

**Board Report**

File #: 2021-0677, **File Type:** Contract**Agenda Number:** 28.

**CONSTRUCTION COMMITTEE
NOVEMBER 18, 2021****SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT - ADVANCED UTILITY
RELOCATION DESIGN FOR DWP****ACTION: AUTHORIZE CONTRACT MODIFICATION FOR FINAL DESIGN OF ADVANCED
UTILITY RELOCATION FOR DWP DESIGN PACKAGE 2&3****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to execute Modification No. 26 to Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for the final design of advanced utility relocation for DWP Design Package 2&3, in the amount of \$1,926,053, increasing the total Contract amount from \$74,851,987 to \$76,778,040.

BACKGROUND

The Project is a light rail system that will extend north from the Van Nuys Metro G-Line, previously known as the Metro Orange Line, station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles with 14 at-grade stations. The Metro Board certified the Final Environmental Impact Report on December 3, 2020. The Project achieved Record of Decision on January 29, 2021. The Project is currently finalizing the preliminary engineering design, with street improvements and guideway design advanced to 60 percent and all other design elements (stations, maintenance facility and systems) to 30 percent. Final design for select advanced utility relocations is also being advanced.

Included in the Project environmental document was the initial operating segment (IOS) defined as the southern 6.7 miles of the Project alignment. The IOS is street running in the middle of Van Nuys Boulevard and includes 11 at-grade stations along with the maintenance facility. The remaining northern 2.5-mile environmentally cleared segment is going through additional analysis as directed by the Board in December 2020 and is not included in the IOS.

As the IOS was cleared and the design has advanced, the IOS portion of the Project is proceeding into the next phase of final design and construction to keep to the Measure M completion schedule. The IOS procurement process for a Contractor is anticipated to begin in late 2021 followed by groundbreaking in 2022. Substantial completion will be achieved in 2028 in accordance with the

Measure M schedule.

ISSUE

The recommended Contract Modification is to provide final design for the Los Angeles Department of Water and Power (DWP) vault relocations, specifically combined Design Package 2&3. On the critical path, the relocation of the DWP vaults is necessary to meet the revenue operations by 2028. 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 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. Within the Phase 1 scope of work there includes an unfunded scope of work to prepare design and technical documents for inclusion into advanced utility relocation construction procurement documents. This contract modification will be issued under that scope item.

Metro and DWP have coordinated on the vault relocation design since 2019. Currently there are seven (7) separate vault relocation design packages. Design 1 is moving forward into final design under a separate contract modification. DWP has provided their conceptual designs for combined Design Package 2&3 to Metro and the next step is to issue a contract modification to Gannett Fleming to advance the design to final design, coordinate review and approval with DWP and City of Los Angeles and develop technical documents to support the construction procurement documents. Metro plans to release the construction procurement documents end of 2022.

Equity Platform

The Gannett Fleming contract has SBE commitments (see Attachment C), and the contract modifications do not change the level of commitment. For this contract modification, an SBE will be completing some of this contract modification work. This contract modification scope of work could be a separate procurement, but this would delay the project, which would facilitate new high-quality transit in an area of high need.

The existing vaults are underground and will remain underground within Van Nuys Blvd. Therefore, no burden to the adjacent businesses and/or community is expected. The vault relocations are expected to have no potential harm for equity concerns because it is in the design phase and therefore, no unintended negative impacts are expected from the Board Report action. As the final design progresses, Metro and Gannett Fleming will continue to coordinate with DWP and City of Los Angeles. Finalizing the vault relocation design for DWP Design Package 2&3 before the ESFV Progressive Design-Build (PDB) contractor starts will assist in meeting the opening day schedule of 2028.

Community engagement strategies may include multiple rounds of community outreach activities to engage with the community on project design elements and potential project impacts. As part of the Project, construction phasing plans and traffic management plans will be developed to mitigate temporary traffic impacts from lane and/or road closures resulting from the vault relocations on Van Nuys Blvd.

The project study area average of 0.53 zero-vehicle households per acre is 77 percent higher than the 0.30 County average. Expanding on this, Equity Focus Communities (EFC) are within walking and biking distances to the proposed stations. Accordingly, the project will improve access for East San Fernando Valley transit riders in EFCs along the existing route to additional destinations such as colleges, hospitals, museums, open spaces, recreational and nature attractions, Metrolink and Orange Line Transit Centers (providing bus and rail connections to San Fernando Valley).

DETERMINATION OF SAFETY IMPACT

Approval of this item will not impact the safety of Metro's customers or employees.

FINANCIAL IMPACT

This Project is funded on a fiscal year basis under Project number 865521 East San Fernando Valley Light Rail Transit Corridor, cost center 8510, under various accounts including Professional/Technical Services and \$251,167,442 is included in the FY22 Adopted Budget. This multi-year project requires 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.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project supports the following strategic goals:

Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling.

The purpose of the Project is to provide high-capacity transit service in the San Fernando Valley.

Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system.

The at-grade light rail system will attract bus ridership and improve the trip experience for users of the transportation system.

Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity.

With 11 stations, including connections to Metro G-Line and Metrolink, the ESFV enhances mobility to the community

Strategic Goal 4: Transform LA County through regional collaboration and national leadership.

Collaboration with the elected officials, citizens, and Metro patrons of San Fernando Valley continues to positively impact the Project.

ALTERNATIVES CONSIDERED

A separate procurement could be considered for advancing the design for utility relocations to final design and development of technical documents to support the construction procurement. Staff does not recommend this alternative because schedule impacts to pursue a separate procurement would delay the project. Completing this design work is necessary to expedite the advanced utility relocations that are on the Project critical path. Delays will jeopardize the ability to meet the Measure M Expenditure Plan schedule, including the opening date of FY 2028.

NEXT STEPS

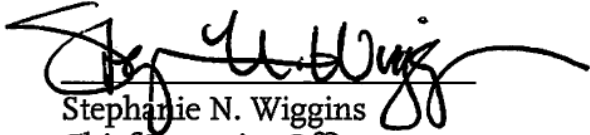
Upon Metro Board adoption, staff will complete negotiations and execute the contract modifications.

ATTACHMENTS

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

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Stephanie N. Wiggins
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 final design of Advanced Utility Relocation (AUR) for Los Angeles Department of Water and Power (DWP) vault relocations, specifically combined Design Packages 2 and 3.		
4.	Contract Work Description: Engineering design and oversight services for the East San Fernando Valley (ESFV) Transit Corridor Project. This action is for Scope of Services Phase 1 development of Preliminary Engineering (PE) design, Section 2.2.8.4.2 Advanced Utility Relocations (AUR) Contract.		
5.	The following data is current as of: 10/28/21		
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 Contract Changes Approved: \$12,877,135
	Original Complete Date:	8/15/28	Pending Modifications (including this action): \$2,493,959
	Current Est. Complete Date:	8/15/28	Current Contract Value (with this action): \$76,778,040
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.

This action is to authorize the Chief Executive Officer (CEO) to execute Contract Modification No. 26 for Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, to perform final design of Advanced Utility Relocation (AUR) for Los Angeles Department of Water and Power (LADWP) vault relocations, specifically combined Design Packages 2 and 3.

This Scope of Services is part of Consultant's Phase 1 Preliminary Engineering work. The final design of AUR falls under Contract Scope of Services Section 2.2.8.4.2 Advanced Utility Relocations (AUR) Contract, which requires the Consultant to develop final plans, profiles, details, traffic control, shoring, and specifications for major utility rearrangements to define space requirements for those facilities that are in conflict with the Project. These relocation drawings and specifications will in turn be used for awarding a separate AUR contract.

As outlined in the July 25, 2019 Board Report, the completion of this scope of services was not included in the Contract not-to-exceed amount at time of award, as further engineering work would be required to produce a separate package for the AUR at a future time. Therefore, the AUR design is beyond the funding for scope that was authorized by the Board at Contract award time, thus requiring further Board authorization for funding to pursue the scope of services. Consultant can only begin with the work upon Metro's issuance of a contract Modification for the costs and a written authorization to proceed.

Contract No. AE58083E0129 is a Cost Reimbursable Fixed Fee Contract (CPFF). Twenty (20) Contract Modifications (MODs) and three (3) Contract Change Orders (CO) have been approved and executed to date, one CO of which has been superseded and converted to a Contract Modification. Four (4) Contract Modifications are in progress, one of which consists of this action.

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

B. Cost 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
26	\$1,953,250	\$2,082,908	\$1,926,053

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	\$10,830,428
MOD 10	Coordination With Third Party Utility Owners to Assess Utility Conflicts	Approved	4/12/21	\$734,547	\$10,095,881
MOD 11	Preliminary Engineering of Composite Utility Rearrangement Plans	Approved	2/23/21	\$738,979	\$9,356,902
MOD 12	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment B	Approved	3/23/21	\$150,153	\$9,206,749

MOD 13	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment C	Approved	3/23/21	\$140,163	\$9,066,586
MOD 14	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment D	Approved	4/6/21	\$101,777	\$8,964,809
MOD 15	Utility Investigation - Potholing and Slot Trenching for Segment B	Approved	2/25/21	\$1,772,143	\$8,964,809
MOD 16	Utility Investigation - Potholing and Slot Trenching for Segment C	Approved	2/25/21	\$1,565,506	\$8,964,809
MOD 17	Utility Investigation - Potholing and Slot Trenching for Segment D	Approved	3/1/21	\$627,590	\$8,964,809
MOD 18	Geotechnical Subsurface Investigation	Approved	9/1/21	\$987,531	\$8,964,809
MOD 19	Additional Coordination with Third Party Utility Owners to Assess Utility Conflicts	Approved	6/28/21	\$534,376	\$8,430,433
MOD 20	Van Nuys Blvd. Re-Design Level of Effort	Approved	9/22/21	\$715,901	\$7,714,532
MOD 21.1	Additional Level of Effort for Completion of Phase 1 - Preliminary Engineering	Approved	9/3/21	\$670,630	\$7,043,902
CO 1	Coordination With Third Party Utility Owners to Assess Utility Conflicts (See Mod 10)	Superseded	11/4/20	\$0.00	\$7,043,902
CO 2	Utility Investigation - Additional Potholing for Segment A	Approved	7/7/21	\$285,542	\$6,758,360
CO 3	Advance Utility Design for Advance Utility Relocation (AUR) for LADWP Power Underground Design 1	Approved	9/22/21	\$595,966	\$6,162,394
	Subtotal Approved Changes (Mods and COs):			\$12,877,135	
MOD 23	Coordination With Telecommunication Utility Owners to Assess Utility Conflicts	Pending	TBD	TBD	\$6,162,394
MOD 24	Advanced Planning for Geotechnical Subsurface Investigation	Pending	TBD	\$567,906	\$5,594,488
MOD 26	Advance Utility Design for Advance Utility Relocation	Pending	TBD	\$1,926,053	\$5,594,488

	(AUR) for LADWP Power Underground Design 2 & 3				
MOD 27	Update Various Preliminary Engineering 30-60% Design and Reports to Complete CPUC Applications	Pending	TBD	TBD	\$5,594,488
	Subtotal Pending Changes:			\$2,493,959	
	CMA Authorized by the Board and Remaining				\$5,594,488
	Approved Mods			\$11,995,627	
	Approved COs			\$881,508	
	Pending Modifications:			\$2,493,959	
	Original Contract:			\$61,974,852	
	This Board Action:			\$1,926,053	
	Revised Contract Total (including Approved Changes +This Board Action):			\$76,778,040	

DEOD SUMMARY

**EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT CORRIDOR
AE58083E0129001**

A. Small Business Participation

Gannett Fleming, Inc. (Gannett) made a 25.29% Small Business Enterprise (SBE) and 5.54% Disabled Veteran Business Enterprise (DVBE) commitment. The contract is 38% complete and the current level of participation is 14.93% SBE and 4.69% DVBE, representing 10.36% SBE shortfall and 0.85% DVBE shortfall, which demonstrates an improvement from the 12.12% SBE and 2.13% DVBE shortfalls reported to the Board in May 2021.

Gannett explained that their utilization plan was projected to use the SBE/DVBE's over the first two years at 21.3% SBE and 3.4% DVBE and in subsequent years the utilization will be higher. Gannett explained that the SBE shortfall is due to the SBE work starting later than originally anticipated and some areas of the design scope being put on-hold to accommodate further Metro studies. Gannett further reported that they have redirected design work to SBE subconsultants in an effort to make up for the shortfall and are monitoring the situation on a monthly basis. In reference to the DVBE shortfall, Gannett indicated, although the contract shows a current DVBE shortfall of 0.85%, Gannett's staffing plans for the years 3 through 9 include a significant ramp up in DVBE participation and the current projections show meeting the 5.54% DVBE commitment.

Nonetheless, Metro Project Management and Contract Administration will continue to work with the Diversity & Economic Opportunity Department (DEOD) to monitor contract progress at key milestones (i.e., 50%, 75% and 90%) to ensure that Gannett meets or exceeds its small business commitments.

Small Business Commitment	25.29% SBE 5.54% DVBE	Small Business Participation	14.93% SBE 4.69% DVBE
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	SBE Subcontractors	% Committed	Current Participation¹
1.	BA Inc.	1.66%	0.98%
2.	Cross Spectrum Acoustics	added	0.22%
3.	Diaz Consultants, Inc.	1.44%	0.70%
4.	FPL and Associates, Inc.	5.95%	3.04%
5.	Here Design Studio, LLC	0.60%	0.00%
6.	Lenax Construction Services, Inc.	0.29%	0.00%
7.	PacRim Engineering Inc.	2.18%	1.67%
8.	Ramos Consulting Services, Inc.	8.28%	5.12%
9.	Sanchez Kamps Associates Design	0.59%	0.19%

10.	Zephyr UAS, Inc.	4.30%	3.01%
	Total	25.29%	14.93%

	DVBE Subcontractors	% Committed	Current Participation¹
1.	Casamar Group, LLC	5.54%	2.30%
2.	E-Nor Innovations Inc.	Added	2.40%
	Total	5.54%	4.69%

¹Current Participation = Total Actual amount Paid-to-Date to SBE/DVBE 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.