## Metro

### CONSTRUCTION COMMITTEE SEPTEMBER 20, 2007

PROJECT:

METRO GOLD LINE EASTSIDE EXTENSION ENHANCEMENTS

(800288)

CONTRACT:

PS-4310-0964, EASTSIDE LRT PARTNERS, J.V.

PARSONS BRINCKERHOFF, JENKINS/GALES & MARTINEZ, AND

BARRIO PLANNERS, INC.

ACTION:

CONTRACT MODIFICATION NO. 16.00 IN THE AMOUNT OF

\$525,000

### RECOMMENDATION

A. Authorize the Chief Executive Officer to execute Contract Modification No. 16.00 in the amount of \$525,000 to Contract PS-4310-0964, with Eastside LRT Partners, a Joint Venture of Parsons Brinckerhoff, Jenkins/Gales & Martinez, and Barrio Planners, Inc. for engineering and environmental services on the Pomona/Atlantic parking structure, which will increase the Total Contract Value from \$41,527,829 to \$42,052,829; and

В.	Authorize the Chief Executive Officer to execute future contract modifications to
	Contract No. PS-4310-0964, for the Metro Gold Line Eastside Extension in an amount
	not-to-exceed \$52,500.

Within Construction Committee authority: Yes  $\boxtimes$  No  $\square$  N/A  $\square$ 

### **RATIONAL**

Contract No. PS-4310-0964 is a cost-plus fixed fee, federally funded procurement, for the Metro Gold Line Eastside Extension. The scope of work consists of Phase I, Preliminary Engineering, Phase II, Final Design and Phase III, Design Support During Construction.

On March 8, 2001, Contract No. PS-4310-0964, Metro Gold Line Eastside Extension, Phase I Preliminary Engineering was awarded to Eastside LRT Partners, a joint venture, in the amount of \$18,959,501. The Notice-To-Proceed was issued on April 8, 2001. The Metro

Board authorized Phase II Final Design in June 2002, and the Metro Board authorized Phase III Design Support During Construction in January 2003. The total Not-To-Exceed Contract Value is \$41,527,829.

The Metro Gold Line Eastside Extension Light Rail Transit Project ("Eastside Extension") is a 6-mile alignment with eight (8) light rail transit stations, which will connect the Pasadena Gold Line at Union Station in downtown Los Angeles to the planned terminus near the intersection of Pomona Avenue and Atlantic Boulevard, in East Los Angeles. The January 4, 2002, FSEIS/FSEIR for the Project includes as a design feature and not a mitigation measure, 200 parking spaces at the proposed terminus based on year 2020 patronage estimates. In March 2005, the Metro Board of Directors approved \$4.3 million in funding for a 200-car parking structure at the Pomona/Atlantic site under the Metro Gold Line Eastside Extension Enhancements budget (Project No. 800288).

In September 2006, Metro staff received an unsolicited proposal from Atlantic Partners, LLC for development of the Pomona/Atlantic site. The development contemplated the construction of an affordable senior citizen housing project over a shared parking structure that would have included 200 transit parking spaces, eliminating the need to build a standalone, 200-space park-n-ride facility.

In January 2007, the Metro Board of Directors approved staff's recommendation to negotiate, execute and enter into a joint development agreement, ground lease and other development documents with the developer and to pay the developer up to \$4.3 million in Metro Gold Line Eastside Extension Enhancements budget (Project No. 800288) funds for that portion of the shared parking facility's cost attributable to the 200 transit parking spaces. The proposal for joint development has since been withdrawn and no further negotiation for a joint development on the site is scheduled at this time.

The Board-approved business terms for the proposed development give the CEO the right to terminate all joint development activities if Metro and the developer have not executed a ground lease providing for the construction and operation of the proposed development, including a shared parking facility, prior to February 29, 2008. Since the developer has voluntarily terminated such negotiations, Metro will need to provide replacement parking near the Pomona/Atlantic Station. This action will provide authorization to perform engineering and environmental services to plan a 200-space, stand-alone parking structure on the Pomona/Atlantic site and to explore the possibility of adding a small ground floor retail component to the design in order to partially defray costs and to enhance potential ridership by providing in-site amenities.

### **IMPACTS TO OTHER CONTRACTS**

Contract C0803 (Design/Builder) Tunneling, Stations, Trackwork and Systems – includes the cost to design and build a surface parking lot on the Pomona/Atlantic Metro-owned site and provides contractual access to the Design-Builder to use this site for construction staging. Metro will need to notify the CO803 Design-Builder that it intends to negotiate a deductive change order to eliminate the surface parking lot from the CO803 Contract scope

and transfer control of the site to another contractor for the purpose of building a transit parking structure.

### FINANCIAL IMPACT

Original Contract Award \$18,929,501

Current Cumulative Contract Value \$41,527,829

This Action \$ 525,000

New Cumulative Contract Value \$42,052,829

The funding for this action is included in the FY08 budget in Cost Center 8510 (Construction Contracts/Procurement) under Project 800288 (Metro Gold Line Eastside Extension Enhancements) as part of the \$4.3 million that was approved by the Board in March 2005. The costs incurred to date towards the joint development project and potential cost increases due to the delay in the start of construction of the 200-car, stand-alone parking structure will need to be analyzed to determine if additional funding for the parking structure may be required. Since this is a multi-year contract, the cost center manager and Chief Capital Management Officer will be accountable for budgeting costs in future years, including any option exercised.

### **ALTERNATIVES CONSIDERED**

The Metro Board of Directors could decide to not approve staff's recommendation. However, this would delay the start of engineering and environmental services needed to develop a 200-space, stand-alone parking structure on the Pomona/Atlantic site.

### **ATTACHMENTS**

A. Procurement Summary

A-1. Procurement History

A-2. List of Contractors/Subcontractors

Prepared by: Dennis S. Mori, Executive Officer – Project Director

Richard D. Thorpe Chief Executor Officer Capital Management, Construction

Roger Snoble Chief Executive Officer

## BOARD REPORT ATTACHMENT A PROCUREMENT SUMMARY

## ACTION: CONTRACT MODIFICATION IN THE AMOUNT NOT-TO-EXCEED \$525,000

Metro Gold Line Eastside Extension Project Engineering and Environmental Services Pomona Atlantic Parking Structure

1.	Contract Number: <b>PS- 4310 - 0964</b>						
2.	Recommended Vendor: Eastside LRT Partners, a Joint Venture.						
3.	Cost/Price Analysis Information:						
	A. Bid/Proposed Price:			Recommended Price:			
	\$583,784			\$525,000			
	B. Details of Significant Variance	ces are	in Atta	ichment N/A			
4.	Contract Type: Cost-Plus-Fixed-Fee (CPFF)						
5.	Procurement Dates: Not Applicable to Contract Modifications						
	A. Issued: N/A						
	B. Advertised: N/A						
	C. Pre-proposal Conference: N/A						
	D. Proposals Due: N/A						
	E. Pre-Qualification Completed: N/A						
	F. Conflict of Interest Form Sul	omitted	l to Eth	nics: YES			
6.	Small Business Participation:						
	A. Bid/Proposal Goal: Se	e	Date	Small Business Ev	aluatio	on Completed: N/A	
	Attachment A-2 For Specia						
	Small Business Commitment:	See At					
7.	Invitation for Bid/Request for F	roposa	l Data:	Not Applicable to	Contr	act Modifications	
	Notifications Sent:	Bids	Propo	sals Picked up:	Bids/	Proposals Received:	
	N/A		]	N/A		N/A	
8.	Evaluation Information:						
	A. Bidders/Proposers Nam	es:	Bid/I	<u> Proposal Amount:</u> See		Best and Final Offer	
	See 2 above			3A above		Amount: N/A	
	B. Evaluation Methodology: Cost Analysis						
9.	Protest Information:		<u></u>				
	A. Protest Period End Date: N/A						
	B. Protest Receipt Date: N/A						
	C. Disposition of Protest Date: N/A						
10.	Contract Administrator:			Telephone Number:			
	John K. Doidge			(213) 922-1034			
11.	Project Manager:			Telephone Numb	er:		
	Dennis Mori			(213) 922-7232			

# BOARD REPORT ATTACHMENT A-1 PROCUREMENT HISTORY: METRO GOLD LINE EASTSIDE EXTENSION PROJECT

### A. BACKGROUND ON CONTRACTOR

The Eastside LR T Partners is a joint venture comprised of, Parsons Brinckerhoff (PB), Jenkins Gales and Martinez (JGM) and Barrio Planners and was formed October 2 2000.

Parsons Brinckerhoff had its beginning over 117 years ago. William Barclay Parsons opened a Manhattan office in 1885 and was known as an ambitious engineer and worked on New York City's first subway the IRT, which was completed in 1904. In 1905, Henry M. Brinckerhoff, a pioneering highway engineer, brought his expertise in electric railways to the firm. Brinckerhoff is also known for his co-invention of the third rail, which revolutionized rapid transit. Parsons Brinckerhoff now provides comprehensive services for all types of infrastructure projects including power, buildings, environment and telecommunications. Parsons Brinckerhoff was instrumental in the activation of five MTA lines including two light rail lines.

Jenkins Gales and Martinez was founded in May 1981 and has extensive experience inDesign engineering for major MTA rail projects including the previous Eastside MRL Project, as well as extensive experience on major light rail projects around the country and has a previous long term working relationship with Parsons Brinckerhoff.

Barrio Planners was founded in June 1982 and has provided extensive consulting to the MTA on studies and transit projects in the Eastside Corridor. Barrio Planners are quite active in the Eastside community and are respected equally by residents, businesses and governmental entities and representatives.

### **B. PROCUREMENT BACKGROUND**

The Board authorized award of this contract to the Eastside LR T Partners, a joint venture consisting of Parsons Brinckerhoff, Jenkins/Gales & Martinez and Barrio Planners, Inc., for Phase I (Preliminary Engineering), with funding at the not-to-exceed amount of \$20,859,000 plus five percent (5%) for future change orders. The contract was subsequently negotiated at \$18,959,501. Phase II, Final Design, was authorized in June 2002, and Phase III, Design Support During Construction, was authorized January 2003. Current Total Not-To-Exceed Contract Value is \$41,527,829.

#### C. EVALUATION OF PROPOSALS

The MTA Project Office, Office of Procurement and County Counsel have reviewed the facts underlying each change order and concur that they have been merited under the terms and conditions of the Contract and Public Utilities Code § 130243. The Management Audit Services Department (MASD) has completed the required audit of this change order.

### D. COST/PRICE ANALYSIS EXPLANATION OF VARIANCES

The recommended amount of \$525,000 has been determined to be fair and reasonable based upon fact-finding, independent estimate, pre-award audit performed by MASD, cost analysis and negotiations.

### BOARD REPORT ATTACHMENT A-2 LIST OF CONTRACTORS/ SUBCONTRACTORS

### PRIME CONTRACTOR -

EASTSIDE LRT PARTNERS, a Joint Venture consisting of:

Parsons Brinckerhoff Quade & Dougls, Inc.

Jenkins, Gales & Martinez, Inc.

Barrio Planners, Inc. (DBE)

### DISADVANTAGED BUSINESS ENTERPRISE (DBE) SUBCONTRACTORS

Electrical Building Systems, Inc. Kal Krishnan Consulting Services, Inc.

LKG-GMC Consultants Manuel Padron & Assoc.
Ted Tokio Tanaka Arch Wagner Engineering

Kaku Associates, Inc. Lee & Ro. Inc.

### OTHER SUBCONTRACTORS

Tetra Tech-ASL Consulting Engineering Kennard Design Group E-2 Consulting Engineers, Inc. Jacob and Associates

Moffatt & Nichol Engineers Wilson, Ihrig & Associates, Inc.

### SMALL BUSINESS PARTICIPATION (Contract #PS-4310-0964)

This Contract Work Order (CWO) has a Disadvantaged Business Enterprise (DBE) participation commitment of 20.29%. The contract was awarded to Eastside Partners on March 8, 2001 and is 90% complete. Current DBE attainment<sup>1</sup> based on the current contract amount<sup>2</sup> is 19.58%. Current DBE participation<sup>3</sup> based on total actual amount paid-to-date to Contractor and total actual amount paid-to-date to DBE firms is 20.95%. Each of the listed DBE subcontractors is performing on the Contract as listed. Additionally, the Contractor has demonstrated Good Faith Efforts by utilizing two DBE firms not listed with the original team.

Original Award Amount	\$18,929,501
	J10,727,301

Current Contract Amount<sup>2</sup> \$41,527,829

Total Actual Amount Paid to Date to Prime \$38,816,622

Subcontractor's Name	Commitment	Current Attainment <sup>1</sup>	Current Participation <sup>3</sup>	Current Status
Barrio Planners, Inc.	CWO	16.15%	17.28%	Performing
Electrical Building Systems	CWO	1.11%	1.19%	Performed
Kal Krishnan Consulting	CWO	0.07%	0.08%	Performed
LKG-GMC Consultants	CWO	0.35%	0.37%	Performed
Ted Tokio Tanaka Arch	CWO	0.39%	0.42%	Performed
Manuel Padron & Assoc.	CWO	0.08%	0.08%	Performed
Wagner Engineering	CWO	1.06%	1.13%	Performed
Kaku Associates, Inc.	Added	0.10%	0.11%	Performed
Lee & Ro, Inc.	Added	0.27%	0.29%	Performed
TOTAL	20.29%	19.58%	20.95%	Performing

Current Attainment = Total Actual Amount Paid-to-Date to DBE Subs ÷ Total Current Contract Amount

For September 2007 Board Report, based on Procurement's input (and December 2006's Form 103).

<sup>&</sup>lt;sup>2</sup>Current Contract Amount = Original Contract Amount + Contract Cost Modifications

<sup>&</sup>lt;sup>3</sup>Current Participation = Total Actual Amount Paid-to-Date to DBE Subs + Total Actual Amount Paid-to-Date to Prime