



Metro

Los Angeles County
Metropolitan Transportation Authority

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2nd REVISED
CONSTRUCTION COMMITTEE
OCTOBER 17, 2013

SUBJECT: UNIVERSAL CITY STATION PEDESTRIAN BRIDGE

ACTION: APPROVE BUDGET AND CONTRACT INCREASES

RECOMMENDATION

- A.** Increase Life-of-Project (LOP) Budget for the Universal City Station Pedestrian Bridge by ~~\$7,800,000 from \$19,500,000 approved by the Board in June 2012 to \$27,300,000;~~ **to \$27,300,000, an increase of \$7,800,000 from \$19,500,000 approved by the Board in June 2012;**
- B.** **Approve use of \$7,800,000 fund sources as follows:** ~~accepting a contribution of \$3,900,000 contributed from NBC Universal; that will go towards funding the \$7,800,000 LOP increase;~~ **\$2,500,000 Prop A 35% originally from Metro Orange Line / Expo Prop C 25% swap and; \$1,400,000 Prop A 35% supplemental funds from Rail Preventative Maintenance;**
- C.** Authorize the Chief Executive Officer to negotiate and execute a Contract Modification No. 7 to Contract PS-8510-2539, with Rios Clementi Hale Studios (RCHS), for Design Services during construction, in the not-to-exceed amount of \$275,000, increasing the total contract price from \$711,740 to \$986,740. ~~This action does not increase the Life-of-Project Budget;~~ and
- D.** Approve an increase in Contract Modification Authority (CMA) for Contract PS-8510-2539 in the amount of \$305,000, increasing the total CMA from \$626,017 to ~~\$931,017.~~ **\$30,217 for a total change of \$305,000 in this action (see ATTACHMENT B: Contract Modification/ Change Order Log).**

ISSUE

Following Board action in June 2012 which approved a LOP budget of \$19,500,000 for construction of a pedestrian bridge, Metro issued Invitation for Bid (IFB) C1043 seeking a design-build (DB) contractor for the Universal City Station Pedestrian Bridge. Metro received bids for the pedestrian bridge in June 2013. The resulting low bid of \$21,425,000 requires an increase to the LOP budget. The new LOP request is \$27,300,000 and will include a 10% contract contingency. NBC Universal has agreed to contribute \$3,900,000 or 50 percent of the \$7,800,000 increase. Metro staff seeks Board authority to accept NBC Universal's contribution, and to agree that Metro contribute the remaining \$3,900,000.

DISCUSSION

In April 2010, Metro entered into a contract with RCHS for the development of the pedestrian bridge conceptual design and cost estimate. RCHS had developed an initial LOP estimate of \$19,500,000 based on that conceptual design. Staff reviewed and engaged experts to review the cost of the project. A revised estimate indicated a construction cost of approximately \$28,000,000. Staff then proceeded to value engineer (VE) the design twice. Metro first hired TRC to evaluate the first design and conduct a constructability review. Metro then hired Hill International to provide a second constructability review. Metro then issued a solicitation for the Universal City Pedestrian Bridge incorporating the VE suggestions of both consultants in the solicitation documents.

The apparent low bidder came in at \$21,425,000. Allowing for contract modifications and for soft costs (to cover items such as project engineering, construction management, ~~Metro Art Program~~, project control and Third Party coordination) the estimated cost of building the bridge is \$27,300,000.

The Universal City Station Pedestrian Bridge is associated with the Metro Red Line Minimum Operating Segment (MOS) - 3 Project. The mitigation program for the MOS - 3 Project required the construction of a pedestrian tunnel to access the Universal City Metro Station. However, the tunnel was never constructed because of cost constraints. Pursuant to a proposed settlement agreement between Metro and NBC Universal, the Universal City Station Pedestrian Bridge will be constructed in lieu of the tunnel that was originally proposed. The construction of the Universal City Station Pedestrian Bridge will allow Metro to close out the grant for the MOS-3 Project, which we already completed and received all federal Full Funding Grant Agreement (FFGA) funds.

Modification No. 7 to RCHS will add Design Support Services during Construction services to their contract to assist Metro with review of the Universal Bridge Design-Build Contractors design submittals and to respond to Requests for Information.

DETERMINATION OF SAFETY IMPACT

The bridge will allow rail patrons to safely cross the busy Lankershim Boulevard from the Metro Red Line Universal City Station, thus increasing the safety of the system.

FINANCIAL IMPACT

The Universal City Station Pedestrian Bridge current \$19.5M LOP is funded with 100% with Proposition A 35% (Rail Development). The additional \$7,800,000 LOP increase would be funded as per Recommendation B and further detailed as follows:

- \$3,900,000 contribution from NBC Universal
- \$2,500,000 Prop A 35% using project savings from Metro Orange Line Extension (MOLE). This requires that Proposition C 25% from MOLE be Board authorized for a swap using Proposition A 35% from the Expo Phase 2 project Proposition C 25% cannot be used for this pedestrian bridge)
- \$1,400,000 additional Proposition A 35% funds. These Prop A 35% funds were originally planned for Rail Preventive Maintenance, and will require a backfill using a federal formula grant.

Since this is a multi-year project, the cost center manager and Executive Director will be accountable for budgeting the cost in future years.

Impact to Budget

Other than the \$3,900,000 contribution from NBC Universal, this project is funded solely with Proposition A 35%. These funds are eligible for bus/rail operating expense and would reduce the funds available for Operations.

ALTERNATIVES CONSIDERED

An alternative to the staff recommendation is that the Board not authorize an increase to the LOP. This option is not recommended. Construction of the bridge was part of a settlement agreement. Without the increase in LOP, Metro will not be able to award the bridge contract and move forward. NBC Universal has committed to funding half of the LOP budget increase staff seeks. Not moving forward with the project at this point will likely result in continued litigation between Metro and NBC Universal.

NEXT STEPS

Upon approval of the additional funding, staff will proceed immediately with the award of the Contract C1043 for the Universal City Station Pedestrian Bridge, and issue a Modification to Contract PS-8510-2539 for Design Support during Construction services.

ATTACHMENTS

- A. Procurement Summary
- B. Contract Modification / Change Order Log
- C. Funding/Expenditure Plan

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PROCUREMENT SUMMARY

UNIVERSAL CITY PEDESTRIAN BRIDGE

1.	Contract No.: PS-8510-2539		
2.	Contractor: Rios Clementi Hale Studios		
3.	Mod. Work Description: Add Design Support During Construction		
4.	The following data is current as of :		October 3, 2013
5.	Contract Completion Status –		Financial Status -
	Award Date	4/2/10	Award Amount
	NTP	4/5/10	Total Contract Modification Authority (CMA) (including this action)
	Orig. Complete Date	8/12/13	Value of mods. issued to Date (Including this action)
	Current Est. Comp Date	12/17/15	Remaining CMA (including this action)
6.	Contract Administrator: Diana Sogomonyan		Telephone Number: (213) 922-7243
7.	Project Manager: Aspet Davidian		Telephone Number: (213) 922-5258

A. Contract Action Summary

This contract change will be handled in accordance with the LACMTA approved procedures for contract modifications.

In March 1994, Metro and MCA (now NBC Universal) entered into a Memorandum of Understanding (MOU) as part of constructing Metro Red Line Universal City Station. Metro committed to a number of mitigation measures as a result of this MOU, including construction of a Pedestrian Tunnel (Tunnel) under Lankershim Blvd connecting the Metro Universal City Station and NBC Universal property. In August 1999, Metro advertised Contract No. C0322 – Underpass,

and received two bids \$15,738,000, and \$16,748,000. Bids were rejected in December 1999 due to higher than anticipated costs. The Underpass Contract documents were redesigned and re-bid in 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. NBCU then filed a tort claim alleging Metro's breach of the 1994 MOU, as amended in 2002. The parties tolled the claim for several years.

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. Metro entered into an A&E Single Source Procurement with RCHS for an amount of \$85,940.00, effective April 5, 2010. Subsequently, six (6) contract modifications were issued increasing the total contract price to \$711,740. Modification No. 3 was executed per the June 2012 Board approval for increasing the contract value and recommendation for the CEO to solicit and award the Design-Build (D/B) Contract for the Pedestrian Bridge. RCHS completed the preliminary design documents for the D/B contract which Metro issued for bid as part of Contract No. C1043.

Attachment B shows that six modifications have been issued to date to add and/or delete work, and one modification is currently in negotiation.

The proposed modification is for an amount not to exceed \$275,000, is to add Design Support during Construction for the Design-Build Contract and to extend the period of performance on a labor hour basis.

B. Cost/Price Analysis

The recommended price for the change will be determined to be fair and reasonable based upon an independent cost estimate, cost analysis, technical evaluation, fact finding, and negotiations.

	<u>Proposal Amount</u>	<u>MTA Estimate</u>	<u>Negotiated Amount</u>
1.	\$426,186	\$270,840	NTE \$275,000

ATTACHMENT B

Contract Modification / Change Order Log

Mod. No.	Description	Status (Approved or Pending)	Cost
N/A	Initial Award	Approved	\$85,940
1	Revise scope of work and extend period of performance.	Approved	\$5,000
2	Improve construction schedule, reduce project cost, mitigate traffic lane impacts and accommodate NBCU Schedule.	Approved	\$33,218
3	Add preliminary engineering (PE) for a design build (D/B) contract.	Approved	\$526,017
4	Administrative Modification to extend Period of Performance, and modify Contract to Firm-Fixed price.	Approved	\$0
5	Add Traffic Engineering.	Approved	\$12,000
6	Revise drawings and perform additional structural calculations.	Approved	\$49,564
7	Add Design Support During Construction	Pending	\$275,000
		Subtotal – Approved Modifications	\$625,800
		Subtotal – Pending Changes/Modifications	\$275,000
		Total Mods and Pending Changes (including this change)	\$900,800
		Total Contract Value	\$986,740
		Prior CMA Authorized by the Board (including base award and other modifications)	\$626,017
		Increased CMA for this recommended action	\$305,000
		Remaining CMA for Future Changes	\$30,217

ATTACHMENT C

FUNDING/EXPENDITURE PLAN
 Universal City Station Pedestrian Bridge Project

Design, Engineering and CM Issues	Incurred Inception -FY13	FY14	FY15	FY16	Total (\$)
Design Phase					
Design cost by Rios Clementi	646,653				646,653
Value Engineering 1 (VE1) and Estimating by Hill International	61,350				61,350
Value Engineering 2 (VE2) by TRC	32,313				32,313
Metro Cost for Design phase	256,525				256,525
Subtotal Design Phase					996,841
Construction Phase					
Design Service During Construction (DSDC) By Rios Clementi		35,000	200,000	70,000	305,000
Engineering - Submittals Review		180,500	600,000	200,000	980,500
Construction Management		107,000	350,000	400,000	857,000
Third Party		41,375	100,000	180,000	321,375
Other Metro Cost: Project Control, Contract, etc.		62,284	90,000	120,000	272,284
Subtotal construction Phase					2,736,159
Construction Cost (Bid)		6,000,000	12,500,000	2,925,000	21,425,000
CMA (Contract Modification Authorization): Contingency				2,142,000	2,142,000
Total Use of Funds (\$)	996,841	6,426,159	13,840,000	6,037,000	27,300,000
Source of Funds	Incurred Inception -FY13	FY14	FY15	FY16	Total (\$)
Proposition A 35% (Rail Development)	997,000	6,620,000	9,970,000	1,913,000	19,500,000
Proposition A 35% (Metro Orange Line/Expo II Exchange)	0			2,500,000	2,500,000
Proposition A 35% (Preventive Maintenance Exchange)	0			1,400,000	1,400,000
NBC Universal	0		3,900,000	0	3,900,000
Total Source of Funds (\$)	997,000	6,620,000	13,870,000	5,813,000	27,300,000