



## 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

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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


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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

1.	<b>Contract Number:</b> AE58083E0129		
2.	<b>Contractor:</b> Gannett Fleming, Inc.		
3.	<b>Work Description:</b> 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.	<b>Contract Work Description:</b> 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.	<b>The following data is current as of:</b> 12/22/20		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	7/25/19	<b>Contract Award Amount:</b> \$61,974,852
	<b>Notice to Proceed (NTP):</b>	8/15/19 (Contract Execution)	<b>Total of Modifications Approved:</b> \$3,636,366
	<b>Original Complete Date:</b>	8/15/28	<b>Pending Modifications (including this action):</b> \$3,965,239
	<b>Current Est. Complete Date:</b>	8/15/28	<b>Current Contract Value (with this action):</b> \$69,576,457
7.	<b>Contract Administrator:</b> Diana Sogomonyan		<b>Telephone Number:</b> (213) 922-7243
8.	<b>Project Manager:</b> Monica Born		<b>Telephone Number:</b> (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.

<b>SEGMENT/MOD NO.</b>	<b>PROPOSAL</b>	<b>INDEPENDENT COST ESTIMATE</b>	<b>NEGOTIATED AMOUNT</b>
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
	<b>Subtotal Approved Changes:</b>			<b>3,636,366</b>	
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
	<b>Subtotal Pending Changes:</b>			<b>\$3,965,239</b>	
	<b>CMA Authorized by the Board and Remaining Approved Changes (MOD 1, 3-9 and CO 1)</b>			<b>\$3,636,366</b>	<b>\$10,450,393.40</b>
	<b>Pending Modifications:</b>			<b>\$3,965,239</b>	
	<b>Original Contract:</b>			<b>\$61,974,852</b>	
	<b>This Board Action:</b>			<b>\$3,965,239</b>	
	<b>New Total:</b>			<b>\$69,576,457</b>	



## 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.

<b>Small Business Commitment</b>	<b>25.29% SBE 5.54% DVBE</b>	<b>Small Business Participation</b>	<b>13.81% SBE 3.54% DVBE</b>
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	<b>DBE/SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
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%
	<b>Total</b>	<b>25.29%</b>	<b>13.81%</b>

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

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

**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.