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Metropolitan Transportation Authority

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**PLANNING AND PROGRAMMING COMMITTEE
SEPTEMBER 19, 2007**

PROJECT: SR 134 DESIGN-BUILD SOUNDWALL

**CONTRACT: CO729, SR 134 SOUNDWALL,
D. W. POWELL CONSTRUCTION, INC.**

**ACTION: APPROVE CONTRACT MODIFICATION AND APPROVE CONTRACT
MODIFICATION AUTHORITY**

RECOMMENDATION

Authorize the Chief Executive Officer to:

- A. Execute Contract Modification No. 8, to Contract No. CO729 with D.W. Powell Construction, Inc. for modification to delete replacement of Overhead Sign No. 25 on the SR 134 Soundwall Project for a credit of \$212,363; and,
- B. Approve Contract Modification Authority (CMA) under Contract CO729 to provide funding for modifications that are within Board delegated authority, in the amount of \$590,000.

RATIONALE

Contract CO729 is a firm fixed price design-build contract for soundwalls on the State Route (SR) 134 freeway. The Scope of Work consists of design and construction of soundwalls for the State of California Department of Transportation (Caltrans) on SR 134 between Louise Street and Harvey Drive in the City of Glendale.

Contract No. CO729 SR 134 Soundwall was awarded to D. W. Powell Construction, Inc., (Contractor) in the amount of \$9,777,000 at the October 2005 Metro Board meeting. The Notice to Proceed was issued January 2006 with a completion date of November 2007.

During on-site field investigation with Caltrans and the Contractor, it was determined that the planned replacement of Overhead Sign No. 25 would conflict with the proposed soundwall, due to changes in Caltrans foundation dimension standards. In addition, this sign replacement would require periodic HOV lane closures for up to four months. Caltrans has agreed to delete the sign replacement requirement, which will avoid safety concerns inherent with freeway lane closures. Leaving the structure and protecting it in place will result in a credit of \$212,363.

Metro has negotiated Contract Modification No. 4 in the amount of \$94,401 to alter a soundwall segment to accommodate the development of underground parking for a low-income housing facility. The City of Glendale is developing this property, which is located at 708 Kenwood, for Habitat for Humanity, a non-profit organization. Both Metro and Caltrans concur with this modification.

Metro has issued a modification for the hiring of a specialized traffic control firm to monitor nighttime lane closures on the SR 134 and SR 2 freeways. Caltrans' safety regulations require that personnel be specifically trained for this work, which includes monitoring the Contractor for compliance with State Traffic Regulations and contract requirements.

In addition, differing site conditions have been encountered during pile trenching for some of the wall segments. These conditions include the interference with a fiber optic line and pull boxes, which were found to be in a different location than shown on information furnished to the Contractor by Caltrans and the utility owner. This will be resolved by relocating the pull boxes and encasing them in protective concrete.

The Contractor has encountered large boulders not previously shown in the soils reports. These 2 to 4 foot boulders have required the Contractor to change pile trenching procedures and to pour additional concrete to compensate for the over-excavation of the pile holes. The Contractor has been instructed to document the impact of these differing conditions. The potential modifications have not yet been negotiated.

Finally, at the time of contract award, a specific Contract Modification Authority (CMA) was not requested for contract modifications. A CMA of \$590,000 is requested to fund these and any future required contract modifications prior to project completion.

FINANCIAL IMPACT

Funding for the CMA is included in the FY 2007-08 budget under Project No. 405516, SR 134 Design/Build Soundwall, San Fernando Valley/North County Area Team, Cost Center 4370. Authorizing the CMA will not impact the life-of-project budget.

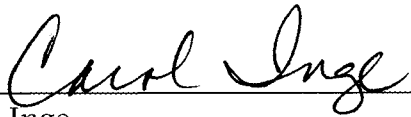
ALTERNATIVES CONSIDERED

The Board may reject the requested approvals, however, denial of the project changes and the CMA would impede the execution of merited changes. This is not recommended as it would circumscribe the Contractor's ability to complete the SR 134 Soundwall Design-Build Project within approved schedule and budget.

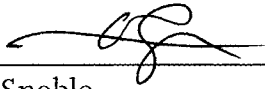
ATTACHMENTS

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

Prepared by: Kathleen Sanchez - Project Manager
Brian Lin - Acting Director, San Fernando Valley/North County Area Planning
Team
Stephen Goodwin - Contract Administration Manager, Construction/Capital
Projects



Carol Inge
Chief Planning Officer



Roger Snoble
Chief Executive Officer

PROCUREMENT SUMMARY

SOUNDWALL ON STATE ROUTE 134

1.	Contract Number: C0729		
2.	Recommended Vendor: D.W. Powell Construction, Inc.		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$9,777,000	Recommended Price: \$9,777,000	
	B. Details of Significant Variances are in Attachment A-1.D		
4.	Contract Type: Firm Fixed Price		
5.	Procurement Dates:		
	A. Issued 6/15/05		
	B. Publicized: 6/15/05		
	C. Pre-proposal Conference: 6/28/05		
	D. Proposals Due: 8/30/05		
	E. Pre-Qualification: 9/15/05		
	F. Conflict of Interest Form Submitted to Ethics: September 2005		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: 0.98% VALP Goal	Date Small Business Evaluation Completed: September 2005	
	B. Small Business Commitment: VALP 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 Name: N/A	<u>Bid /Proposal Amount:</u> N/A	<u>Best and Final Offer Amount:</u> N/A
	B. Evaluation Methodology: Explicit Factors. Details are in Attachment A-1.C		
9.	Protest Information: N/A		
	A. Protest Period End Date: N/A		
	B. Protest Receipt Date: N/A		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: Ben Mendoza	Telephone Number: 922-7329	
11.	Project Manager: Kathleen Sanchez	Telephone Number: 922-2421	

PROCUREMENT HISTORY

SOUNDWALL ON STATE ROUTE 134

A. Background on Contractor

D.W. Powell Construction, Inc. (Contractor), in business for 20 years and headquartered in Fontana, California, is a general contractor that specializes in public sector jobs. D.W. Powell Construction, Inc., supported by URS Corporation as the lead designer and other specialty sub-contractors, has vast knowledge and experience in design and construction of soundwalls in accordance with Caltrans methods and specifications. They are experienced in the design-build process, and their combined knowledge provide Metro the confidence that this project will be successfully completed.

L. Johnson Construction, Inc., a subcontractor on this job, has worked with Contractor on other successful soundwall projects.

B. Procurement Background

Contract No. C0729, is a design-build contract for a soundwall on State Route 134, is a Capital Project authorized by the Board, awarded in October 2005, in the amount of \$9,777,000.

Execute Contract Modification No. 8, to Contract No. C0729 with Contractor for modification to delete replacement of Overhead Sign No. 25 on the SR-134 Soundwall Project for a credit of \$212,363.

Approve Contract Modification Authority (CMA) under Contract CO729 to provide funding for modifications that are within Board delegated authority, in the amount of \$590,000.

C. Evaluation of Bids -Not ApplicableD. Cost/Price Analysis Explanation of Variances

The recommended price has been determined to be fair and reasonable based upon receipt of competitive bids, comparison with an independent cost estimate, price analysis and fact finding.

E. VALP Goal

The Diversity & Economic Opportunity Department (DEOD) recommended a Minority Owned/Women Owned Business Enterprise (MBE/WBE) Voluntary Anticipated Levels of Participation (VALP) of eleven percent (11%) MBE and eleven percent (11%) WBE. The prime Contractor identified two WBE certified firms, Tri-County Drilling and Jennie Chamber Trucking and plans to utilize the firms to perform part of the required scope of work for this project. Therefore, Contractor voluntarily listed 0.98% WBE participation. No MBE firms were identified. The VALP program is strictly voluntary.

LIST OF SUBCONTRACTORS
STATE ROUTE 134 SOUNDWALL

PRIME CONTRACTOR: D.W. POWELL CONSTRUCTION, INC

SUBCONTRACTORS:

URS Planning/Design

L. Johnson Construction Trucking

Small Business Commitment

Tri-County Drilling Geo Technical Drilling 0.72%

Jennie Chamber Trucking Trucking 0.26%

TOTAL VALP COMMITMENT 0.98%

