

**Board Report**

File #: 2021-0101, **File Type:** Contract**Agenda Number:** 30.

**CONSTRUCTION COMMITTEE
MAY 20, 2021****SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT - GEOTECHNICAL
EXPLORATION****ACTION: AUTHORIZE CONTRACT MODIFICATION FOR GEOTECHNICAL EXPLORATION
ALONG VAN NUYS BLVD (OXNARD ST TO SAN FERNANDO RD)****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to execute Modification No. 18 to Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for geotechnical exploration along Van Nuys Blvd. (Oxnard St. to San Fernando Rd.), in the amount of \$987,531 increasing the total Contract value from \$71,062,041 to \$72,049,572.

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 Boulevard for 6.7 miles to San Fernando Road. From there, the tracks 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 to the Metro Board in December 2020. At that time, the Board certified the document followed by a Record of Decision (ROD) in January 2021 by the FTA.

ISSUE

The recommended Contract Modification includes geotechnical exploration along Van Nuys Blvd. based upon the Metro approved Subsurface Exploration and Testing Plan that includes geotechnical field borings, pavement corings, laboratory testing and documenting within a geotechnical data report and geotechnical design reports. Gannett Fleming, Inc., the ESFV Engineering Consultant for Metro, will conduct this exploration work as part of their Phase 1 work to advance the design for incorporation into the design build procurement documents.

Geotechnical exploration will provide additional information to address a major risk in any new rail project. The design of Project components, such as track, station platforms, maintenance facility, walls and pavement improvements, require geotechnical input in addition to the evaluation of the impacts on existing structures along the proposed alignment. This approach has proven to be a lesson learned and best practice on Metro projects. This action will greatly assist in mitigating 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 incorporation into the design build procurement documents (Phase 1), support during the solicitation process (Phase 2) and design support during construction (Phase 3) for the Project. As part of Phase 1 scope of work, Gannett Fleming assembled existing geotechnical data for the Project and compiled this information into a Geotechnical Planning Report that Metro reviewed and approved. Based upon this report, Gannett Fleming prepared a detailed Subsurface Exploration and Testing Plan outlining the required locations and quantity of geotechnical field borings, pavement corings, and laboratory testing to support the design of the Project components; Metro reviewed and approved this Plan. The geotechnical investigation is based upon this Plan and will consist of field investigation work at specific locations along Van Nuys Blvd.

For this geotechnical investigation work, the locations and quantities do not warrant the necessity to segment the work as done on previous contract modifications as this work is isolated to specific locations located throughout the 6.7 miles of Van Nuys Blvd. Therefore, this contract modification can be managed with this approach.

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 \$45.2M 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 and within the cumulative budget limit for the affected fiscal year.

Impact to Budget

Sources of funds for the recommended actions are Measure M 35% and State Grants. There is no impact to Operations eligible funding. No other funds were considered.

ALTERNATIVES CONSIDERED

The Metro Board could decide not to approve this contract modification. Staff does not recommend this alternative because this geotechnical investigation work is necessary for Gannett Fleming to develop a thorough design and procurement documents that the Design Build contractors may rely on and thus reduce risk.

NEXT STEPS

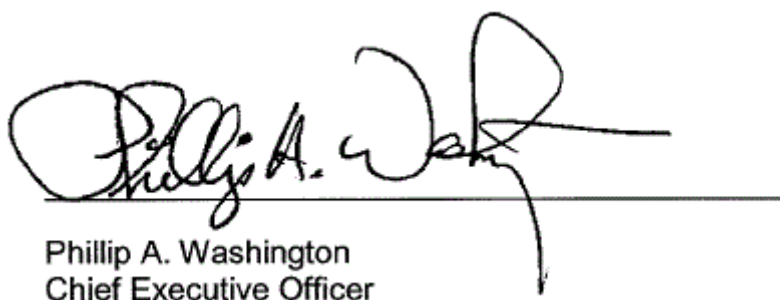
Upon Metro Board adoption, staff will complete negotiations and execute the contract modifications.

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.	Contract Number: AE58083E0129		
2.	Contractor: Gannett Fleming, Inc.		
3.	Work Description: Perform geotechnical subsurface investigation at specific locations along Van Nuys Blvd. from Oxnard St. to San Fernando Rd. that have been identified by the Subsurface Exploration and Testing Plan, for the East San Fernando Valley Transit Corridor Project.		
4.	Contract Work Description: Engineering design and oversight services for the ESFV Transit Corridor Project. This action is for Scope of Services required under part of Task 2.2.9.2 Subsurface Exploration and Documentation Phase 1 development of Preliminary Engineering (PE) design.		
5.	The following data is current as of: 4/22/21		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	7/25/19	Contract Award Amount: \$61,974,852
	Notice to Proceed (NTP):	8/15/19 (Contract Execution)	Total of Modifications Approved: \$9,087,189
	Original Complete Date:	8/15/28	Pending Modifications (including this action): \$987,531
	Current Est. Complete Date:	8/15/28	Current Contract Value (with this action): \$72,049,572
7.	Contract Administrator: Diana Sogomonyan		Telephone Number: (213) 922-7243
8.	Project Manager: Monica Born		Telephone Number: (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.

Sixteen (16) Contract Modifications (MODs) and one (1) Contract Change Order (CO) (now superseded) has been approved and issued to date. One (1) Contract Modification is in progress, consisting of this action. This action is to authorize the Chief Executive Officer (CEO) to execute Modification No. 18 to Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit

Corridor Project, for geotechnical exploration along Van Nuys Blvd. (Oxnard St. to San Fernando Rd.).

This Scope of Services is part of Consultant's Phase 1 Preliminary Engineering work; however, completion of the field geotechnical subsurface investigation was contingent upon completion of the Subsurface Exploration and Testing Plan (tasks identified under Scope of Services subsections 2.2.9.1 and 2.2.9.2 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 completion of the Subsurface Exploration and Testing Plan. Consultant can only begin with the work for geotechnical exploration upon Metro's issuance of a contract Modification for the costs and a written authorization to proceed.

The Consultant will implement the Subsurface Exploration and Testing Plan reviewed and approved by Metro as follows:

1. Conduct field borings at the station platforms, tracks, Overhead Contact System (OCS) poles, a portion of the maintenance facility, retaining walls and the sound wall. A Geotechnical Data Report will be developed to document the field borings and laboratory testing, and Geotechnical Design Reports for specific design elements.
2. Conduct pavement corings at the street crossings along Van Nuys Blvd. from Oxnard St. to San Fernando Rd., including streets that will cross Van Nuys Blvd. and those that will become right-in/right-out after the Project is implemented. A Pavement Report will be developed to document the corings and laboratory testing, along with the recommendations for specific design elements.

The information from the geotechnical subsurface investigation will be incorporated into the Design Build procurement documents to mitigate risks.

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 cost for the Contract Modifications is determined to be fair and reasonable based upon fact finding, technical evaluation, cost analysis, and negotiations. The Contract Modification will be processed in accordance with Procurement Policies and Procedures, within the additional funding requested.

MOD NO.	PROPOSAL	INDEPENDENT COST ESTIMATE	FINAL NEGOTIATED
18	\$1,425,499	\$812,058	\$987,531

CONTRACT MODIFICATION/CHANGE ORDER LOG

EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

Mod./ CO No.	Description	Status	Date	\$ Amount	Board Approved CMA
N/A	Initial Award		7/25/19	\$61,974,852	\$12,394,970
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
MOD 4	Underground Utility Detection Services Along Van Nuys Blvd. – Segment A	Approved	10/14/20	\$437,646	\$11,904,160
MOD 5	Underground Utility Detection Services Along Van Nuys Blvd. – Segment B	Approved	11/5/20	\$481,156	\$11,423,004
MOD 6	Underground Utility Detection Services Along Van Nuys Blvd. – Segment C	Approved	11/5/20	\$358,665	\$11,064,339
MOD 7	Underground Utility Detection Services Along Van Nuys Blvd. – Segment D	Approved	11/5/20	\$74,079	\$10,990,260
MOD 8	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment A	Approved	11/5/20	\$159,832	\$10,830,428
MOD 9	Utility Investigation - Potholing and Slot Trenching for Segment A	Approved	11/23/20	\$1,691,789	\$10,450,393
MOD 10	Coordination With Third Party Utility Owners to Assess Utility Conflicts	Approved	4/12/21	\$734,547	\$9,715,846
MOD 11	Preliminary Engineering of Composite Utility Rearrangement Plans	Approved	2/23/21	\$738,979	\$8,976,867
MOD 12	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment B	Approved	3/23/21	\$150,153	\$8,826,714

MOD 13	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment C	Approved	3/23/21	\$140,163	\$8,686,551
MOD 14	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment D	Approved	4/6/21	\$101,777	\$8,584,774
MOD 15	Utility Investigation - Potholing and Slot Trenching for Segment B	Approved	2/25/21	\$1,772,143	\$8,584,774
MOD 16	Utility Investigation - Potholing and Slot Trenching for Segment C	Approved	2/25/21	\$1,565,506	\$8,584,774
MOD 17	Utility Investigation - Potholing and Slot Trenching for Segment D	Approved	3/1/21	\$627,590	\$8,584,774
CO 1	Coordination With Third Party Utility Owners to Assess Utility Conflicts (See Mod 10)	Superseded	11/4/20	\$0.00	\$8,584,774
	Subtotal Approved Changes:			\$9,087,189	
MOD 18	Geotechnical Subsurface Investigation	Pending	TBD	\$987,531	\$8,584,774
	Subtotal Pending Changes:			\$987,531	
	CMA Authorized by the Board and Remaining Approved Changes			\$9,087,189	\$8,584,774
	Pending Modifications:			\$987,531	
	Original Contract:			\$61,974,852	
	This Board Action:			\$987,531	
	Revised Contract Total (Approved Changes +This Board Action):			\$72,049,572	

DEOD SUMMARY

**EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT/
CONTRACT NO. AE58083E0129**

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 for the contract. Based on payments, the contract is 27% complete and the current SBE participation is 10.94% and the current DVBE participation is 3.01%, representing a 14.35% SBE shortfall and a 2.53% DVBE shortfall. Gannett indicated that a delay in the submittal of a major deliverable, impacted activities for SBEs in year 1 but has forecasted to include the remaining work to SBEs in year 2. Metro will review Gannett's progress in meeting its commitment at 50% completion and will request a formal shortfall mitigation plan, if warranted.

The Diversity & Economic Opportunity Department (DEOD) will work in conjunction with the Project Manager and Contract Administrator to ensure that maximum SBE/DVBE participation is achieved by Gannett Fleming. Accordingly, these teams have been provided access to Metro's web-based tracking system to ensure that all parties are actively monitoring Small Business progress.

Small Business Commitment	25.29% SBE 5.54% DVBE	Small Business Participation	10.94% SBE 3.01% DVBE
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	SBE Subcontractors	% Committed	Current Participation¹
1.	BA, Inc.	1.66%	0.00%
2.	Diaz Consultants, Inc, dba Diaz Yourman & Associates	1.44%	0.79%
3.	FPL & Associates, Inc.	5.96%	3.08%
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%	4.13%
8.	Sanchez/Kamps Associates Design dba SKA Design	0.59%	0.00%
9.	Zephyr UAS, Inc.	4.30%	2.94%
10.	Cross-Spectrum Acoustics Inc.	ADDED	0.00%
	Total	25.29%	10.94%

	DVBE Subcontractors	% Committed	Current Participation¹
1.	Casamar Group, LLC	5.54%	1.86%
2.	E-NOR Innovations, Inc.	ADDED	1.15%
	Total	5.54%	3.01%

¹Current Participation = Total Actual amount Paid-to-Date to certified 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

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.