification. This alternative is not recommended, as staff would be unable to close out the project.

ATTACHMENTS

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

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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: Resolution of all claims and pending changes		
4.	Contract Work Description: Provide the final design and construction of a new pedestrian bridge, hardscape plazas and landscaping, and a right turn-lane.		
5.	The following data is current as of: 3/6/17		
6.	Contract Completion Status:		
	Bids/Proposals Opened:	7/25/13	% Completion \$s: 99.91%
	Contract Awarded:	10/28/13	% Completion time: 100%
	NTP:	1/9/14	Original Contract Days: 730
	Original Complete Date:	1/9/16	Change Order Days: 196
	Current Est. Complete Date:	7/25/16	Suspended Days: 0
	Total Revised Days:		926
7.	Financial Status:		
	Contract Award:	\$21,425,000	
	Total Contract Modifications Approved:	\$2,839,752	
	Current Contract Value:	\$24,264,752	
	Contract Administrator: Diana Sogomonyan	Telephone Number: 213.922.7243	
8.	Project Manager: Milind Joshi	Telephone Number: 213.922.7985	

A. Contract Action Summary

This Board Action is to approve authorization for Metro Chief Executive Officer (CEO) to execute Modification No. 30, for the resolution and settlement of all claims in order to close-out the subject contract. This Contract Modification will be processed in accordance with Metro's Acquisition Policies and Procedures. This is a firm fixed price Contract.

On October 28, 2013, Metro CEO authorized award of a firm fixed price contract, Contract No. C1043, to Griffith Company, a General Contractor located in Brea, California, for the period of performance of 730 calendar days after Notice to Proceed (NTP) date of January 9, 2014.

Twenty-seven Contract Modifications have been executed on the Contract to date. Excusable and compensable delay has extended the contract completion date to July 25, 2016 (added 196 calendar days from original completion date).

Contract Modification No. 30 in the amount of \$450,000 will allow the resolution and settlement of pending changes and claims on the Contract and to close-out the contract. Although this Modification amount is within the staff delegation of authority, the Contract Modification Authority amount currently remaining on the Contract is insufficient. Refer to Attachment B for further details on modifications issued to date adding work, and the proposed modification currently pending authorization.

B. Cost/Price Analysis

The recommended price for the resolution of all contract claims has been determined to be fair and reasonable based upon cost analysis, technical analysis, fact finding, and negotiations. Ultimately a business decision was made by both parties at the recommended dollar amount to resolve all claims. An audit request for Modification No. 30 was not required as the negotiated total dollar value is not greater than the audit threshold for construction changes of \$1,000,000.

Item No.	Changes	Proposal amount	Metro ICE	Negotiated amount
1	Mod No. 30	\$2,037,406	\$250,000	\$450,000

ATTACHMENT B

CONTRACT MODIFICATION/CHANGE ORDER LOG

**UNIVERSAL CITY PEDESTRIAN BRIDGE
CONTRACT NO. C1043**

Mod./CO No.	Description	Status (approved or pending)	Cost		
			Contract Value	Mods.	Board Approved CMA
N/A	Initial Contract Award	Approved	\$21,425,000		\$2,142,500
N/A	CMA Increase	Approved	\$21,425,000		\$400,000
N/A	CMA Increase	Approved	\$21,425,000		\$577,000
Mod 1	Conversion to Metro CADD Standards	Approved	\$21,474,251	\$49,251	
Mod 2	Perforated Panel Design Change	Canceled	\$21,474,251	\$0.00	
Mod 3	Transformer Relocation - Design Change (Design Only)	Approved	\$21,512,771	\$38,520	
Mod 4	Revised DEOD SBE Contract Compliance Manual	Canceled	\$21,512,771	\$0.00	
Mod 5	Additional Traffic Control for NBC Universal	Approved	\$21,550,504	\$37,733	
Mod 6	Additional Plaza Lighting	Approved	\$21,642,285	\$91,781	
Mod 7	CIDH Pile Rebar Coupler Installation (RFC-5); Pile Splice Zone	Approved	\$21,688,368	\$46,083	
Mod 8	Transformer Relocation - Construction Change	Approved	\$22,008,368	\$320,000	
Mod 9	Perforated Panel Design Change (Design Phase Only)	Approved	\$22,055,005	\$46,637	
Mod 10	Bridge Mid Chord Connection (Design and Construction)	Approved	\$22,523,719	\$468,714	
Mod 11	Field Directed Labor and Martials - Museum Signage	Approved	\$22,526,376	\$2,657	
Mod 12	Additional Traffic Control for NBC Universal	Approved	\$22,548,366	\$21,990	
Mod 13	Add Specification Section 07 16 16	Approved	\$22,548,366	\$0.00	
Mod 14	Additional Curb Ramp Improvements	Approved	\$22,585,554	\$37,188	
Mod 15	Additional Work due to Painting Specification Change	Approved	\$22,591,814	\$6,260	
Mod 16	Mod to Special Provisions and General Conditions	Approved	\$22,591,814	\$0.00	
Mod 17	Procurement of Intrusion Detection System and Station Materials	Approved	\$22,636,002	\$44,188	

Mod 18	Addition of Silica Carbide for Hardscaping (Approved	\$22,788,327	\$152,325	
Mod 19	Soil Handling at Station 2 and 3, Universal Property	Approved	\$22,856,005	\$67,678	
Mod 20	Perforated Metal Wall Panel Design and Construction	Approved	\$22,985,097	\$129,092	
Mod 21	Use Cast in Drilled Hole (CIDH) Pile Foundation and Grade Beams in Place of Spread Footings	Approved	\$23,337,810	\$352,713	
Mod 22	Delay Due to LABOE Pushover Analysis Review Time	Approved	\$23,387,641	\$49,831	
Mod 23	Additional HVAC Scope	Approved	\$23,663,823	\$276,182	
Mod 24	Adding Metro Rail Underground Design Directive Drawings for Customer Station Signage	Approved	\$23,829,464	\$165,641	
Mod 25	DSC During Drilling and Excavation Activities at Station 1, 2, and 3	Approved	\$23,892,871	\$63,407	
Mod 26	Station 3 Hardscape Remove and Replace	Approved	\$23,909,027	\$16,156	
Mod 27	Miscellaneous Work: Metro Support	Approved	\$23,929,008	\$19,981	
Mod 28	Station 1, 2, 3 Radius Curb Replacement at Elevator Towers	Approved	\$24,044,752	\$115,744	
Mod 29	Settlement of Various Issues Leading to Close-Out	Approved	\$24,264,752	\$220,000	
Mod 30	Settlement of Claims	Pending	\$24,714,752	\$450,000	
Subtotal – Approved Modifications				\$2,839,752	
Subtotal – Pending Changes/Modifications				\$450,000	
Subtotal Totals: Mods. + Pending Changes/Modifications			\$3,289,752		
Subtotal – Pending Claims			\$0.00		
Total: Mods + Pending Changes/Mods + Possible Claims			\$3,289,752		
Previous Authorized CMA			\$3,119,500		
CMA Necessary to Execute Pending Changes/Mods + Possible Claims			\$170,252		
Total CMA including this Action			\$3,289,752		
CMA Remaining for Future Changes/Mods after this Action			\$0.00		

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 99% complete. Current SBE participation is 6.60%, a shortfall of 3.40%. The shortfall is a result of Griffith's SBE escalator subcontractor, Excelsior Elevator's non-compliant equipment, which represented 8.37% of their commitment. Metro's Project Manager confirmed that Excelsior's proposed escalator equipment was not used because Excelsior did not meet all the specifications required by Metro.

To date, Griffith Company has added five (5) SBE subcontractors to perform surveying, noise and vibration monitoring, construction career coordination, and community services, amounting to a 1.13% increase in their SBE participation. This increase is not enough to make up the current shortfall.

Small Business Commitment	10.00% SBE	Small Business Participation	6.60% SBE
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	SBE Subcontractors	% Commitment	Current Participation¹
1.	Excelsior Elevator	8.37%	3.83%
2.	Intueor Consulting	0.83%	0.78%
3.	Diaz Yourman	0.80%	0.70%
4.	Precision Engineering	Added	0.22%
5.	RT Engineering	Added	0.15%
6.	Langford & Carmichael	Added	0.06%
7.	Morgner Technology Management	Added	0.35%
8.	G&C Equipment Corporation	Added	0.51%
	Total	10.00%	6.60%

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

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

The Contractor has committed to complying with PLA/CCP requirements for this project. This project is 98.25% complete (based on total construction labor hours expended, divided by the total estimated construction labor hours in the approved Employment Hiring Plan) and the contractor is not achieving the 40% Targeted Worker Goal at 38.13%, achieving the 20% Apprentice Worker Goal at 27.86%, and

achieving the Disadvantaged Worker Goal at 12.80%. Staff is currently performing close-out audits on the Targeted Worker non-compliance issue and will keep the Board updated on the outcome and any possible liquidated damages that will be assessed.

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 Modification.