



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.20
metro.net

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**CONSTRUCTION COMMITTEE
June 21, 2012**

**SUBJECT: METRO RED LINE SEGMENT 3 CLOSE-OUT
UNIVERSAL CITY STATION PEDESTRIAN BRIDGE**

ACTION: APPROVE PROJECT BUDGET AND CONTRACT ACTIONS

RECOMMENDATION

- A. Authorize a Life of Project budget increase for project 809082, Metro Red Line Segment 3 Close-out, from \$4,139,000 to \$23,139,000, an increase of \$19,000,000 to:
- to complete concurrently the documentation required by the FTA for Metro Red Line Segment 3 Close-out ; and prepare the Advance Conceptual design
 - to construct the Universal City Station Pedestrian Bridge, including without limitation, Advanced Conceptual design, final design, construction costs, construction management, insurance, contingency, 3rd party, City and County coordination and Agency costs.
- B. Amend the FY 13 budget to add \$771,000 in project 809082, Metro Red Line Segment 3 Close-out project for recommendation A
- C. Authorize the Chief Executive Officer to negotiate and execute a Contract Modification to Contract PS-8510-2539, with Rios Clementi Hale Studios in the amount not-to-exceed \$550,842 to perform Preliminary Engineering design services, increasing the total Contract Value from \$124,158 to \$675,000.
- D. Authorize the Chief Executive Officer to solicit and award Design-Build contracts for the Universal City Pedestrian Bridge pursuant to Public Utilities Code section 130242(a), (c), (d) & (e).

Requires 2/3 vote.

ISSUES

The obligation to construct a pedestrian underpass arose out of a March 1994 Memorandum of Understanding (MOU) with MCA (now NBC Universal) entered into as part of constructing Metro Red Line Universal City Station. Contract C0322 underpass was initially advertised in August 1999. Two bids were received: \$15,738,000, and \$16,748,000. Bids were rejected in December 1999 due to higher than anticipated costs. Subsequently, the underpass was redesigned and rebid October 15, 2001. Two bids were received: \$17,041,000, and \$18,445,000. In October 2002, the Board rejected both bids for the second time due to cost considerations.

NBC Universal filed a tort claim for construction of the pedestrian underpass. The parties have tolled the claim for the past eight years. NBC Universal has agreed to a pedestrian bridge in lieu of the more costly pedestrian underpass.

DISCUSSION

- A. The pedestrian bridge would cross Lankershim Boulevard and Universal Hollywood Drive as shown on Attachment A.

At the June 2009 Construction Committee, staff requested \$1.5 million for consultant, third party and agency staff to evaluate the bridge concept, perform site investigations, prepare environmental clearance documents, conceptual designs, and estimates. The Board deferred action on the budget request until receipt of Universal's written confirmation that either a bridge or tunnel would be acceptable.

Universal confirmed in an October 13, 2009 letter that a bridge would be accepted in lieu of a pedestrian tunnel provided:

- The design of the pedestrian bridge substantially conforms to the designs of such a bridge and other improvements as prepared by Rios Clemente Hale Studios (RCHS), dated December 4, 2008, as previously provided to the MTA,
- The parties are able to successfully negotiate and will execute a Settlement Agreement; and
- The Los Angeles Department of Transportation does not object to the bridge in lieu of the tunnel. Staff has obtained the above concurrence.

At the November 2009 Construction Committee, staff requested \$500,000 for evaluation of the bridge conceptual design and the Board authorized to amend the FY10 budget for that activity in the amount of \$500,000.

In April 2010 Metro entered into a contract with RCHS for evaluation of the pedestrian bridge conceptual design, fatal flaws and cost estimating and also contracted ICF International for evaluation of visual impact to the adjacent historic Campo de Cahuenga. The consultants submitted their work in June 2010 and their findings are summarized as follows:

1. The steel Pedestrian Bridge will be structurally safe and without fatal flaws.
 2. The estimated total cost of the Universal City Station Pedestrian Bridge based on conceptual design is \$19,000,000.
 3. The Bridge will not result in any significant impacts on the environment; and Metro has received the Notice of Categorical Exemption from the Office of Planning and Research in Sacramento
- B. The Universal Station Pedestrian project is a mitigation project that was identified in the FEIS for the Metro Red Line. As a consequence, Metro needs to submit to FTA documentation showing that the current proposed bridge performs and meets the intent of the original pedestrian underpass. This activity will be concurrent with the development of the advanced conceptual design and will be completed prior to the Design Build contract award.
- C. Staff requests approval and budget to perform Advance Conceptual design including additional site investigations for foundations, structural framing, utility relocations, and coordination with City/County, update the cost estimate and authorize an increase to the Rios Clementi Hale Studios contract.
- D. We have experienced success with Design-Build construction contracts in the Capital Program. As such, staff is seeking additional opportunities to expand the use of this procurement delivery system for current and future Capital Program projects. The successful firm(s) will be selected through the standard design build process. Design-Build firms will submit Technical Proposals and Price Bid. Metro will assess technical acceptability based on Evaluation Criteria provided in the IFB and Contract will be awarded to the lowest priced responsible Bidder, whose bid is responsive to the criteria set forth in the invitation for bids.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards for Metro's Construction projects.

FINANCIAL IMPACT

The FY 13 funding for this amendment will come from Proposition A 35% to Rail Capital Bonds in the amount of \$771,000 in cost center 8510, Construction Contracts/Procurement, under project 809082, Metro Red Line Segment 3 Close-out, account 50316 – Professional and Technical Services. This activity will not impact ongoing operating costs by \$771,000 because this action is within the increased life of project budget.

Since this is a multi-year capital project, the Executive Director Transit Project Delivery will be responsible for budgeting in future years.

Impact to Budget

The source of funds for this project is Proposition A 35% Rail Capital Bonds. These funds are not eligible for rail operating but are eligible for capital expenses. No other source of funds was considered.

ALTERNATIVES CONSIDERED

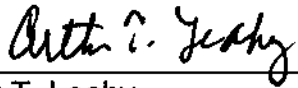
The Board may choose not to proceed with these actions for this project. We do not recommend this alternative because the tort claim would remain unresolved.

Prepared by: Samuel Mayman, Executive Officer, Project Engineering
Aspet Davidian, Director, Facility Engineering

Attachment A – Universal City Station Pedestrian Bridge 2010 Slides
Attachment B – Conceptual Concurrence with the Metro Universal Station Pedestrian
Bridge Letter from City of Los Angeles
Attachment C – Project Expenses and Sources of Revenue
Attachment D – Procurement Summary



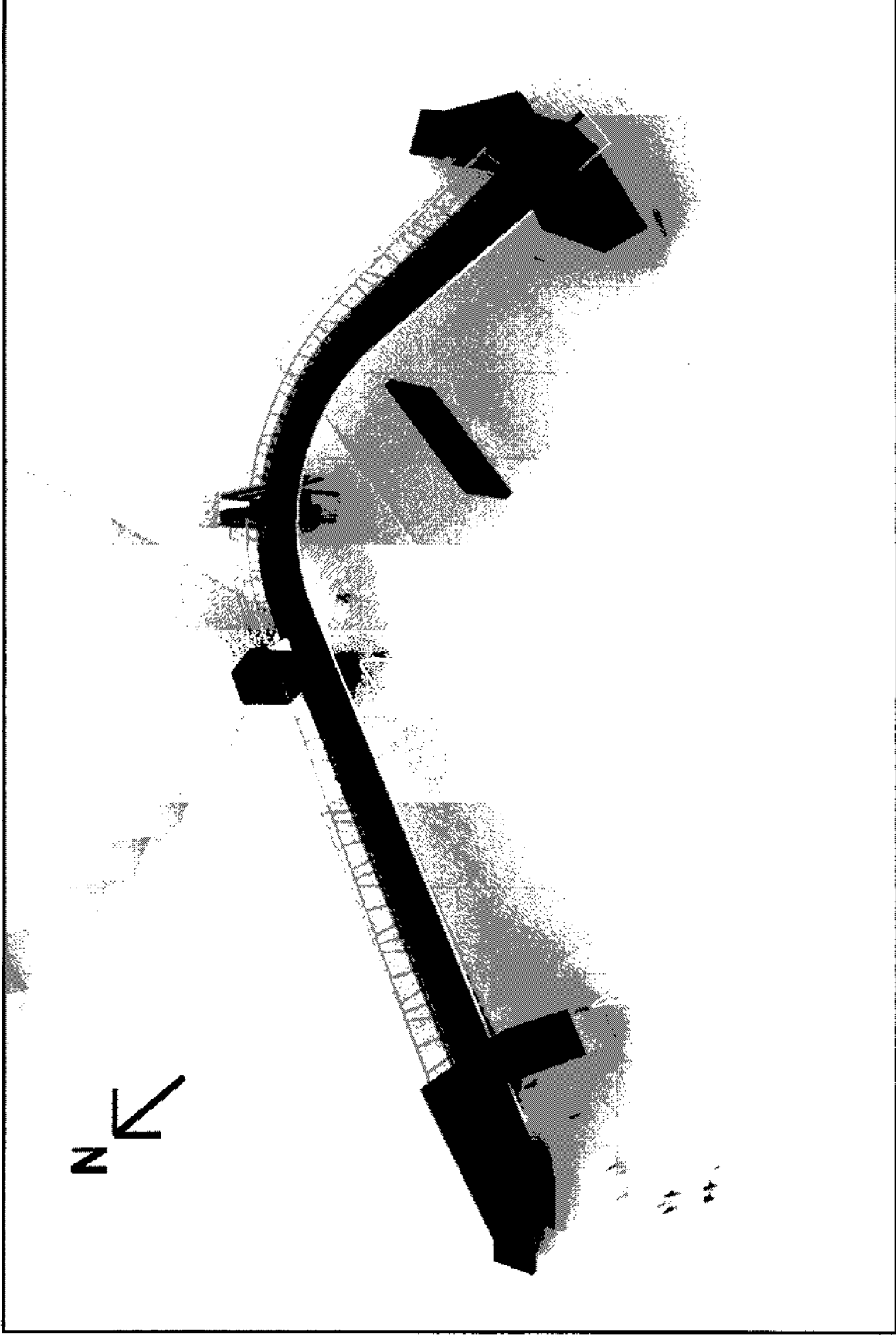
Krishniah N. Murthy
Executive Director
Project Transit Delivery



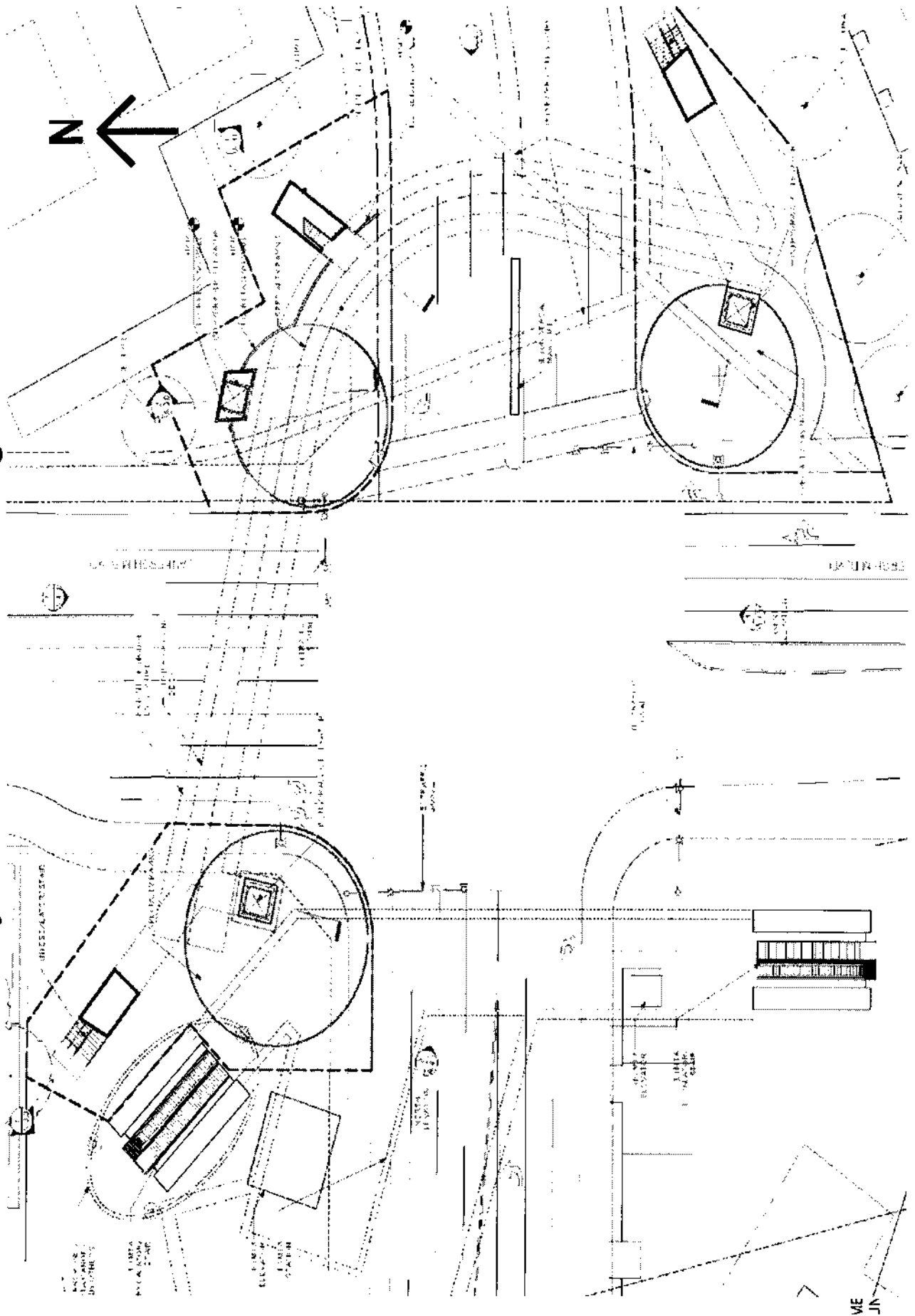
Arthur T. Leahy
Chief Executive Officer

Universal City Station Pedestrian Bridge 2010

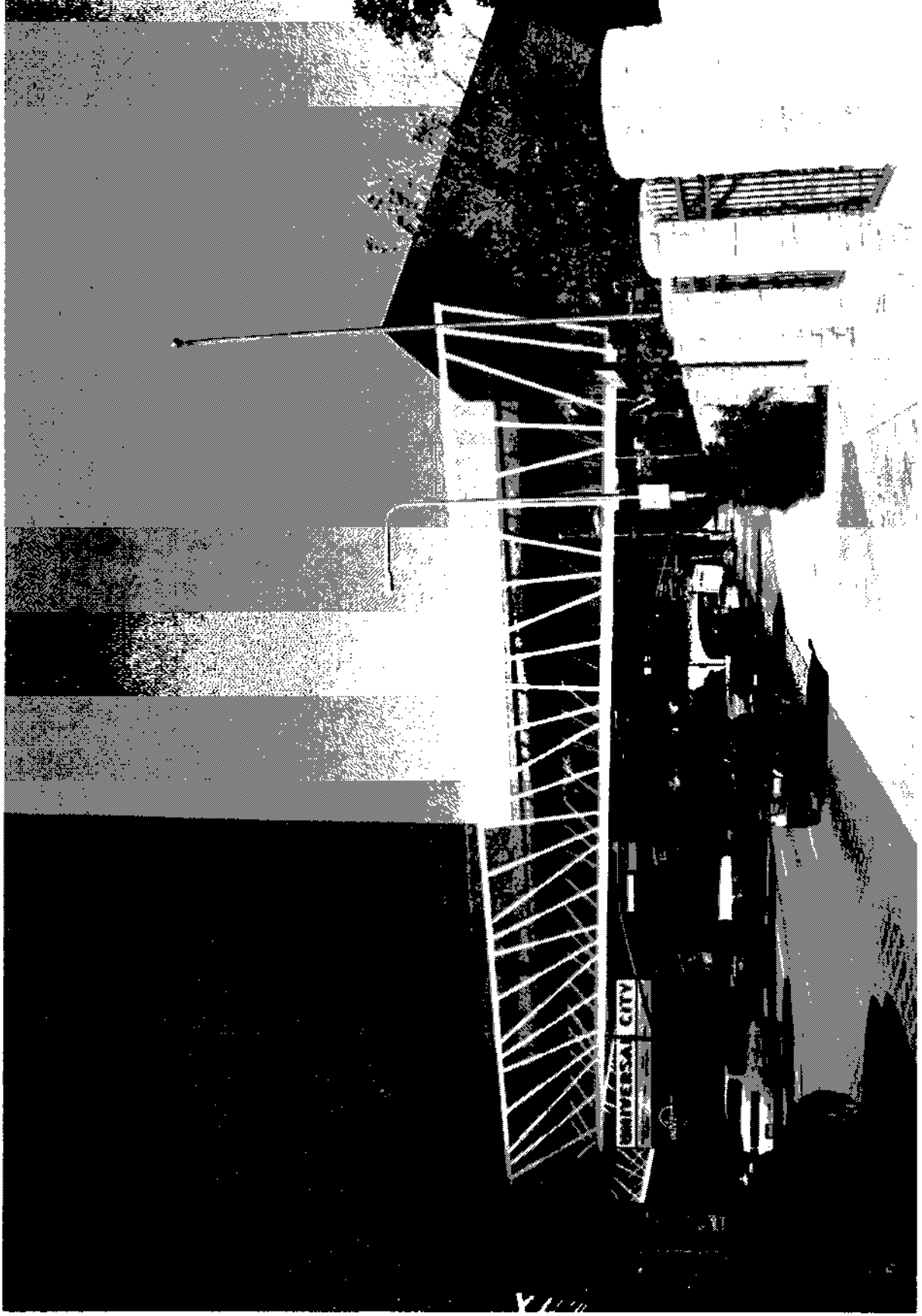
ATTACHMENT A



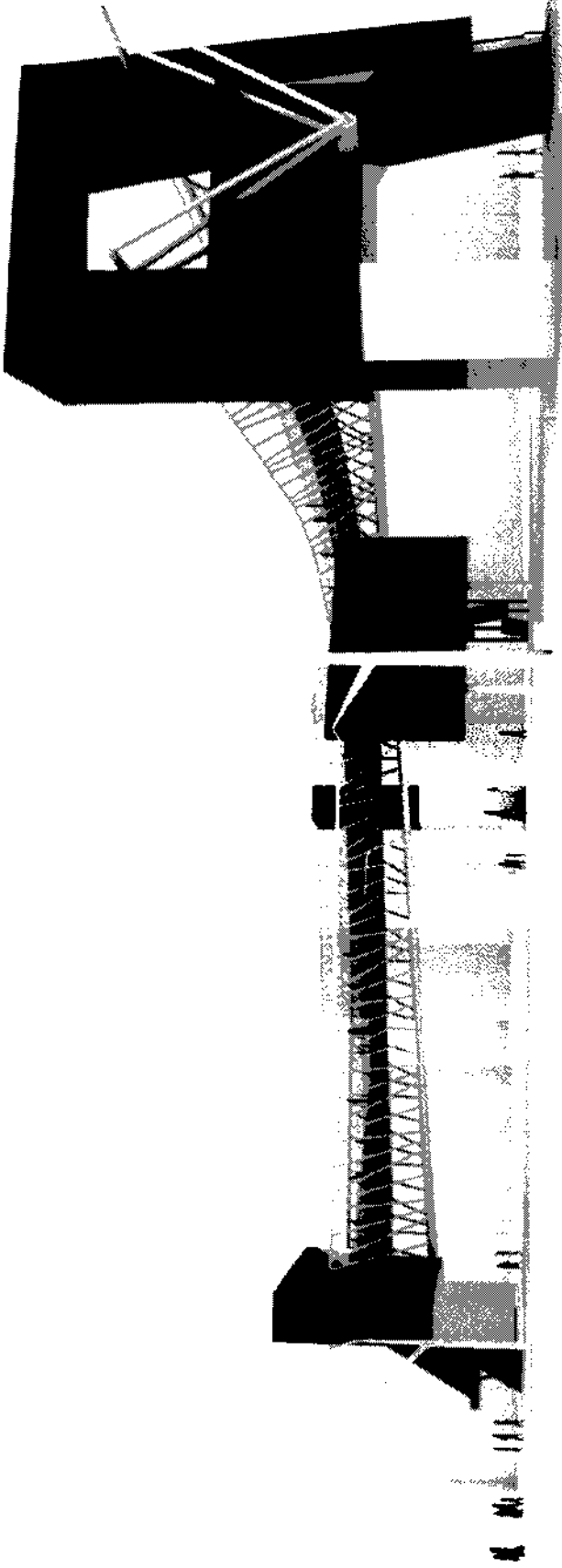
Universal City Station Pedestrian Bridge



U/C Station Pedestrian Bridge Looking North



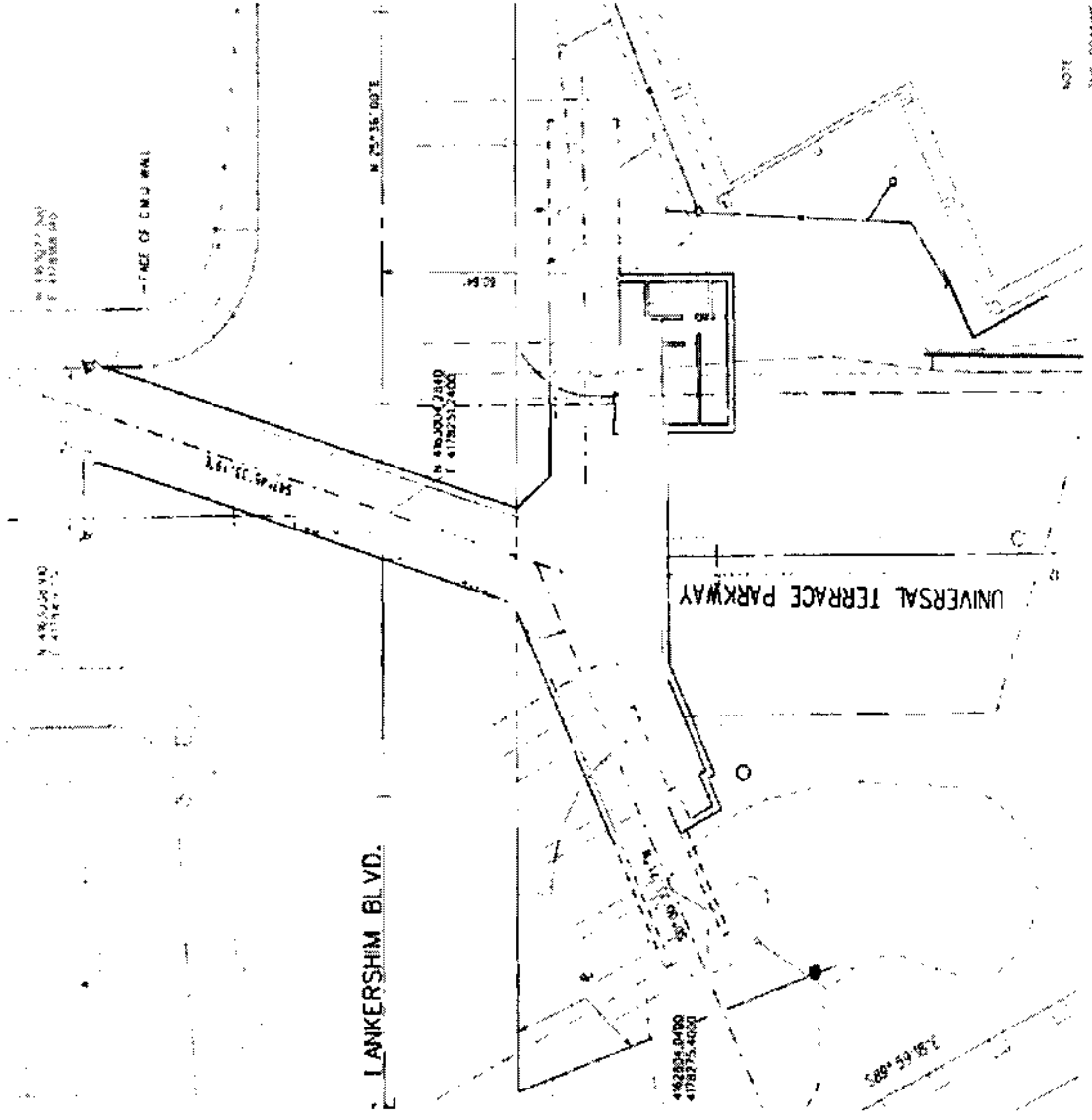
U/C Station Pedestrian Bridge Looking North



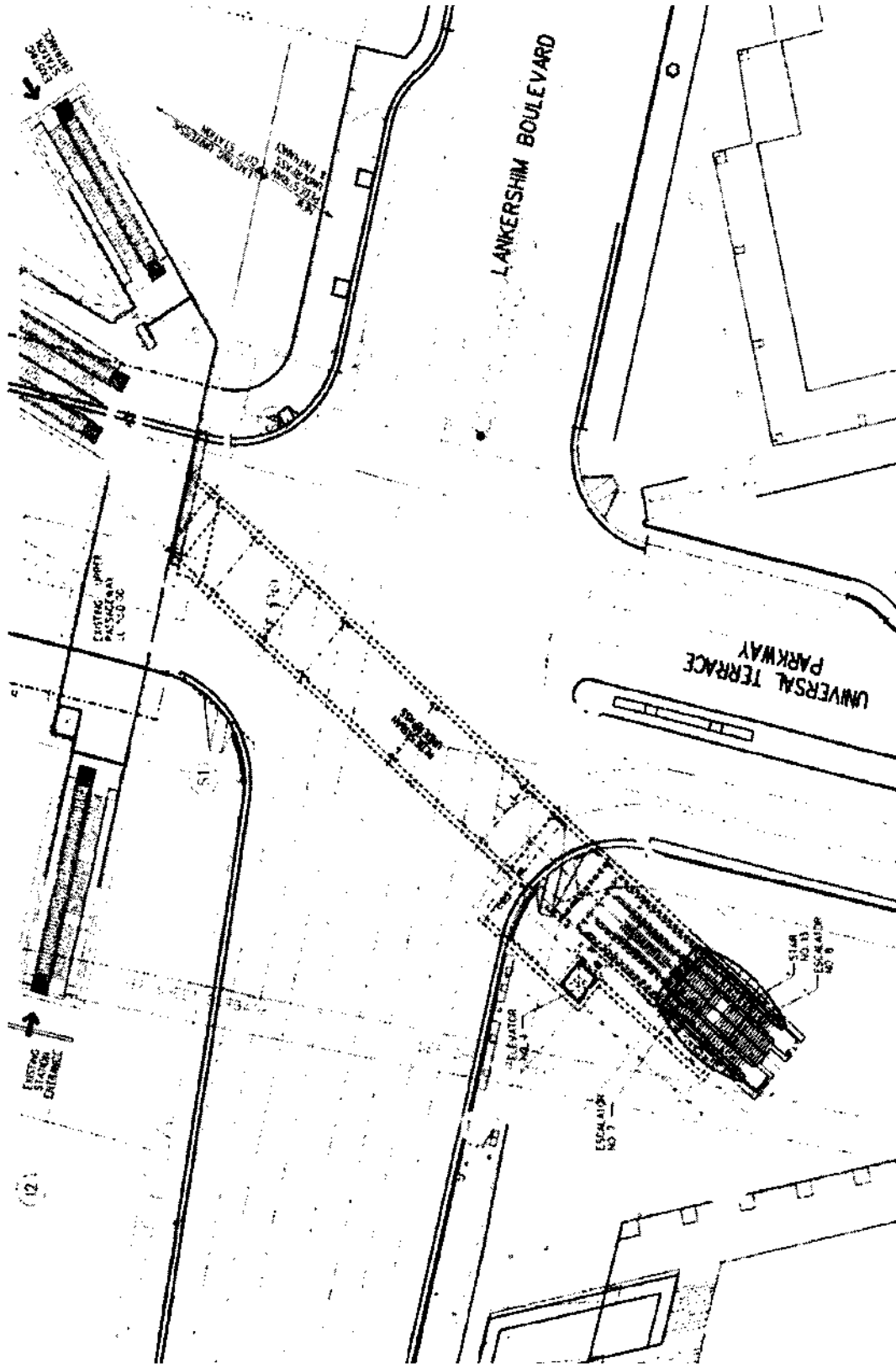
U/C Station Pedestrian Bridge Conceptual View



U/C Station Pedestrian Underpass 1999



U/C Station Pedestrian Underpass 2002



Cost Comparisons of Alternatives

| | Average Bid | Escalated FY 2011 |
|----------------------------------------------------|--------------|-------------------|
| Pedestrian Underpass Two Portals, Two Bids 1999 | \$16,500,000 | \$25,500,000 |
| Pedestrian Underpass One Portal, Two Bids 2002 | \$17,750,000 | \$26,000,000 |
| Pedestrian Bridge Life of Project Cost | — | \$19,000,000 |

CITY OF LOS ANGELES

CALIFORNIA

RITA L. ROBINSON
GENERAL MANAGERAntonio R. Villaraigosa
MAYORDEPARTMENT OF
TRANSPORTATION
100 S. MAIN ST., 10TH FLOOR
LOS ANGELES, CA 90012
(213) 972-8470

October 15, 2010

Aspet Davidian, AIA
Director, Project Engineering Facilities One Gateway Plaza
Los Angeles, CA 90012**Re: Conceptual Concurrence with the Metro Universal Station Pedestrian Bridge**

Dear Mr. Davidian,

The Department of Transportation (DOT) has received your request for our concurrence on the conceptual design of the Metro Universal Station Pedestrian Bridge. DOT is supportive of any improvement that would enhance the pedestrian linkage between the Metro Universal Station and the land uses to the east, including Universal Studios and CityWalk. If conveniently accessible to Metro Rail passengers, a pedestrian bridge over Lankershim can represent an improvement over the existing at-grade crossing at Lankershim Boulevard and Campo de Cahuenga Way/Universal Hollywood Drive. With the Metro Universal Station portal at the northwest corner, this intersection experiences a large amount of pedestrian crossings, so providing a grade separated connection is worth exploring to alleviate this congested intersection.

DOT believes that an underground tunnel would provide a more convenient and logical connection than a pedestrian overcrossing. An underground tunnel would serve as a more direct and efficient connection for Metro Red Line passengers. However, according to our discussions with Metro staff, the cost of the underground connection is estimated to be up to \$9 million more than the cost to implement the pedestrian bridge. Metro staff has indicated that the prohibitive cost of the tunnel is the main contributing factor for pursuing the alternative pedestrian bridge option. Therefore, DOT supports pursuing the pedestrian bridge option and offers this concurrence provided that:

- Metro should continue working with DOT and the Bureau of Engineering to address key design issues relative to signal visibility, sight distance, vertical clearance, sightlines, sidewalk widths, etc.
- The pedestrian bridge should not conflict with the environmental documents that are currently being processed for the Metro Universal and NBC Universal Evolution Plan projects.
- The Metro Universal and NBC Universal Evolution Plan land use proposals include traffic mitigations at the intersection of Lankershim Boulevard and Campo de Cahuenga

Way/Universal Hollywood Drive. The pedestrian bridge should be designed to accommodate the traffic mitigations recommended by DOT at this intersection for these two land use projects, including the roadway widening along the north side of Universal Hollywood Drive.

- There is uncertainty regarding the ability to accommodate the pedestrian overcrossing structures, including the staircase, elevator, and escalators, within the limited right-of-way at the northeast and southeast corners of the intersection, while still maintaining a suitable sidewalk width and allowing for the traffic mitigations mentioned above. It is critical to demonstrate that the pedestrian bridge structures can be feasibility accommodated at this intersection during the preliminary engineering phase.

The Metro Universal and NBC Universal Evolution Plan proposals have not yet been approved. If these projects and construction of the bridge are approved, then the construction of the bridge should be coordinated with the traffic mitigation measures at the intersection of Lankershim Boulevard and Campo de Cahuenga Way/Universal Hollywood Drive to avoid duplication of construction activities and to minimize inconvenience to the community and motorists.

If you have any questions, please call me at (213) 972-8476.

Sincerely,



Tomas Carranza, PE
Senior Transportation Engineer

- c Rita Robinson, DOT
- John Fisher, DOT
- Jay Kim, DOT
- Jon Foreman, DCP
- Mariana Salazar, DCP
- Curtis Tran, BOE
- Eduardo Cervantes, Metro

**Metro Red Line Segment 3 Close-out Project
Universal City Station Pedestrian Bridge**

Expenditures by Category and Revenue Sources

| Expenditures Categories | ITD to FY12 (estimate) | FY13 | FY14 | FY15 | TOTAL |
|---------------------------------------|-------------------------------|--------------|-------------|--------------|--------------|
| | | | | | |
| MRL Segment 3 Close-out Effort | \$3,056,000 | \$290,000 | \$293,000 | | \$3,639,000 |
| | | | | | |
| UC Pedestrian Bridge: | \$267,000 | \$1,9,50,000 | \$6,800,000 | \$10,483,000 | \$19,500,000 |
| TOTAL | \$3,323,000 | \$2,240,000 | \$7,093,000 | \$10,483,000 | \$23,139,000 |
| | | | | | |
| Revenue Sources | ITD to FY 12 | FY13 | FY14 | FY15 | TOTAL |
| Proposition A 35% Rail Capital | \$3,323,000 | \$2,240,000 | \$7,093,000 | \$10,483,000 | \$23,139,000 |
| TOTAL | \$3,323,000 | \$2,240,000 | \$7,093,000 | \$10,483,000 | \$23,139,000 |

PROCUREMENT SUMMARY

NAME OF PROJECT/PROJECT NUMBER

| | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 1. | Contract Number: PS- 8510 - 2539 | |
| 2. | Recommended Vendor: Rios Clementi Hale Studios (RCHS) | |
| 3. | Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input checked="" type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order | |
| 4. | Procurement Dates: | |
| | A. Issued: March 18, 2010 | |
| | B. Advertised/Publicized: N/A | |
| | C. Pre-proposal/Pre-Bid Conference: N/A | |
| | D. Proposals/Bids Due: N/A | |
| | E. Pre-Qualification Completed: N/A | |
| | F. Conflict of Interest Form Submitted to Ethics: May 23, 2012 | |
| | G. Protest Period End Date: N/A | |
| 5. | Solicitations Picked up/Downloaded: N/A | Bids/Proposals Received: N/A |
| 6. | Contract Administrator: Diana Sogomonyan | Telephone Number: (213) 922 - 1037 |
| 7. | Project Manager: Aspet Davidian | Telephone Number: (213) 922 - 5258 |

A. Procurement Background

In a March 18, 1994, Memorandum of Understanding with MCA, Inc., now NBC Universal (NBCU), Metro committed to a number of mitigation measures, including constructing a Pedestrian Tunnel (Tunnel) under Lankershim Blvd connecting the Metro U/C Station and NBCU property located at the intersection of Universal Hollywood Dr. and Lankershim Blvd. NBCU filed a tort claim alleging Metro's breach of the 1994 MOU, as amended in 2002.

The parties, working in good faith, discussed a settlement of NBCU's claim based on Metro agreeing to construct a Pedestrian Bridge instead of the Tunnel. NBCU provided Metro with proposed designs and drawings of the Bridge, dated December 4, 2008, prepared by Rios Clementi Hale Studios (RCHS), to serve as an alternative pedestrian crossing in lieu of the Tunnel. NBCU stated it would be willing to accept construction of a Bridge, in lieu of the construction of the Tunnel, provided, that the design of the Bridge and other improvements substantially conform to the design as prepared by RCHS.

This is an A & E Single Source Procurement for a Fixed Price Contract. The consultant and Metro entered into a Fixed Price Contract for an amount of \$85,940.00, effective April 5, 2010. Subsequently, two contract modifications have been issued increasing the total contract price to \$124,158.29.

B. Evaluation of Proposals/Bids

This is an A & E Single Source Procurement for a Fixed Price Contract. Rios Clementi Hale Studios (RCHS) was selected to provide A & E services, based on their past experience with NBCU and the designs and drawings they prepared for NBCU to facilitate the settlement between Metro and NBCU.

C. Cost/Price Analysis

A fair and reasonable price for the recommended modification will be negotiated in accordance with Metro’s Procurement Policies and Procedures. The determination of a fair and reasonable price will be based on a cost analysis that includes a comparison with an independent cost estimate, technical evaluation and rates in the contract.

| MOD | Proposal Amount | Staff Estimate | Recommendation |
|------------|------------------------|-------------------------|-------------------------|
| 3 | \$547,736 | Not to exceed \$550,842 | Not to Exceed \$550,842 |

D. Background on Recommended Contractor

Rios Clementi Hale Studios is a fully licensed California Corporation and was founded in 1985 as a multi-disciplinary design firm with comprehensive capabilities in architecture, landscaping architecture, urban planning, graphic, interior, and exhibit and product design.

The firm is widely recognized for skill and design excellence across the broad spectrum of design disciplines. In 2009, the firm was selected as one of two Finalists in the category of Landscape Design by the Smithsonian's Cooper Hewitt National Design Awards program. In 2007 the firm was awarded the 'Firm of the Year Award' by the California Council of the American Institute of Architects for consistent body of unique design projects and redefinition of the boundaries of design practice. Additional honors have included national and local AIA and ASLA awards, as well as recognition for graphics, interiors and furniture design. Work performed by the firm has also been featured in numerous publications, including The New York Times, The Los Angeles Times Magazine, Architecture, Architectural Record, interior Design, Landscape Architecture and Metropolis.

The firm has provided professional services for Los Angeles Music Center, Universal Studios, the David Bohnett Foundation, LAC + USC County Hospital and the Los Angeles Unified School District. This is their first contract with Metro.

E. Small Business Participation

A Small Business Enterprise (SBE) goal for this procurement was not recommended for participation of SBE firms because of insufficient SBE availability or lack of identified subcontract opportunities. However, pursuant to the SBE Program, if the Contractor utilizes the services of subcontractors, the Contractor is expected to afford maximum opportunities to SBE firms in all subcontracts and supply services areas. The Contractor must make a Good Faith Effort to utilize SBE firms thought the life of the Contract.

F. All Subcontractors Included with Recommended Contractor's Proposal

| | Subcontractor | Services Provided |
|----|------------------------------|--------------------------------------------------------------------------------------|
| 1. | Nabih Youssef Associates | Structural Engineering |
| 2. | Davis Langdon | Cost Estimating |
| 3. | Inclendon Consulting Group * | Civil Engineering Design |
| 4. | IBE Consulting Engineers * | Mechanical, Electrical, Plumbing and Fire Protection Consultant Engineering Services |

POSSIBLE CONFLICT OF INTEREST FORM FOR AGENDA ITEMS

THIS FORM MUST BE SUBMITTED WITH THE BOARD REPORT.

To: Ethics & Lobby Registration Department

From: Diana Sogomonyan

Telephone: (213)922-1037

Authorize the Chief Executive Officer to negotiate and execute a Contract Modification to Contract PS- 8510-2539, with Rios Clementi Hale Studios in an amount not to exceed \$550,842 to perform Preliminary Engineering design services, increasing the Total Contract Value from \$124,158 to \$675,000.

Contract No. PS-8510-2539

Check all that apply:

- IFB RFP/RFQ Amendment Exercise of option Sole source Increase in AFE
 Change Order Subcontractor Substitution Settlement agreement Other (please specify):

Please list all (Recommended & Other) proposers/bidders:

A). Recommended Proposer: **Name of firm:** Rios Clementi Hale Studios (RCHS)B). **Recommended Proposer:** **Name of firm:** Incledon Consulting Group

Name(s) of principal(s): Mark Rios, **Name(s) of principal(s):**
Michael Incledon Julie Smith-Clementi, Robert Hale, Frank Clementi,

C). Recommended Proposer: **Name of firm:** IBE Consulting Engineers

Name(s) of principal(s): John Gautrey,
Alan Locke, Bungane Mehlomakulu, William Hank
Dahl, Jr

**A). Recommended
Subcontractor(s):**

Name of firm: Nabih Youssef Associates **(B). Recommended
Subcontractor(s):**

Name of firm: Davis Langdon

Name(s) of principal(s): Nabih Youssef

Name(s) of principal(s):
Carlos Serra, Patricia
Djojopranoto