



Metro

Metropolitan Transportation Authority

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**CONSTRUCTION COMMITTEE
AUGUST 18,2005**

PROJECT: DIVISION 21 IMPROVEMENTS
**CONTRACT: C0743 DIVISION 21 PASADENA GOLD LINE MIDWAY YARD
STORAGE TRACK WITH BALFOUR BEATTY**
ACTION: APPROVE MODIFICATION IN THE AMOUNT OF \$376,973

RECOMMENDATION

Authorize the Chief Executive Officer to execute Modification No 3 to Contract No. C0743 with Balfour Beatty Rail Inc., to the Division 21 Pasadena Gold Line Midway Yard Storage Track Project for the design and construction of mitigation measures around the archeological find (Zanja Madre) in the amount of \$376,973, increasing the total contract value from \$2,376,792 to \$2,753,765

Within Construction Committee authority: No___ Yes X

RATIONALE

Contract No. C0743 is a fixed price, federally funded procurement. The scope of work consists of the construction and design of 1300 feet of electrified storage track, paved access/maintenance roadway, retaining walls, paved Light Rail Vehicle unloading area, slope and track drainage, fencing, lighting, and overhead catenary system.

On January 24, 2005 Contract No. C0743 was awarded to Balfour Beatty Rail Inc. in the amount of \$2,425,000. The Notice-to-Proceed was issued on January 27, 2005 with a completion date of 180 calendar days from Notice-To-Proceed.

During the excavation of the embankment required to construct the Pasadena Gold Line Midway Yard Storage Track number three, the contractor discovered a portion of a 200-year old water supply trough called Zanja Madre, which had supplied irrigation water to the original Los Angeles Pueblo in 1781. Environmental reports for the work indicated that the Zanja Madre might be located in the vicinity of this project, however it stated that it was doubtful that it would be encountered.

After unearthing this important archeological structure, Rail Operations hired an archeologist to determine the best course of action to preserve this important find. The recommendation from the archeologist was to completely unearth the find and preserve it in

a manner that would allow the public to view it. This modification to the contract will allow for the construction of a retaining wall around the Zanja Madre for its protection, preservation and future viewing.

The portion of track number three that was intended to be constructed in the area of the Zanja Madre was relocated to another area of Midway yard. By doing this it allowed for access to the Zanja Madre without interfering with rail operation. Modification Number 2 was executed with the contractor to eliminate this portion of the original design for a credit amount of \$48,208 and extended the completion date to August 14, 2005.

Construction for Modification Number 3 provides for the design and mitigation measures around Zanja Madre, which includes erecting a retaining wall around the Zanja Madre, providing the necessary drainage and an option, in the amount of \$22,000, for a canopy above the Zanja Madre, which is included in the recommended amount of \$ 376,973.

IMPACTS TO OTHER CONTRACTS

This action has no impact to other contracts at this time.

FINANCIAL IMPACT

Original Contract Award	\$2,425,000
Modification #2 Credit	<u>\$ (48,208)</u>
Current Cumulative Contract Value	\$2,376,792
Modification #3	<u>\$ 376,973</u>
New Cumulative Contract Value	\$2,753,765

The funding of \$376,973 for this action is included in the FY06 approved budget in Cost Center 3960, Transit Systems Engineering under Project 204017 (Division 21 Improvements). The adopted life of project budget of \$4,500,000 is not impacted by this action.

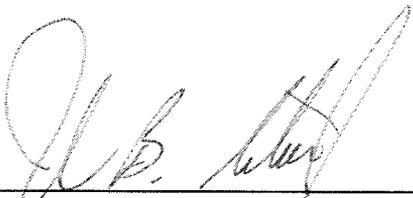
ALTERNATIVES CONSIDERED

The Board may reject the recommendation. The other alternative for this was to map the Zanja Madre, locate it with coordinates so that it could be located at a future date, take photographs of the find, and entomb it back in the hillside, however there is a great deal of interest in this find by the general public and the local citizens and state historical societies.

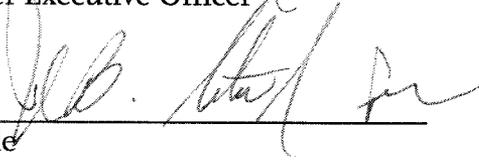
ATTACHMENT(S)

- A Procurement Summary
- A-1 Procurement History
- A-2 List of Subcontractors

Prepared by: Gerald Francis, General Manager, Rail Operations
Dave Walker, Construction Manager



John B. Catoe, Jr.
Deputy Chief Executive Officer



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

DIVISION 21 IMPROVEMENTS

1.	Contract Number: C0743		
2.	Design-Builder: Balfour Beatty Rail Inc.		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$376,973	Recommended Price: \$376,973	
	B. Details of Significant Variances are in Attachment A-1.D		
4.	Contract Type: Firm Fixed Price		
5.	Procurement Dates:		
	A. Issued: N/A		
	B. Advertised: N/A		
	C. Pre-Bid Conference: N/A		
	D. Proposals Due: N/A		
	E. Pre-Qualification Completed: N/A		
	F. Conflict of Interest Form Submitted to Ethics: 04/20/05		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: See Details in Attachment A-2	Date Small Business Evaluation Completed:	
	Small Business Commitment: See Details are in Attachment A-2		
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent: N/A	Bids/Proposals Picked up: N/A	Bids/Proposals Received: N/A
8.	Evaluation Information:		
	A. Bidders/Proposers Names: See Attachment A-1.A	<u>Bid/Proposal Amount:</u> See Attachment A-1.D	<u>Best and Final Offer Amount:</u> N/A
	B. Evaluation Methodology: The recommended price is in compliance with Procurement Policies and Procedures		
9.	Protest Information:		
	A. Protest Period End Date: N/A		
	B. Protest Receipt Date: N/A		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: Joe O'Donnell	Telephone Number: 922-7231	
11.	Construction Manager: Henry Fuks	Telephone Number: 922-7282	

**BOARD REPORT ATTACHMENT A-1
PROCUREMENT HISTORY**

DIVISION 21 IMPROVEMENTS

A. Background on Contractor

Balfour Beatty Rail Inc. (Balfour Beatty) is headquartered in Jacksonville, Florida. The local office of Balfour Beatty is in Los Angeles. Balfour Beatty has been in business for 15 years and is experienced in rail, systems, communications, overhead catenary, general building construction, as well as design-build construction projects. Balfour Beatty had a prior contract with Metro with satisfactory past performance. Balfour Beatty is currently involved in the Metro Gold Line Eastside Extension Project as part of a joint venture with a subcontract to Eastside LRT Constructors.

B. Procurement Background

The procurement of Contract No. C0743 was for a design-build contract, in accordance with Public Utilities Code §130242, issued as a two-step Invitation for Bid (IFB) for a fixed price contract. The Bid Evaluation Team reviewed all bids received in response to IFB No. C0743. All bids were responsive and all Bidders were determined to be responsible. Following the evaluation, staff recommended and the CEO approved award of a firm fixed price contract, Contract No. C0743, to Balfour Beatty Rail Systems, Inc., the lowest responsive bid and responsible Bidder, for the design and construction of the Division 21 Pasadena Gold Line Midway Yard Storage Track; for the period of 180 calendar days from Notice to Proceed, in the Total Contract Amount of \$2,425,000.

To date, two modifications have been issued for this Contract. Modification No. 1 was a no-cost, administrative change to the Contract terms and conditions. Modification No. 2 was issued to eliminate a portion of the original design due to the discovery of the Zanja Madre, which was uncovered during earthwork operations. Modification No. 2 was a credit change in the amount of \$48,207.70.

C. Evaluation of Proposals

The recommended price is in compliance with Procurement Policies and Procedures.

D. Cost/Price Analysis Explanation of Variances

The Independent Cost Estimate was presented to the Contractor and the Contractor accepted Metro's price. Therefore, a cost proposal from the Contractor was not necessary. The recommended price has been determined to be fair and reasonable as it is in compliance with Procurement Policies and Procedures.

Proposal Amount	Independent Cost Estimate	Recommended/Negotiated Amount
N/A	\$376,973	\$376,973

**BOARD REPORT ATTACHMENT A-2
LIST OF SUBCONTRACTORS**

DIVISION 21 IMPROVEMENTS

SMALL BUSINESS PARTICIPATION

The 17% MBE/WBE VALP participation established for this project is strictly voluntary. Balfour Beatty Rail Systems did not list any MBE/WBE participation for this Contract.

Total Commitment: MBE 0% WBE 0%