



## Board Report

File #: 2021-0678, File Type: Contract

Agenda Number: 29.

### CONSTRUCTION COMMITTEE JANUARY 20, 2022

**SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT**

**ACTION: AUTHORIZE CONTRACT MODIFICATION TO UPDATE VARIOUS PRELIMINARY ENGINEERING DESIGN AND REPORTS TO COMPLETE THE CPUC APPLICATIONS**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to execute Modification No. 27 to Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for the updates to the preliminary engineering design and reports, in the amount of \$2,939,638, increasing the total Contract amount from \$75,419,893 to \$78,359,531.

#### **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 Board certified the Final Environmental Impact Report on December 3, 2020. The Project achieved Record of Decision on January 29, 2021.

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 early 2022 followed by groundbreaking later in the year

Final design for select, advanced utility relocations was approved by the Board in December and is currently being advanced. Authorization requested in this report will complete work needed to submit

CPUC crossing applications.

## **ISSUE**

The recommended Contract Modification is to update the preliminary engineering design to include in the California Public Utility Commission (CPUC) crossing applications, which are required for the Progressive Design-Build (PDB) contractor to complete their final design. The CPUC approval process can take up to eighteen (18) months and thus submitting the applications to CPUC is critical for advancing the PDB contract work and therefore the overall project schedule. This action will assist in mitigating the risk associated with CPUC approval of the crossings.

## **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.

The Phase 1 design was completed in accordance with City Standards, but subsequent comments provided by the City of Los Angeles and the CPUC require the design to be modified. The updated design will be applied to the CPUC applications and submitted for approval. Furthermore, the updated design will be incorporated into the design updates by Metro's Systems Consultant, SECOTrans, for an overall consistent project design.

The updates impacting the CPUC applications include adjustments to station entrances, adjacent intersections, and pedestrian crossings along the guideway on Van Nuys Blvd. These adjustments will require changes to multiple plan sheets and project elements, which include roadway, track/guideway, traffic signals, light poles, drainage, and other design elements.

## **EQUITY PLATFORM**

The Gannett Fleming (GF) contract has SBE commitments of 25.29% and 5.54% DVBE (see Attachment C), and the contract modifications requested in this report do not change the level commitments. Current level of participation is 16.09% SBE and 5.25%, although GF has not yet reached their goals, they are currently trending up, and are also making changes to include more SBE firms in the contract work to be performed. In addition, there are 7 more years left in the contract to achieve the 25.29% and 5.54% respectively. Five (5) SBE's will be participating in this contract modification, which will be beneficial to the SBE community and help bring GF closer to their commitment.

The stations were shown to the public during the environmental process and the community was given an opportunity to provide comments. Continued coordination meetings with City of Los Angeles have allowed design to progress and consolidate station entrances and pedestrian crossings along Van Nuys Blvd. This design update being applied to CPUC applications will also benefit the community by normalizing the station entrances to consolidate with signalized intersections and

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minimize mid-block crossings. Updating the preliminary engineering design followed by submission of the CPUC applications will assist the ESFV Progressive Design-Build (PDB) contractor in meeting the opening day schedule of 2028 and facilitate new high-quality transit in an area of high need.

### **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 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. 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

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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**

The Board could decide not to approve this contract modification. The design for submitting the CPUC applications would then proceed after the PDB Contract is awarded and Notice To Proceed is authorized. Staff does not recommend this alternative because this design work is necessary for the CPUC applications irrespective of which consultant/contractor performs the work. If the designs are completed as part of this request for modification to the GF contract, the CPUC applications will be advanced immediately, and enhance our ability to accelerate delivery of the project to ensure revenue service by the 2028 Olympic and Paralympic Games.

### **NEXT STEPS**

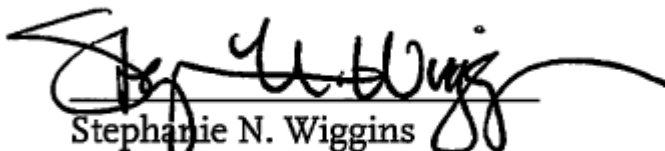
Upon Board adoption, staff will complete negotiations and execute the contract modifications.

### **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.	<b>Contract Number:</b> AE58083E0129		
2.	<b>Contractor:</b> Gannett Fleming, Inc.		
3.	<b>Work Description:</b> Perform additional design work to various Preliminary Engineering 30-60% Design and Reports to Complete CPUC Applications. Design updates to the PE plans and reports for various design elements are required based on comments received from the Los Angeles Department of Transportation (LADOT), with California Public Utilities Commission (CPUC) concurrence, and Metro agreement to implement to address LADOT concerns.		
4.	<b>Contract Work Description:</b> Engineering design and oversight services for the East San Fernando Valley (ESFV) Transit Corridor Project. This action is for part of Scope of Services Phase 1 development of Preliminary Engineering (PE) design.		
5.	<b>The following data is current as of:</b> 11/23/21		
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 Contract Changes Approved:</b> \$13,445,041
	<b>Original Complete Date:</b>	8/15/28	<b>Pending Modifications (including this action):</b> \$4,865,691
	<b>Current Est. Complete Date:</b>	8/15/28	<b>Current Contract Value (with this action):</b> \$75,419,893
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.

Twenty-one (21) 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. Three (3) Contract Modifications are in progress, one

of which consists of this action. (Refer to Attachment B – Contract Modification/Change Order Log).

This action is to authorize the Chief Executive Officer (CEO) to execute a Contract Modification No. 27 to Contract No. AE58083E0129 with Gannet Fleming, Inc. to Update Various Preliminary Engineering 30-60% Design and Reports to Complete CPUC Applications.

This Scope of Services is part of Consultant's Phase 1 Preliminary Engineering work and consists of providing updates to the Preliminary Engineering (PE) plans and reports for various design elements. Revisions to these drawings are based on comments received from the Los Angeles Department of Transportation (LADOT), with California Public Utilities Commission (CPUC) concurrence, in order to address LADOT concerns. The 30/60% design plans were submitted in January, February, and March 2021 for LADOT review and approval, which generated comments requiring elimination of mid-block pedestrian crossings and the relocation of stations from mid-block to end of block. Alternative concepts were proposed, but LADOT determined the relocations were required and Metro agreed to implement. Some resulting design changes consist of eliminating left turn gates and left turn pockets, widening the tracks for access and circulation, drainage and roadway changes, structural changes, changes to vertical elements (elevators, escalators, stairs), and revisions to various PE Reports. Additionally, four (4) Traction Power Substation (TPSS) sites were relocated and up to two (2) were eliminated to accommodate lower cost property acquisitions.

The revised PE documents and reports will be provided to the Progressive Design-Build Contractor for incorporation into their development of the Final Design.

The Contract Modification will be processed in accordance with Metro's Acquisition Policy. Contract No. AE58083E0129 is a Cost Reimbursable Fixed Fee Contract (CPFF).

## **B. Cost/Price Analysis**

Subsequent to receipt of Metro's Independent Cost Estimate (ICE), during negotiations and further fact finding on the Scope of Services (SOS), clarifications were made to better understand the Consultant's proposed level of effort (LOE) and cost; this effort identified additional scope of services for Drainage Design, Roadway Design, and Structures Design required for this change that were not clearly detailed in the cost breakdown and narrative of the SOS provided by the Consultant, but was not included in the ICE. Metro project staff review of the clarified scope determined it was warranted. Metro negotiated Consultant's proposed LOE from 22,452 hrs. to a final 16,610 hrs. (a 26% reduction), still that included 5,834 hours and \$731,316 dollars more than the ICE.

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.

<b>MOD NO.</b>	<b>PROPOSAL</b>	<b>INDEPENDENT COST ESTIMATE</b>	<b>FINAL NEGOTIATED</b>
27	\$3,932,405	\$2,208,323	\$2,939,638

## 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
MOD 24	Advanced Planning for Geotechnical Subsurface Investigation	Pending	11/10/21	\$567,906	\$6,475,996
CO 1	Coordination With Third Party Utility Owners to Assess Utility Conflicts (See Mod 10)	Superseded	11/4/20	\$0.00	\$6,475,996
CO 2	Utility Investigation - Additional Potholing for Segment A	Approved	7/7/21	\$285,542	\$6,190,454
CO 3	Advance Utility Design for Advance Utility Relocation (AUR) for LADWP Power Underground Design 1	Approved	9/22/21	\$595,966	\$5,594,488
	<b>Subtotal Approved Changes (Mods and COs):</b>			<b>\$13,445,041</b>	
MOD 23	Coordination With Telecommunication Utility Owners to Assess Utility Conflicts	Pending	TBD	TBD	\$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	\$2,939,638	\$5,594,488
	<b>Subtotal Pending Changes:</b>			<b>\$4,865,691</b>	
	<b>CMA Authorized by the Board and Remaining Approved Mods</b>				<b>\$5,594,488</b>
	<b>Approved COs</b>			<b>\$12,563,533</b>	
	<b>Approved COs</b>			<b>\$881,508</b>	
	<b>Pending Modifications:</b>			<b>\$4,865,691</b>	
	<b>Original Contract:</b>			<b>\$61,974,852</b>	
	<b>This Board Action:</b>			<b>\$2,939,638</b>	
	<b>Revised Contract Total (including Approved Changes +This Board Action):</b>			<b>\$75,419,893</b>	
	<b>Revised Contract Total (including Approved Changes +Pending Changes):</b>			<b>\$78,359,531</b>	

## DEOD SUMMARY

**EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT  
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 41% complete and the current level of participation is 16.09% SBE and 5.25% DVBE, representing a 9.20% SBE shortfall and 0.29% DVBE shortfall (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 states 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 provided, 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 Gannett meeting the 5.54% DVBE commitment.

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

<b>Small Business Commitment</b>	<b>25.29% SBE 5.54% DVBE</b>	<b>Small Business Participation</b>	<b>16.09% SBE 5.25% DVBE</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	BA Inc.	1.66%	1.30%
2.	Cross Spectrum Acoustics	added	0.29%
3.	Diaz Consultants, Inc.	1.44%	0.67%
4.	FPL and Associates, Inc.	5.95%	3.25%
5.	Here Design Studio, LLC	0.60%	0.00%
6.	Lenax Construction Services, Inc.	0.29%	0.00%
7.	PacRim Engineering Inc.	2.18%	1.88%
8.	Ramos Consulting Services, Inc.	8.28%	5.44%

9.	Sanchez Kamps Associates Design	0.59%	0.24%
10.	Zephyr UAS, Inc.	4.30%	3.02%
	<b>Total</b>	<b>25.29%</b>	<b>16.09%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Casamar Group, LLC	5.54%	2.44%
2.	E-Nor Innovations Inc.	Added	2.81%
	<b>Total</b>	<b>5.54%</b>	<b>5.25%</b>

<sup>1</sup>Current 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.