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Metropolitan Transportation Authority

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**CONSTRUCTION COMMITTEE
OCTOBER 16, 2014**

SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT

ACTION: APPROVE AN INCREASE IN CONTRACT MODIFICATION AUTHORITY FOR CONTRACT C1048 AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE A CONTRACT MODIFICATION

RECOMMENDATION

- A. Approve an increase in Contract Modification Authority (CMA) to Contract C1048, Advanced Utility Relocations (Wilshire/La Brea Station), to provide funding for differing site conditions related to unknown and abandoned utilities, water line revisions and conflicts, re-sequencing of work, utility interferences, loose and wet sands and delay impacts from a preceding communications utility contractor, in the amount of \$1,241,712, increasing the current CMA from \$1,236,100 to \$2,477,812.
- B. Authorize the CEO to execute Contract Modification No. 20 to Contract No. C1048 with Metro Builders Group LTD for delay compensation due to differing site conditions related to unknown and abandoned utilities, loose and wet sands and delay impacts from a preceding communications utility contractor, in an amount of \$717,208.

ISSUE

Contract C1048 is a firm fixed price contract to re-locate utilities in advance of the Westside Purple Line Extension Section 1 Design/Build contract.

Approval of additional CMA will allow staff to continue to process contract modifications in a timely manner and avoid costly construction delays to the Design/Builder for the Westside Purple Line Extension Section 1 Project which is dependent on the utility work included in this contract on being completed.

DISCUSSION

Section 1 of the Westside Purple Line Extension Project is the first of three sections to be designed and constructed as part of the Los Angeles County Metropolitan Transportation Authority (LACMTA) Measure R Program. The program was approved by

Los Angeles County voters in November 2008 and provides a half-cent sales tax to finance new transportation projects. In April 2012, the three sections of the Project were environmentally cleared and adopted by LACMTA Board of Directors. Section 1 will extend the existing Purple Line by 3.92 miles beginning at the Wilshire/Western Station. From this station, the twin tunnel alignment will travel westerly within the existing Wilshire Boulevard right-of-way. Stations will be located at the intersections of Wilshire/La Brea, Wilshire/Fairfax, and Wilshire/La Cienega. All three of the station boxes will be located within the Wilshire Boulevard right-of-way with station portals extending to off-street entrances.

Contract C1048 provides for advanced utility relocations of water, sewer and power lines at the Wilshire/La Brea Station location. The Wilshire/La Brea Station box is within the City of Los Angeles and will be located under the center of Wilshire Boulevard in between Detroit Street and Orange Drive. The utilities are being relocated to allow for construction of the station by the Design/Build contractor. It is anticipated that the tunneling will be staged from this location as well. The relocation of utilities at this location is critical to the Project.

Contract C1048 was awarded to Metro Builders and Engineering Group, LTD on May 13, 2013 with a contract award value of \$6,181,100.

During the development of bid plans, Metro and our consultants gathered all known available as-built drawings from the utility owners that depicted their underground utility infrastructure beneath Wilshire Boulevard. During the performance of the contract, a number of unknown and abandoned utilities were encountered that were not shown on the current as-built drawings. The presence of these utilities has slowed construction and caused the contractor to perform more hand digging than anticipated, which has resulted in several construction and schedule impacts. Additional subsurface verification was performed by Metro during the development of the bid plans. However, it now appears that the as-built drawings provided by utility owners did not account for their abandoned utilities.

An increase in CMA was awarded on April 24, 2014 that increased the CMA from \$618,100 to \$1,236,100.

The construction on the contract has continued to be impacted by unknown and abandoned utilities resulting in more hand digging than anticipated. An additional impact occurred when a preceding communications utility contractor was unable to complete their work within the allotted time frame and in the immediate vicinity of the Contract C1048 work limits. The communications utility contractor completed their work 6 months later than anticipated and this caused the C1048 contractor to delay a portion of the work until the communications work was relocated. The construction was impacted further by unanticipated loose and wet sandy soils. These loose and wet sandy soils required additional shoring and paving. The loose and wet sands were not identified in geologic profiles that were developed during the development of bid plans.

Staff and the contractor implemented mitigations to minimize schedule impacts related to the differing site conditions. These mitigations included the development of combined work plans, the use of multiple construction crews, re-sequencing of work and extended construction work hours when beneficial.

Staff also accelerated the contract work associated with power conduit and vault construction. The power work performed by the contractor is to be turned over to DWP Power for cable pulling and energization. The accelerated work offset impacts caused by the communications utility contractor that was 6 months late performing their work. The power work is on the critical path of the Design-build project.

As the C1048 Contract sewer and power utility work has been completed, staff is requesting an additional increase of CMA, in the amount of \$1,241,712, to cover pending and potential Contract Modifications for Contract C1048 related to additional unknown and abandoned utilities, water line revisions and conflicts, re-sequencing of work, utility interferences, loose and wet sands and delay impacts from a preceding communications utility contractor. One of these pending Contract Modifications provides extended overhead compensation for delays encountered while performing the work from March 20, 2014 through August 15, 2014. A detailed matrix of Contract Modification Authority Summary is shown in Attachment B.

The sewer and power utility work as a part of the C1048 Contract has been completed. The majority of the water work has been completed and all that remains is the water relocations at the La Brea Intersection. It is anticipated that this Board Action will allow staff to complete and close the contract.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards.

FINANCIAL IMPACT

Funds are included in the FY15 budget for this action under Project 865518 – Westside Purple Line Extension Section 1 Project in Cost Center 8510 (Construction Project Management), and Account Number 50101 (Acquisition of Building and Structure). Since this is a multi-year project, the Executive Director of Engineering and Construction and the Project Manager will be responsible for budgeting costs in future years.

Impact to Budget

The sources of funds for the recommended action are Federal 5309 New Starts and Measure R 35% (Cash). The approved FY15 budget is designated for the Westside Purple Line Extension Project and does not have an impact to operations funding sources. These funds were assumed in the LRTP for the Westside Purple Line

Extension Section 1 Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the project. No other funds were considered.

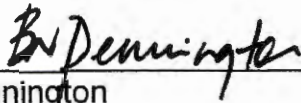
ALTERNATIVES CONSIDERED

The Board may decline to approve the recommended action. This is not recommended as it will prevent or delay the completion of the advanced relocation of utilities for this Project if contract modifications are unable to be issued which will directly impact the Westside Purple Line Extension Section 1 Project.

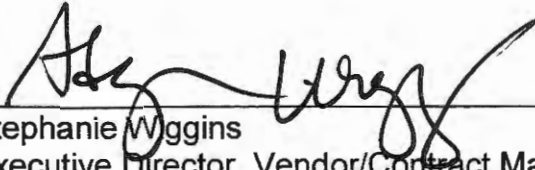
ATTACHMENTS

- A. Procurement Summary
- B. Contract Modification Authority (CMA) Summary

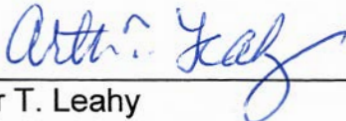
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PROCUREMENT SUMMARY

**WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT
ADVANCED UTILITY RELOCATIONS (WILSHIRE/LA BREA STATION)**

1.	Contract Number: C1048		
2.	Contractor: Metro Builders and Engineering Group LTD.		
3.	Mod. Work Description: See Attachment B		
4.	Contract Work Description: See Attachment B		
5.	The following data is current as of: 9/17/14		
6.	Contract Completion Status:		
	Bids/Proposals Opened:	3/21/13	% Completion \$s: 91.3%
	Contract Awarded:	5/13/13	% Completion time: 92.3%
	NTP:	8/1/13	Original Contract Days: 230 calendar days
	Original Complete Date:	3/19/14	Change Order Days: 0
	Current Est. Complete Date:	10/14/14	Suspended Days: 0
		Total Revised Days:	209 calendar days
7.	Financial Status:		
	Contract Award:	\$6,181,000	
	Total Contract Modification Authority (CMA):	\$1,236,100	
	Total of Mods. Issued to Date (Including this action)	\$2,477,812	
	Requested Additional CMA (See Attachment B)	\$1,241,712	
	Contract Administrator: Sonia Gomez	Telephone Number: (213) 922-7247	
8.	Project Manager: James Cohen	Telephone Number: (213) 922-7911	

A. Contract Action Summary

This Board Action is to approve modification no. 20 issued in support of for delay compensation due to differing site conditions related to unknown and abandoned utilities, loose and wet sands and delay impacts from a preceding communications utility contractor.

The proposed contract changes will be handled in accordance with the LACMTA Acquisition Policy for contract modifications and the contract type is design-bid-build.

Pursuant to PUC 130051.9.C, the chief executive officer shall approve and award all contracts for construction, and that approval shall be based upon the lowest responsible and responsive bid submitted.

On May 13, 2013, Contract No. C1048 was awarded to Metro Builders and Engineers Group LTD. in the amount of \$6,181,000, to re-locate utilities in advance of the Westside Purple Line Extension Design/Build contract. The period of performance was two hundred thirty (230) calendar days after the NTP.

Attachment B shows the list of pending modifications that will add work. The pending modifications total approximately \$ \$1,830,407.

B. Cost/Price Analysis

See list of pending changes in Attachment B.

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

C. Small Business Participation

The Diversity & Economic Opportunity Department (DEOD) established a 27% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP), under Metro's race neutral DBE Program. Metro Builders did not make a DBE commitment for this contract. Metro Builders is encouraged to include DBE firms when subcontract opportunities become available.

D. Project Labor Agreement / Construction Careers Policy (PLA/CCP)

The Contractor has committed to complying with PLA/CCP requirements for this project. This project is 79.82% complete and the contractor is achieving the 40% Targeted Worker Goal at 64.57%, not achieving the 20% Apprentice Worker Goal at 12.02%, and achieving the 10% Disadvantaged Worker Goal at 11.20%. Staff has issued a Notice of Non-Compliance to the Prime Contractor and will continue to monitor and report the contractor's progress toward meeting the goals of the PLA/CCP, including reports on any remedial actions undertaken in accordance with the PLA/CCP.

CONTRACT MODIFICATION/CHANGE LOG

WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT ADVANCED UTILITY RELOCATIONS (WILSHIRE/LA BREA STATION)

Mod. No.	Description	Status (Approved or Pending)	Contract Value (A)	Mods (B)	Board Approved CMA (C)
N/A	Initial Award		\$6,181,000		\$618,100
1	Final Signed Drawings by LABOE, LADOT and DWP	Approved		\$196,184	\$618,000
2	Additional Noise Mitigation Measures	Approved		\$64,538	
3	Void, Fiber Optic Conflict, Traffic Control	Approved		\$64,325	
4	Vent Pipes for DWP Electrical Vault	Approved		\$10,000	
5	Loose Fill and Trench Collapse	Approved		\$38,500	
6	Unforeseen Field Conditions	Approved		\$57,515	
7	Daily Exterior Clean-up at Crenshaw Yard	Approved		\$13,000	
8	Relocate Waterline & Remove Vault	Approved		\$51,700	
9	Pavement at Crenshaw Yard	Approved		\$19,200	
10	Relocation of Equipment & Materials	Approved		\$5,453	
11	Extend Role of Job Coordinator	Approved		\$15,907	
12	Abandoned Sewer Lateral Conflict	Approved		\$11,000	
13	Revisions to Fire Hydrants	Approved		\$17,400	
14	Conflict Steel Waterline/Electrical Vault	Approved		\$46,020	
15	Hand Digging of Vent Pipes	Approved		\$4,200	
16.1	Local Community Accommodations	Approved		\$17,289	
17	Con Ad Requested Pothole/Repaving	Approved		\$2,424	
18	18-inch Storm Drain @ Detroit	Approved		\$1,250	
19	Unmarked Lines on Sycamore	Approved		\$11,500	
Subtotal (Approved)					\$647,405

TBD	Schedule Mitigation & Acceleration For Power Work	Pending		\$185,400	
TBD	Waterline Revisions due to Differing Site Conditions	Pending		\$39,500	
TBD	Differing Site Conditions at Electrical Vaults 677 & 5204	Pending		\$105,925	
TBD	Waterline Conflict & Water Shutdown Cancellation	Pending		\$6,500	
TBD	LADWP Work Stoppage	Pending		\$4,888	
TBD	Concrete Blanket Over Water Line Crossing Under Conduits	Pending		\$6,986	
TBD	Re-sequencing of Work at BMW Service Center	Pending		\$15,000	
TBD	Utility Interferences at Wilshire/La Brea – East to West Water Line	Pending		\$175,000	
TBD	Utility Interferences at Wilshire/La Brea – North to South Water Line	Pending		\$175,000	
TBD	Utility interferences with FH #34189 lateral at SE corner of Wilshire/La Brea	Pending		\$25,000	
TBD	Extended Service of Jobs Coordinator	Pending		\$9,000	
TBD	Equipment Standby time During Extended Delay	Pending		\$200,000	
TBD	Additional Testing and Chlorination of New Water Line Connections	Pending		\$15,000	
TBD	Resolution of schedule impacts to the contract from NTP through 8/15/14	Pending		\$717,208	
TBD	Resolution of all remaining Differing Site Conditions, Waterline Revisions, Waterline Conflicts, Re-sequencing, Utility Interferences, and additional schedule impacts to the contract after August 15, 2014.	Pending		\$150,000	
Subtotal (Pending)				\$1,830,407	
Subtotal (Approved and Pending)				\$2,477,812	
TBD	Delete Final Trench Paving	Pending		(\$52,426)	
TBD	Unused Provisional Sums	Pending		(\$2,320)	
Subtotal Approved and Pending including Credits				\$2,423,066	
Total			\$6,181,000		\$1,236,100

Subtotal – Board Approved Modifications		\$0	
Subtotal – Approved Modifications within CMA		\$647,405	
Subtotal – All Approved Modifications		\$647,405	
Pending Changes/Modifications		\$1,830,407	
Total Mods and Pending Changes		\$2,477,812	
Total Contract Value (Including Approved and Pending Mods including credits) (original contract \$6,181,000 + \$2,423,066)	\$8,604,066		
Board Approved Cumulative CMA (C)			\$1,236,100
Requested CMA (Approved and Pending, \$2,477,812, minus Board Approved CMA, \$1,236,100)			\$1,241,712*

*Credits Totaling \$54,746 (\$52,426 + \$2,320) are not included in the CMA request