

**Board Report**

File #: 2018-0364, **File Type:** Agreement

Agenda Number: 33.

**CONSTRUCTION COMMITTEE
OCTOBER 20, 2018**

SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 2 PROJECT

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute a Memorandum of Agreement (MOA) with the City of Beverly Hills (City) to accommodate construction of the Wilshire/Rodeo Station, contingent upon execution of a settlement agreement.

ISSUE

Metro staff began drafting and negotiating an agreement with the City in August 2017 for the Design/Build elements of the Project. The attached MOA concludes the negotiations for those elements of the Project. The MOA describes how Metro (and the C1120 Design/Build Contractor) and the City will coordinate and cooperate in the construction of the Wilshire/Rodeo Station and related street restoration in the vicinity of the station.

BACKGROUND

Prior MOAs have been established with the City of Beverly Hills for work on the Westside Purple Line Extension Section 1 and Section 2 Projects. The first MOAs were executed in 2014 and 2017 for the advanced utility relocations work at the Wilshire/La Cienega Station and the Design/Build elements of the station. MOAs were also executed in 2017 for the advanced utility relocations work specific to the Wilshire/Rodeo Station.

DISCUSSION

The MOA describes the roles, responsibilities and obligations of Metro, its Design/Builder, and the City as it pertains to the construction of the Wilshire/Rodeo Station. The MOA specifies the procedures which the parties will follow as it relates to such tasks as the permitting process, design reviews, coordination efforts, meeting attendance, inspections, traffic control, construction staging requirements, allowable work hours, environmental mitigations and other essential elements. The MOA further describes the manner in which the City will be reimbursed for its costs related to such activities and support services.

On August 21, 2018, the Beverly City Council approved the terms of the MOA, including language related to Beverly Hills participation in law enforcement services for the Wilshire/Rodeo Station upon the start of revenue service. The version of the MOA attached to this report modifies this language to indicate that Metro and the City will commence negotiations for a security contract in good faith no later than July 1, 2021.

The City has two lawsuits pending related to the Westside Subway Extension: *City of Beverly Hills v. Federal Transit Administration, et al.*, United States District Court Case No. CV-18-03891 GW (SSx) and *City of Beverly Hills v. Los Angeles County Metropolitan Transportation Authority*, Los Angeles Superior Court Case No. BS144164. The MOA will not take effect until both the City Council and the LACMTA Board of Directors approve a settlement agreement for the two pending lawsuits.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

Funds required in fiscal year 2019 for this Board action are included in Project 865522 Westside Purple Line Extension Section 2 Project, in Cost Center 8510 (Construction Project Management), and Account Number 53101 (Acquisition of Building and Structure). Since this is a multi-year project, the Chief Program Management Officer and the Project Manager will be responsible for budgeting costs in future fiscal years.

Impact to Budget

Additional costs may be incurred by the WPLE-2 project for differences in this final agreement compared to the draft contained in the bid documents. The cost associated with the recommended action is included in the Project's life-of-project cost. The sources of funds for the Project are Federal 5309 New Starts, Congestion Mitigation and Air Quality (CMAQ), Transportation Infrastructure Finance and Innovation Act (TIFIA) Loan proceeds and Measure R 35%. These funds are designated for this Project and do not have an impact to operations funding sources. 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.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Strategic Plan Goal #3 - Plan and deliver capital projects on time and on budget while increasing opportunities for small business development and innovation. Support of the design and construction of the Wilshire/Rodeo Station by various departments of the City is extremely critical to the Project being completed on schedule and on budget. Timely execution of the MOA allows the Project's design and construction to proceed on schedule, thereby facilitating utilization of the Design/Builder's planned and contractual DBE commitment of 25.31% and 17.00% for design and construction, respectively.

ALTERNATIVES CONSIDERED

The Board may choose not to execute this MOA, however if the MOA is not executed, the City will not issue a permit for the C1120 Design/Build Contractor to begin construction of the Wilshire/Rodeo Station. This would potentially delay the Project.

NEXT STEPS

The next step is for both parties to execute the MOA so that the City can proceed with the required construction related activities to support the construction start of the Wilshire/Rodeo Station.

ATTACHMENTS

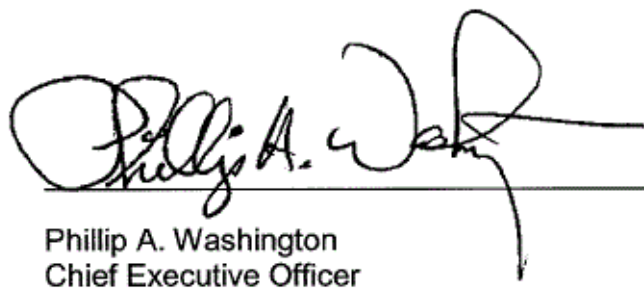
Attachment A - Memorandum of Agreement for Contract C1120 between the City of Beverly Hills and the LACMTA

Prepared by:

Michael McKenna, Executive Officer, Project Management (213) 312-3132
Rick Wilson, Executive Officer, Program Control (213) 312-3108

Reviewed by:

Richard Clarke, Chief Program Management Officer, (213) 922-7557



Phillip A. Washington
Chief Executive Officer