



## Board Report

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**File #:** 2020-0284, **File Type:** Application

**Agenda Number:** 22.

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**CONSTRUCTION COMMITTEE  
MAY 21, 2020**

**SUBJECT: SOUNDWALL PACKAGE 11 HIGHWAY PROJECT**

**ACTION: CONTRACT MODIFICATION**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

EXECUTE Modification No. 19 to Contract No. C39033C1101-2 Soundwall Package 11 Highway Project for work above and beyond the original scope of services. This additional work is within the LOP budget and increases the total contract price in the amount of \$860,000, from \$66,041,760 to \$66,901,760.

**ISSUE**

During construction of Soundwall Package 11, permeation grouting was required at several bridge locations. Permeation grouting is an industry standard and a Caltrans accepted method of stabilizing and increasing bearing and friction capacity of in-situ soils and is accomplished by injecting grout deep into the soils at low pressure. The permeation grouting specification within the Soundwall Package 11 Contract did not match the soil conditions onsite, and the Contractor was requested to assist in investigating alternative methods to stabilize the soil.

Construction Modification 19 authorizes compensation to the Contractor in the amount of \$860,000 for additional time and overhead related to delays during permeation grouting investigation and re-design. This Modification increases the construction duration 287 Calendar Days, from December 19<sup>th</sup>, 2020 to October 2<sup>nd</sup>, 2021 for substantial completion.

Contract modifications on this project exceeding \$750,000 require Board authorization.

**BACKGROUND**

The Soundwall Package 11 Project is located entirely within Caltrans right of way and consists of construction of soundwalls on Route 170 from Route 101 separation to the Sherman Way

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Overcrossing, and on Route 405 from north of Saticoy Street Undercrossing to Roscoe Boulevard Undercrossing. The project also includes modifying and widening eight existing bridges.

## **DISCUSSION**

To accommodate new deep foundation Cast in Drilled Hole piles required for the bridge widenings, the design team incorporated a soil stabilization technique called permeation grouting. This grouting was to be performed at seven bridge widening locations. During the design phase, the design team performed investigation into the soils at these locations and included a specification that assumed the permeation grouting could be performed in accordance with Caltrans standard specifications. During construction, it was discovered that the soils at the bridge locations differed materially from a preferred soil profile that would accept the permeation grouting. The design team requested the Contractor to perform additional geotechnical surveys to determine the most appropriate path forward. After receiving the additional geotechnical information and performing additional design work, the Engineer of Record presented an acceptable solution to Caltrans and Metro. During this period of investigation and re-design, the critical path of the project was delayed 287 Calendar Days, with 215 days being excusable and compensable, and 72 days being excusable and non-compensable.

This Modification will include all costs associated with permeation grouting for the contract milestone delay.

## **DETERMINATION OF SAFETY IMPACT**

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

## **FINANCIAL IMPACT**

The LOP budget for Soundwall Package 11 Highway Project is \$89,183,000 in local Measure R Highway 20% and Prop C 25% Funds.

The change identified herein will not increase the project budget for the current fiscal year, as the local funding is only a portion of the total project programmed funding in Cost Center 8410 (Construction Management), in Project 460324.

This a multi-year project, therefore the cost center manager and the Executive Officer, Program Management would be responsible for budgeting project costs in future fiscal years.

## **IMPACT TO BUDGET**

The source of funds for this recommendation is Measure R (20%) and Prop C (25%) Highway Funds, which are not eligible for bus or rail operations. No other funds were considered.

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**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. However, this decision would result in further schedule delay and cost increases.

**NEXT STEPS**

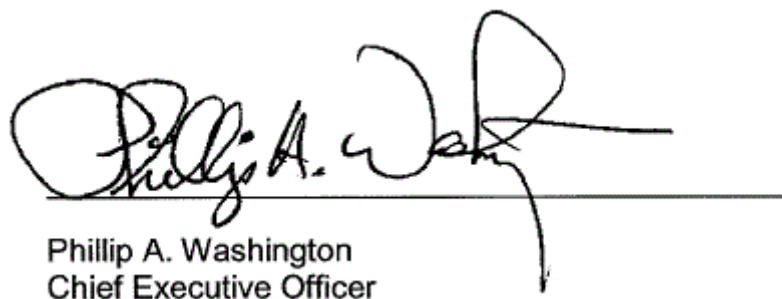
Upon Board approval, staff will execute Contract Modification No. 19 to Contract No. C39033C1101-2.

**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

## SOUNDWALL PACKAGE 11/C39033C1101-2

1.	<b>Contract Number:</b> C39033C1101-2		
2.	<b>Contractor:</b> Powell Constructors, Inc.		
3.	<b>Mod. Work Description:</b> Time extension and related extended overhead cost for delay		
4.	<b>Contract Work Description:</b> Modification to eight existing bridges and soundwall on Route 710, Route 101, and Route 405		
5.	<b>The following data is current as of:</b> 4/3/2020		
6.	<b>Contract Completion Status:</b>		
	<b>Bids/Proposals Opened:</b>	08/31/2017	<b>% Completion \$s:</b> 56%
	<b>Contract Awarded:</b>	10/30/2017	<b>% Completion time:</b> 56%
	<b>NTP:</b>	12/20/2017	<b>Original Contract Days:</b> 1460 calendar days
	<b>Original Complete Date:</b>	12/20/2021	<b>Change Order Days:</b> 287 days
	<b>Current Est. Complete Date:</b>	10/3/2022	<b>Suspended Days:</b> 0 days
		<b>Total Revised Days:</b>	287 days
7.	<b>Financial Status:</b>		
	<b>Contract Award:</b>	\$66,041,760.00	
	<b>Total Contract Modifications Approved:</b>	\$1,504,083.87	
	<b>Current Contract Value:</b>	\$67,545,843.30	
	<b>Contract Administrator:</b> Helen Gates-Bryant	<b>Telephone Number:</b> 213-922-1269	
8.	<b>Project Manager:</b> Joe Wright	<b>Telephone Number:</b> 213-418-3460	

**A. Contract Action Summary**

This Board Action is to approve Contract Modification No. 00019 in support of a compensable time impact, for delays affecting the Critical Path of the Project from Notice to Proceed to December 31, 2019.

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

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

Refer to Attachment B – Contract Modification Log for modifications to date.

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon a time impact analysis (TIA) prepared and utilized to determine the independent cost estimate, fact finding, cost analysis, and negotiations, in accordance with Metro procurement policy and procedures.

<b>Proposal amount</b>	<b>Metro ICE</b>	<b>Negotiated or NTE amount</b>
\$1,068,000.00	\$716,000.00	\$860,000.00

## CONTRACT MODIFICATION/CHANGE ORDER LOG

Mod. no.	Description	Status (approved or pending)			
			Contract Value	Mods.	Board Approved CMA
<b>NA</b>	<b>Initial Award</b>		<b>\$66,041,760.00</b>		<b>\$6,604,176.00</b>
1	Contract Conforming and Clarifications	Approved		\$0.00	
2	Revise Contract Article I	Approved		\$0.00	
3	Contract Conforming and Clarifications – Lane Closure Charts Adjustments	Approved		\$0.00	
4	Temporary Mainline Striping	Approved		\$0.00	
5	Additional Temporary Traffic Control, City of LA	Approved		\$310,000.00	
6	Additional Tree Removal in the SB 170	Approved		\$78,970.16	
7	Crash Cushion Replacement	Approved		\$15,991.00	
8	Striping Inefficiencies	Approved		\$38,954.00	
9	Permanent Sign Modification	Approved		\$21,542.47	
10	Electrical Service Connection at SW #951	Approved		\$25,971.00	
11	Removal of Overhead Sign Structure's Walkways	Approved		\$60,897.00	
12	Modification to Retaining Wall #870	Approved		\$126,874.00	
13	Buried Man-Made Objects; Remove Existing Sign; Repair Existing CSP; Crash Cushion Replacement	Approved		\$86,394.00	
14	DWP Full Freeway Closures' Support; SB Route 170-Riverside Drive Off-Ramp Striping	Approved		\$88,538.47	
15.2	Quantity Adjustment for Provisional Sum Authorization-COZEEL	Approved		\$480,000.00	
17	Combined Extra Work Items at SW 917, 860, 891 and Other Areas	Approved		\$72,173.36	
18	Various Extra Work Performed	Approved		\$97,778.41	
	<b>Subtotal Approved Modifications</b>			<b>\$1,505,083.87</b>	
<b>19</b>	<b>Time Extension and Related Extended Overhead Cost</b>	<b>Pending</b>	\$	<b>\$860,000.00</b>	\$
					\$
					\$

<b>Subtotal Totals: Mods. + Pending Changes/Modifications</b>	\$	<b>\$2,364,083.87</b>	\$
Subtotal – Pending Claims	\$	\$0.00	\$
<b>Total: Mods + Pending Changes/Mods + Possible Claims</b>	\$	<b>\$2,364,083.87</b>	\$
Previous Authorized CMA	\$	\$6,604,176.00	\$
<b>CMA Remaining for Future Changes/Mods after this Action</b>	\$	<b>\$4,240,092.13</b>	\$

**SOUNDWALL PACKAGE 11/CONTRACT NO. C39033C1101-2**

## DEOD SUMMARY

## SOUNDWALL PACKGE 11/C39033C1101-2

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 29% Small Business participation goal for this project, inclusive of a 26% Small Business Enterprise (SBE) goal and a 3% Disabled Veteran Business Enterprise (DVBE) goal. Powell Constructors, Inc. exceeded the goal by making a 29.76% SBE/DVBE commitment, inclusive of a 26.35% SBE commitment and a 3.41% DVBE commitment.

Based on payments reported, the contract is 48% complete and the SBE/DVBE participation is 34.21%, inclusive of 29.47% SBE commitment and 4.74% DVBE commitment. Powell Constructors, Inc. is currently exceeding the SBE commitment by 3.12% and the DVBE commitment by 1.33%.

<b>Small Business Commitment</b>	<b>26.35% SBE 3.41% DVBE</b>	<b>Small Business Participation</b>	<b>29.47% SBE 4.74% DVBE</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	G&F Concrete Cutting	0.78%	0.78%
2.	Rupert Construction Supply	2.22%	3.97%
3.	Global Transloading, LLC	1.20%	4.97%
4.	Titan Constructor Engineering	1.35%	1.05%
5.	Deco Pave, Inc.	3.67%	2.32%
6.	High-Light Electric Inc.	9.81%	11.68%
7.	Martinez Landscape	3.21%	0.03%
8.	Miranda Logistics Enterprises, Inc.	0.27%	0.54%
9.	G & C Equipment Company	1.44%	0.11%
10.	G & C Equipment Company	2.39%	4.02%
	<b>Total SBE Commitment</b>	<b>26.35%</b>	<b>29.47%</b>

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

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	EnGEN Corporation	1.57%	2.88%
2.	RKW Veterans Solutions, LLC	1.79%	1.34%
3.	G & C Equipment Company	0.05%	0.52%
	<b>Total</b>	<b>3.41%</b>	<b>4.74%</b>

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



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

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 (PLA/CCP)**

The Contractor has committed to complying with PLA/CCP requirements for this project. This project is 53.25% 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 achieving the 40% Targeted Worker Goal at 40.14%, not achieving the 20% Apprentice Worker Goal at 14.36%, and not achieving the 10% Disadvantaged Worker Goal at 4.23%. Prime Contractor has submitted an Employment Hiring Plan which states compliance with the PLA/CCP workforce goals will be met at 65% project completion. Staff will continue to monitor and report the contractor's progress toward meeting the goals of the PLA/CCP.