



File #: 2022-0836, File Type: Contract

Agenda Number: 22.

**CONSTRUCTION COMMITTEE
JANUARY 19, 2023**

SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT - INCREASE TO GANNETT FLEMING, INC., CONTRACT MODIFICATION AUTHORITY

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE:

- A. an increase in the contract modification authority (CMA) for Contract AE58083E0129 with Gannet Fleming, Inc, in the not-to-exceed amount of \$25,985,967, thus increasing the current not-to-exceed CMA amount from \$12,394,970 to a new CMA amount not-to-exceed \$38,380,937, thereby increasing the contract value to \$111,863,617 should all modifications be executed; and
- B. the Chief Executive Officer to negotiate and execute any contract modifications within and up to the authorized total CMA amount.

BACKGROUND

The East San Fernando Valley Light Rail Transit Corridor project (Project) is a light rail system that is street running in the middle of Van Nuys Boulevard and will extend north from the G-Line Van Nuys station to the Metrolink Sylmar/San Fernando station, a total of 9.2 miles with 14 at-grade stations. The Metro Board certified the Final Environmental Impact Report (FEIR) on December 3, 2020. The Project achieved a Record of Decision on January 29, 2021. The Project has mostly completed the preliminary engineering design phase, with street improvements and guideway design advanced to 60 percent to reduce the risk associated with geometric/spatial constraints. All other design elements (utilities, stations, maintenance facility, and systems) are presently designed to 30 percent. The final design for select advanced utility relocations is also being advanced, consistent with undertaking advance utility work to expedite the project schedule and reduce overall project risk.

Included in the Project FEIS/EIR was the initial operating segment (IOS), defined as the southern 6.7 miles of the Project alignment. The IOS, also more recently identified as the Southern Segment, 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, more

recently identified as the Northern Segment, is going through additional analysis as directed by the Board in December 2020 and is not included in the Southern Segment.

To comply with the Measure M schedule commitments, the Southern Segment is proceeding into the next phase of final design and construction through a Progressive Design Build (PDB) contractor procurement. This began in August 2022, with an anticipated award date in early 2023.

ISSUE

In 2019 Metro awarded Gannett Fleming, Inc. a cost-plus fixed fee (CPFF) contract for Architecture Engineer (AE) services for a not-to-exceed amount of \$61,974,852 to complete three phases: Phase 1 - complete preliminary engineering; Phase 2 - provide support during the solicitation process; and Phase 3 - provide design support during construction for the Project. The original contract CMA was a not-to-exceed \$12,394,970, and \$741,680 remains to date. The dollar amount of approved modifications and change orders from the CMA is \$11,653,290, and Board approved contract modifications have been made to the contract in the amount of \$11,507,828, which has increased the not-to-exceed contract price to \$85,135,970.

Throughout Phase 1, the contract modifications incorporated additional work to reduce the risk associated with known cost drivers such as utility conflicts, geotechnical and hazardous soils field investigations, real estate verifications, and resolution of third-party issues. As the Project scope has advanced, staff identified additional work activities which are needed, in advance of the future PDB contractor, to improve coordination with third parties and that will address key project risks. Therefore, based upon the anticipated pending and unallocated contract modifications, the increase to the CMA is \$25,985,967.

DISCUSSION

Staff is requesting an increase to the CMA to incorporate additional scope elements shown below. As part of the base scope and the previously approved contract modifications, the Project team has compiled existing utility as-built information, developed 30% composite utility drawings, and conducted some utility, geotechnical, and hazardous soils field investigation work. Additional elements have been identified that will benefit the Project through the refinement of design resolution of known cost drivers and risk reduction. Those elements are:

- Advance the utility relocation designs, including the composite utility rearrangement plans, from 30% to 60%.
 - This work will incorporate information gleaned from field investigations to date and will further define horizontal and vertical locations of adjusted utilities. The designer will utilize 3D modeling to perform clash detection and will continue coordinating with the City and County of Los Angeles and other utility owners

within the corridor. The work performed will be provided to the PDB contractor, who will advance the design from 60% to final design. This additional work performed now will reduce the likelihood of typical delays to the Project that stem from utility investigation, utility design, and third-party coordination;

- Advance designs to support DWP vault relocations and adjustments.
 - Throughout Phase 1, staff have coordinated with DWP to protect in place, adjust, or relocate conflicting DWP infrastructure. Due to the complex utility corridor along the alignment and the required coordination with DWP design, it has been determined that certain elements of coordination and design of DWP infrastructure should be controlled by Metro and completed under the subject contract. Staff has identified seven DWP utility design packages that will be completed under this contract. The 100% designs will be provided to the PDB Contractor for pricing and construction. Structuring the DWP design and project workflow this way will allow staff to continue work on critical path activities during the procurement and on-boarding of the PDB Contractor.

- Evaluate and analyze existing County of Los Angeles (County) storm drains through field investigation and analysis.
 - Staff continues to collaborate with the County to develop protect in place measures for three major existing storm drains that are located directly within the track alignment. Agreement to protect these critical pieces of infrastructure eliminates the need for costly and disruptive construction required to relocate. Through the development of work plans, additional field investigation and geotechnical and structural analysis has been identified that will provide the County with the necessary information needed to approve protect in place measures. Once the County has accepted Metro's analysis and design, the PDB Contractor will price and construct the protections. Structuring this work in this manner will allow staff to continue to work on critical path activities during the procurement and on-boarding of the PDB Contractor; and,

- Develop property impact statements (PIS) to support the real estate acquisition process.
 - The PIS will require survey work on impacted properties, detailed design plans

for improvements, and justification for each acquisition. These PIS are required for the critical path process of acquiring properties and temporary construction easements.

The Phase 1 elements identified above will continue advancing critical path activities and assist in mitigating risk. The advancement of these elements has been identified and is being pursued in accordance with lessons learned and best practices on previous Metro projects. Phase 2 support during the solicitation process was provided by Gannett Fleming and is nearing completion, with minor scope items remaining. The scope of work for Phase 3 design support during construction remains the same, with Gannett Fleming performing such things as design, submittal, and request for information reviews during Phase 2 of the progressive design/build contract. 10% unallocated contract modification authority is being added to Phases 1, 2, and 3 to account for unknowns that occur during the pursuit of base scope work. The base scope of work and contract price for Phase 2 and Phase 3 of the contract will not be revised. This board action and subsequent modifications, in addition to the execution of Phase 2 and Phase 3 of the contract, represent the complete and total scope for this Gannett Fleming contract. The PDB Contractor will perform all future design works, supplemented as necessary by Metro Project Management support contracts.

Equity Platform

The Gannett Fleming contract has SBE commitments (see Attachment C), and this action does not change the small business commitment.

The Project will serve 11 new stations along Van Nuys Blvd, traveling through Arleta, Pacoima, Panorama City, and Van Nuys, and will improve connections and access to key destinations while connecting transit users to the growing network in the San Fernando Valley. The Project study area average of 0.53 zero-vehicle households per acre is 77% higher than the 0.30 County average. Equity Focus Communities (EFC) are within walking and biking distance to the proposed stations. The Project will improve access for East San Fernando Valley transit riders in EFCs along the existing route to additional destinations such as colleges, hospitals, museums, open spaces, recreational and natural attractions, Metrolink, and Metro G-Line (providing bus and rail connections to San Fernando Valley).

Overall, the project team considers ways to limit or minimize construction activities throughout the design process. For example, the County storm drains are being evaluated to protect-in-place (not relocating) and thus reducing the amount of construction activities adjacent to the communities along the Project alignment. Also, for the real estate transactions, Metro will adhere to the guidelines established by the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601-4655 (URA). The URA is a federal act designed to ensure

uniform, consistent, fair, and equitable treatment of all property owners impacted by federally funded projects.

To date, Metro Community Relations (CR) staff have met with the local neighborhood councils and have provided updates on the Project to their respective boards. Additionally, CR staff meet regularly with representatives from the local council district offices and provide frequent updates on upcoming construction, mitigation plans/efforts, and our outreach efforts to the local community. Bilingual (Spanish) CR staff have also attended local community meetings and special events to directly engage with community stakeholders along with the distribution of Project and Metro marketing material in bilingual formats. CR staff have also been visiting the small businesses along the alignment and have been providing bilingual project information along with business resources available through Metro.

In addition, the Project will have Eat Shop Play (ESP) and Business Solution Center (BSC) small business mitigation programs available to businesses along the Project corridor. ESP is a pilot advertising and community engagement program that promotes small businesses impacted by the construction of the new line by providing marketing services. The ESP program allows for collecting and tracking demographic and neighborhood data that will help Metro better understand current conditions and timely assessment of programs. Also, the Project will have a Community Leadership Council (CLC), an advisory body to the Project, comprised of a diverse group of fifteen (15) individuals who live, work, attend school, or own a business or commercial property in the neighborhoods within the project area: Arleta, Pacoima, Panorama City, and Van Nuys. The ESP and CLC programs are aligned with internal policies and processes to elevate front-line personnel and supervisors' needs and perspectives.

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 Cost Center 8510 Project number 865521 East San Fernando Valley Light Rail Transit Corridor under various accounts, including professional and technical services. The funding of \$25,985,967 is included in the FY23 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 R 35%, Measure M 35%, Federal and State Grants. There is no impact on Operations eligible funding. 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.

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

A separate procurement(s) could be considered for the recommended work. Also, the work could be conducted by the PDB contractor. Staff does not recommend these alternatives because schedule impacts to pursue a separate procurement or waiting for the PDB contractor would delay the project and potentially jeopardize the ability to meet the 2028 to 2030 delivery schedule.

NEXT STEPS

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

ATTACHMENTS

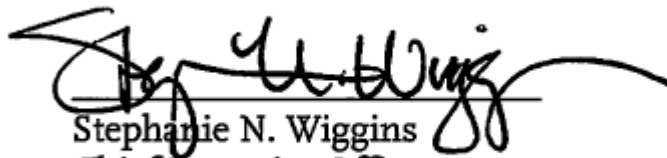
Attachment A - Procurement Summary
Attachment B - Contract Modification / Change Order Log
Attachment C - DEOD Summary

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