

**Board Report**

File #: 2021-0521, **File Type:** Contract**Agenda Number:** 8.

**PLANNING & PROGRAMMING COMMITTEE
NOVEMBER 17, 2021****SUBJECT: WEST SANTA ANA BRANCH TRANSIT CORRIDOR PROJECT****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 13 to Contract No. AE5999300 with WSP USA Inc. to provide additional environmental technical work during the completion of the Draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) in the amount of \$1,302,845, increasing the Total Contract Value from \$28,484,036 to \$29,786,881, and extend the period of performance through June 30, 2022.

ISSUE

This is a request to authorize the necessary additional funds to professional services Contract No. AE5999300. A Contract Modification is necessary as additional Conceptual Engineering (CE) and technical analysis is needed for the Draft EIS/EIR in response to FTA comments and in coordination with Metro Departments and direction from Metro's Senior Leadership. The additional work will also help to inform and support the Final EIS/EIR once the Locally Preferred Alternative (LPA) is selected by the Board, currently anticipated in January 2022. As the additional work is part of a separate, but related, work effort from the Final EIS/EIR, extending the period of performance through June 30, 2022 is necessary. Delaying this additional work to a future date would pose significant delays to the overall project schedule and risk that the project would be unable to meet its Measure M schedule.

BACKGROUND

The West Santa Ana Branch (WSAB) Project (Attachment A) is a proposed light rail transit (LRT) line along a 19-mile corridor from southeast Los Angeles County to Downtown Los Angeles serving the cities and communities of Artesia, Cerritos, Bellflower, Paramount, Downey, South Gate, Cudahy, Bell, Huntington Park, Vernon, unincorporated Florence-Graham community, and downtown Los Angeles. This rail corridor is anticipated to serve commuters in a high travel demand corridor by providing relief to the limited transportation systems currently available to these communities. In addition, the project is expected to provide a direct connection to the Metro C Line (Green), Metro A Line (Blue) and the LA County regional transit network.

Due to the environmental complexity of the Project, additional Contract Modification Authority (CMA)

was granted for this Project in July 2019 (2019-0218). Since then, staff has continued to advance the conceptual plans and environmental analysis for the Project requiring additional modifications to the Contract as well as to extend the contract period of performance from April 30, 2021 through December 31, 2021. Board approval is required to execute this modification.

DISCUSSION

A critical path to environmentally clearing the Project is continued close coordination with the Federal Transit Administration (FTA). As the lead federal agency for Metro projects, the FTA is responsible for National Environmental Policy Act (NEPA) compliance and review. The FTA Region 9 Regional Administrator's signature is required on both the Draft EIS/EIR and the Final EIS/EIR prior to publication. Although Metro staff works closely with the FTA throughout the planning and environmental process, FTA is most involved with the review of the Draft EIS/EIR and Final EIS/EIR prior to publication of the documents. It is not unusual for the Draft EIS/EIR and Final EIS/EIR documents, and accompanying technical reports, to undergo several rounds of FTA review prior to publication. Over the past year, staff has received numerous additional comments and direction from the FTA and Metro Departments, resulting in additional technical and environmental work needed to complete the Draft EIS/EIR.

Additionally, a separate, but related work effort will be undertaken at the direction of Metro Senior Leadership, to provide an additional evaluation of implementation strategies to help inform the Board in the selection of the LPA. The additional work will also help to inform and support the analysis conducted in the Final EIS/EIR. The Board is currently anticipated to select the LPA for the Project and authorize the contract option for the Final EIS/EIR in January 2022. Major tasks included in the Modification 13 scope of work include:

- Update Environmental Impact Reports and Draft EIS/EIR in response to FTA and Metro Department comments;
- Additional workshops with the FTA to resolve their comments on the Draft EIS/EIR;
- Respond to stakeholder issues and comment letters through the preparation of draft letters and/or memoranda to stakeholders;
- Update other (non-environmental) reports to be consistent with the latest project description in support of the Draft EIS/EIR;
- Draft outline and review Cost and Financial Appendix;
- Prepare SCAG Air Conformity Memorandum;
- Prepare text comparing 2016 vs 2020 SCAG Regional Transportation Plan (RTP) for the Draft EIS/EIR;
- Update Slauson/A Line Station Plans;
- Update Pioneer Station Crossover Engineering Plans and Environmental Analysis;
- Additional evaluation of implementation strategies; and
- Additional Planning and Technical Meetings.

DETERMINATION OF SAFETY IMPACT

These actions will not impact the safety of Metro customers and/or employees because this Project is

in the planning process phase and no capital or operational impacts result from this Board action.

FINANCIAL IMPACT

The FY 2021-22 budget contains \$4,487,319 in Cost Center 4370 (Mobility Corridors), Project 460201 (WSAB Corridor Administration) for professional services. Since this is a multi-year contract, the Cost Center Manager and Chief Planning Officer will be responsible for budgeting in future years.

Impact to Budget

The funding for this project is in the Measures R and M Expenditure Plans. The fund source for the above activity is Measure R 35%. As these funds are earmarked for the WSAB Transit Corridor project, they are not eligible for Metro bus and rail capital and operating expenditures.

EQUITY ASSESSMENT

If selected by the Board, this Project will benefit communities through the addition of a new high-quality reliable transit service which will increase mobility and connectivity for the historically underserved and transit-dependent communities in the corridor. Approval of the contract modification will allow staff to complete the Draft EIS/EIR on schedule, which will be followed by a public review period allowing the corridor communities and other stakeholders the opportunity to provide their comments and feedback on the Project. The public review period was extended from 45-days to 60-days to allow the public additional time to review and comment on the document.

Various Project Measures and Mitigation Measures have been developed as part of the environmental document to mitigate potential impacts related to construction and/or operation of the Project. In addition, Metro has developed the WSAB Transit Oriented Development Strategic Implementation Plan (TOD SIP) to help cities maximize the transit investment that will be made in the corridor and to ensure that communities along the corridor equitably benefit from the investment. Metro will also be pursuing Transit Oriented Communities (TOC) Corridor Baseline Assessments for all Metro transit corridors, starting with Measure M, to support corridor communities in identifying strategies to equitably leverage the positive benefits on the transit investment while also preparing for potential unintended consequences around issues like gentrification and displacement.

Since initiating the Project study, Metro has conducted extensive outreach efforts with corridor communities and other stakeholders for a greater understanding of any potential harm or burdens that may potentially result from the Project. Targeted outreach efforts have been made to reach out to people of color, low-income, and limited English proficiency populations, and persons with disabilities. As a result of the comments received during the scoping process, as well as ongoing coordination with the corridor cities and continued technical analysis, several changes were made to the Project Definition. Additionally, Metro has introduced numerous efforts, such as the upcoming TOC Corridor Baseline Assessments, TOC Grant Writing Assistance Program, and the upcoming TOC Technical Assistance Program to support communities in equitably leveraging the transit investments and preparing for potential unintended consequences of gentrification and displacement to improve

equitable TOC outcomes for the WSAB corridor communities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project supports the following strategic plan goals identified in Vision 2028: Goal 1: Provide high-quality mobility options that enable people to spend less time traveling, Goal 3: Enhance communities and lives through mobility and access to opportunity and Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board could decide not to approve the recommended contract modification. However, this alternative is not recommended, as this would impact the project's environmental clearance schedule and would pose significant delays to the overall project schedule and increase the risk of not meeting the Project's Measure M timeline.

NEXT STEPS

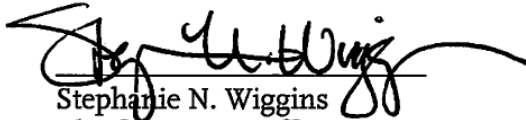
Upon Board approval, staff will execute Modification No. 13 to Contract No. AE5999300 with WSP USA Inc. for technical services to perform the necessary additional environmental analyses, and evaluation of implementation strategies. The findings of the Draft EIS/EIR are anticipated to be presented to the Board in January 2022.

ATTACHMENTS

- Attachment A - WSAB Build Alternatives Map
- Attachment B - Procurement Summary
- Attachment C - Contract Modification/Change Order Log
- Attachment D - DEOD Summary

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Stephanie N. Wiggins
Chief Executive Officer

West Santa Ana Branch Transit Corridor Project Alternatives Overview



Northern endpoint for Alternative 1 would be located at the LA Union Station Forecourt or behind the Metropolitan Water District Building on the east side of LA Union Station.

PROCUREMENT SUMMARY

WEST SANTA ANA BRANCH TRANSIT CORRIDOR/AE5999300

1.	Contract Number: AE5999300		
2.	Contractor: WSP USA Inc.		
3.	Mod. Work Description: Additional conceptual engineering, environmental review and technical analysis to complete the Environmental Impact Statement/Environmental Impact Report (EIS/EIR).		
4.	Contract Work Description: West Santa Ana Branch Transit Corridor Technical Services		
5.	The following data is current as of: November 5, 2021		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	09/26/16	Contract Award Amount: \$9,392,326
	Notice to Proceed (NTP):	09/26/16	Total of Modifications Approved: \$19,091,710
	Original Complete Date:	09/30/20	Pending Modifications (including this action): \$1,302,845
	Current Est. Complete Date:	06/30/22	Current Contract Value (with this action): \$29,786,881
7.	Contract Administrator: Samira Baghdikian		Telephone Number: (213) 922-1033
8.	Project Manager: Matt Abbott		Telephone Number: (213) 922-3071

A. Procurement Background

This Board Action is to approve Contract Modification No. 13 issued for additional conceptual engineering, environmental review and technical analysis to complete the Environmental Impact Statement/Environmental Impact Report for the West Santa Ana Branch Transit Corridor. This Modification will also extend the period of performance through June 30, 2022.

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

On September 26, 2016, the Board awarded a firm fixed price Contract No. AE5999300 to Parsons Brinckerhoff, Inc., now WSP USA Inc., in the amount of \$9,392,326 for the West Santa Ana Branch Transit Corridor.

Twelve modifications have been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate, cost analysis, technical analysis, fact finding and negotiations. Fee remains unchanged from the original contract.

Proposal Amount	Metro ICE	Negotiated
\$1,302,862	\$1,348,900	\$1,302,845

CONTRACT MODIFICATION/CHANGE ORDER LOG

WEST SANTA ANA BRANCH TRANSIT CORRIDOR/AE5999300

Mod. No.	Description	Status (approved or pending)	Date	\$ Amount
1	Addition of a travel demand model review and calibration of six main tasks.	Approved	10/20/17	\$252,166
2	Environmental review and technical analysis on the three northern alignments in the Draft EIR/EIS (EIR/EIS) for the West Santa Ana Branch Transit Corridor.	Approved	06/28/18	\$2,760,752
3	Conduct additional environmental review and technical analyses to complete the Draft EIS/EIR.	Approved	01/09/19	\$335,484
4	Conduct additional environmental review and technical analyses related to Minimum Operating Segment (MOS) to complete the Draft and Final EIS/EIR.	Approved	01/11/19	\$494,230
5	Conduct additional environmental review and technical analyses related to identifying and evaluating two additional maintenance facility sites to complete the Draft and Final EIS/EIR.	Approved	01/11/19	\$316,332
6	Technical services to advance the level of design to 15% to support Draft EIS/EIR and optional third-party coordination.	Approved	12/06/18	\$7,978,444
7	Additional environmental technical work to be included in the Draft EIS/EIR.	Approved	07/25/19	\$6,476,982
8	No cost descoping and rescoping of tasks.	Approved	10/31/19	\$0
9	No cost reallocation of tasks.	Approved	03/24/20	\$0
10	Additional conceptual engineering and technical analysis associated with design changes to I-105/C	Approved	09/22/20	\$477,320

	Line and extension of period of performance (POP) through 04/30/21.			
11	Extension of POP through 10/31/21.	Approved	03/30/21	\$0
12	Extension of POP through 12/31/21.	Approved	10/14/21	\$0
13	Additional conceptual engineering, environmental review and technical analysis to complete the Environmental Impact Statement/Environmental Impact Report and extension of POP through 06/30/22.	Pending	Pending	\$1,302,845
	Modification Total:			\$20,394,555
	Original Contract:	Approved	09/26/16	\$9,392,326
	Total:			\$29,786,881

DEOD SUMMARY

WEST SANTA ANA BRANCH TRANSIT CORRIDOR/AE5999300

A. Small Business Participation

WSP USA Inc. (WSP) made a 25.03% Disadvantaged Business Enterprise (DBE) commitment. The project is 85% complete and the current DBE participation is 23.01%, representing a shortfall of 2.02%. A shortfall mitigation plan was requested and received. WSP explained that their 25.03% DBE commitment assumes authorization of Scenario 1 – Option 2 of the contract, which has not been executed by Metro but is necessary for the DBE goal to be met. WSP contends that they anticipate Option 2 being executed in Fall 2021, which will increase the DBE utilization. Further, the current modification includes a higher DBE percentage and once invoiced, the DBE utilization will increase. WSP projects that they will meet or exceed their 25.03% DBE utilization commitment.

Notwithstanding, Metro Project Managers and Contract Administrators will work in conjunction with DEOD to ensure that WSP is on schedule to meet or exceed its DBE commitment. Additionally, key stakeholders associated with the contract have been provided access to Metro's web-based monitoring system to ensure that all parties are actively tracking Small Business progress.

Small Business Commitment	DBE 25.03%	Small Business Participation	DBE 23.01%
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	DBE/SBE Subcontractors	Ethnicity	% Committed	Current Participation¹
1.	BA, Inc.	Black American	1.66%	2.18%
2.	Cityworks Design	Hispanic American	3.68%	3.69%
3.	Connetics Transportation Group	Asian-Pacific American	0.79%	0.54%
4.	Epic Land Solutions	Caucasian Female	1.18%	0.79%
5.	Geospatial Professional Services	Asian-Pacific American	0.25%	0.86%
6.	Lenax Construction	Caucasian Female	2.31%	2.16%
7.	Terry A. Hayes Associates	Black American	11.40%	5.76%

8.	Translinks Consulting	Asian-Pacific American	3.76%	2.54%
9.	Bette Spaghetti Productions (Media Arts, LLC)	Caucasian Female	Added	0.06%
10.	Del Richardson & Associates	Black American	Added	1.34%
11.	Dunbar Transportation Consulting LLC	Caucasian Female	Added	0.22%
12.	Wiltec	Black American	Added	0.50%
13.	RSE Corporation (formerly Rail Surveyors and Engineers Inc.)	Asian-Pacific American	Added	1.84%
14.	Yunsoo Kim Design, Inc.	Asian-Pacific American	Added	0.53%
	Total		25.03%	23.01%

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

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will 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. 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.

Next stop: new rail to southeast LA County.

WEST SANTA ANA BRANCH TRANSIT CORRIDOR



Planning & Programming Committee : November 17, 2021

File 2021-0521



Recommendation

AUTHORIZE the Chief Executive Officer to execute Modification No. 12 to Contract No. AE5999300 with WSP USA Inc. to provide additional environmental technical work during the completion of the Draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) in the amount of \$1,302,845, increasing the Total Contract Value from \$28,484,036 to \$29,786,881, and extend the period of performance through January 31, 2022.

Project Overview

- > 19-mile corridor
- > Up to 12 new stations
- > Up to 5 new park & ride facilities
- > **Study Area: 98 square miles**

Study Area	Current	Projected (2042)
Pop.	1.4 M	1.6 M
Emp.	618,500	746,000

Metro Travel Demand Model 2017 to 2042

- > Populations and employment densities are **five times higher than LA County**



Contract Modification No. 12

- Additional technical and environmental work including, but not limited to, the following:
 - Update environmental and other non-environmental reports in response to FTA and Metro Department comments
 - Additional workshops to resolve FTA comments
 - Respond to stakeholder issues and comment letters through preparation of draft letters and/or memoranda to stakeholders
 - Prepare SCAG Air Conformity Memorandum
 - Additional Evaluation of Implementation Strategies

Project Consistency with Agency Goals and Near Term Next Steps

- Project is consistent with Metro's Equity Platform Framework
 - Rapid Equity Assessment tool was reviewed and approved by Metro's Office of Equity and Race
- Project is aligned with Metro Vision 2028 Strategic Plan goals
 - Goal #1 - Provide high quality mobility options that will enable people to spend less time traveling
 - Goal #3 – Enhance communities and lives through mobility and access to opportunity
 - Goal #5 – Provide responsive, accountable, and trustworthy governance within the Metro organization
- Selection of the LPA anticipated at the January 2022 Board meeting