



Expo

Exposition Metro Line
Construction Authority

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DATE: SEPTEMBER 7, 2006

TO: BOARD OF DIRECTORS

FROM: RICHARD D. THORPE *RT*
CHIEF EXECUTIVE OFFICER

**ACTION: AUTHORIZE THE CEO TO NEGOTIATE AN AMENDMENT TO
THE DMJM HARRIS CONTRACT FOR ADDITIONAL SUPPORT
SERVICES**

RECOMMENDATION

Authorize the Chief Executive Officer (CEO) to negotiate and execute an Amendment to the DMJM Harris Contract for Services during Design/Build Construction to incorporate the additional scope of work described in Attachment A, for an amount not-to-exceed \$1,965,000, for new total contract value of \$16,974,973, with a period of performance through June 30, 2010.

SUMMARY

Since Board authorization of the initial scope of work for services during Design/Build Construction in March, 2006, needs for additional services have been identified. In addition, it has been determined that other services previously planned to be provided by Metro or other consultants could be more efficiently and effectively provided by DMJM Harris under this contract.

DISCUSSION

DMJM Harris was selected by Metro for award of Metro Contract No. E0016, Preliminary Engineering Design Services Mid-City/Exposition Light Rail Transit Project, following a competitive consultant procurement involving four nationally recognized engineering consultant teams. This procurement followed all Federal and State statutes governing procurement of Architectural and Engineering services. The consultant proposed \$16.2 million and the Metro Board awarded the Cost-Plus-Fixed-Fee (CPFF) contract for \$12.4 million for Phase I,

Preliminary Engineering Design, and Phase II, Bid Support Services. The consultant has satisfactorily completed the bulk of the Phase II authorized services, including FEIS planning, preliminary engineering, preparation of the Design-Build contract technical provisions and jurisdictional coordination within this contract amount. Completion of work on the Flower Street design is expected to be finished by mid-September.

Early this year, a scope of services for Phase III was prepared and negotiated as authorized by the Board. That scope includes the preparation of California Public Utilities Commission (CPUC) grade crossing applications, Design-Build submittal reviews, Design-Build RFI responses, public design workshops/presentations, recommendations and responses to Authority technical questions, studies and other special services. Since then, additional requirements such as development and negotiation of Master Cooperative Agreements with Third Parties, development and negotiation of Third Party Annual Work Programs, development of Preliminary Engineering for interface between the interim and permanent stations in Culver City, provision of an Interim Chief Project Officer, and field environmental services have been identified. Details regarding this additional scope are presented in the Attachment A.

The final negotiated amount has not been determined, however, the recommended not-to-exceed amount is within the project budget. Staff is in the process of negotiating a final amount for the added scope of work.

FINANCIAL IMPACT

The estimated costs of the proposed additional services are within the Project's proposed fiscal year budget and the overall Project budget of \$640 million.

NEXT STEPS

Upon approval, the CEO will negotiate the final cost and perform a Cost and Price Analysis prior to executing the Amendment with the Consultant.

ATTACHMENT(S)

- A. Summary Scope of Work and Proposed Costs for Contract Amendment

SUMMARY SCOPE OF WORK AND PROPOSED COSTS FOR CONTRACT AMENDMENT

1. **Venice/Robertson Aerial Station** – In order to properly coordinate the permanent elevated station with the City of Culver City's on-going Transit Oriented Development (TOD) activities, it is prudent to advance the station concept to the Preliminary Engineering (PE) level. This will ensure that TOD plans are both consistent with and supportive of a convenient and efficient light rail transit station in the vicinity of Venice and Washington Boulevards. Further, advancing the design of this station area will help to ensure that the station can be constructed without unduly impacting the operation of the interim Washington/National Station, the associated parking, or the TOD.

DMJM Harris will develop aerial station concepts in close coordination with the City of Culver City and the TOD developer and advance the optimum alternative to the PE level of design. Current and future pedestrian paths, traffic patterns, station and area parking, and the development itself will be considered.

Finally, these station concepts will be coordinated with the contractor's design for an interim station to assure that operation of any station in Culver City continues without interruption.

2. **Interim Chief Project Officer** - Due to the inability of the Authority to attract and hire a Chief Project Officer, DMJM Harris was asked to provide an Interim Chief Project Officer on a half time basis for a six month period. DMJM Harris' Stephen Polechronis is filling this position and is responsible for oversight and management of Phase 1 Project design and construction. Mr. Polechronis requested, and the Authority agreed, that he have no involvement in the Phase 2 Project Request for Proposal, other than that which has been released to the general public.
3. **Public Utility Commission Support** – The project includes some 38 grade crossings that will be subject to California Public Utilities Commission (CPUC) approval. The previously approved scope of work included the preparation of technical documents, compliant with the CPUC process. However, in order to enhance timely approval of the crossing protection design, DMJM Harris will contract with Lang, Hansen, O'Malley and Miller, a firm specializing in assisting agencies such as the Authority in gaining such approvals. The firm will provide two senior professionals,

skilled in communication and CPUC policy and regulations, to provide timely and relevant information to Commissioners, legislators, and other decision makers. Both of these professionals assisted the Pasadena Gold Line Construction Authority in gaining CPUC approvals for that project.

4. **Special Events Modeling** – The project area between Vermont Avenue and Flower Street is highly congested during special events at the Coliseum. In order to satisfy the Metro Grade Crossing Policy, the CPUC and the mitigations commitment in the FEIS, a Special Events Management Plan (Plan) must be developed. This Plan will describe provisions for the flow of pedestrians across Exposition Boulevard and the right-of-way during events. Further, considering available crossings, light rail vehicle service and other variables, the plan will describe how Metro can operate service safely during major events.

To prepare this Plan, an accurate picture of crowd size and behavior must be developed. DMJM Harris will retain the services of a specialty subconsultant to model the project area between Flower Street and Vermont Avenue using specialized crowd behavior software. Data will be collected at a major Coliseum sports event to ensure crowd size and behavior is properly captured. The model will then be used to predict crowd queuing at the six (6) pedestrian crossings currently planned for this area. If required, adjustments in the size of the crossings or operating plan can be made to permit safe and reasonable connections across Exposition Boulevard during special events.

5. **Document Control Services** – The volume of documents, files, correspondence, and contractual material being managed by the Authority is extensive. It was initially planned that a Document Control Manager seconded from Metro could handle all of the Authority's requirements with minimal support. Because of the accelerated design schedule adopted by the Design/Build contractor, the volume of work has proved to be too great. DMJM Harris will provide a part time document control clerk to provide support. Over time, this position will be reduced and is forecast to be eliminated at the end of FY09.
6. **Third Party Support** – When the Services during Design/Build Construction were first negotiated with DMJM Harris, it had not been determined whether Third Party/Master Cooperative Agreement support would be provided by Authority-hired staff, the Construction Manager, or the PE Team. It has since been determined that the most qualified, readily available staff resided within DMJM Harris and the required support could best be obtained by an amendment to the DMJM Harris contract.

7. **Geotechnical Support** – Hazardous material investigations performed during the PE Phase identified the need for further study of arsenic contamination. It has been determined that it is advantageous to the project to have some of this work performed by the same DMJM Harris subcontractor that did the PE Phase investigations.

These continued investigations for hazardous substance will be provided under this task, primarily focused on addressing known levels of contaminants common to old rail rights-of-way. Approximately 300 borings will be taken at depths between 3 and 5 feet along the right-of-way. These borings will be analyzed for lead and arsenic contamination at a certified testing laboratory. The results will be tabulated and provided to the Authority to support the development of a hazardous materials mitigation plan.

**Mid City/Exposition Light Rail Transit Project
Preliminary Engineering Design Services
Phase III Proposal, Services during Design/Build Construction**

Item	Description	DMJM Harris	Diaz-Yourman & Associates	Lang Hansen O'Malley & Miller	Legion USA	JL Patterson & Associates	Melendrez Design Partners	Zimmer Gunsul Frasca Partnership	TOTALS
1	Venice Robertson Aerial Station	207,122	53,720	-	-	42,053	15,212	62,385	380,492
2	Interim Chief Project Officer	84,945	-	-	-	-	-	-	84,945
3	Public Utilities Commission Support	-	-	70,000	-	-	-	-	70,000
4	Special Events Modeling	-	-	-	97,000	-	-	-	97,000
5	Document Control Services	69,603	-	-	-	-	-	-	69,603
6	Third Party Support	890,512	-	-	-	96,514	-	-	987,026
7	Geotechnical Support	-	273,057	-	-	-	-	-	273,057
		1,252,182	326,777	70,000	97,000	138,567	15,212	62,385	1,962,123

FY07 1,344,052
FY08 295,979
FY09 197,924
FY10 124,168
1,962,123