



August 4, 1995

MEMO TO: MTA BOARD OF DIRECTORS

THROUGH: FRANKLIN E. WHITE

Los Angeles County  
Metropolitan  
Transportation  
Authority

FROM: STANLEY G. PHERNAMBUCQ 

SUBJECT: METRO RED LINE - WILSHIRE CORRIDOR  
CONTRACT NO. B221, WILSHIRE/NORMANDIE STATION & LINE  
CONTRACTOR: TUTOR/SALIBA-PERINI, J.V.  
NEGOTIATION OF THE CLAIM FOR NIGHT WORK RESTRICTIONS  
IN THE WILSHIRE/NORMANDIE STATION BOX STRUCTURE

818 West Seventh Street  
Suite 300  
Los Angeles, CA 90017

### ISSUE

213.972.6000

Mailing Address:

P.O. Box 194  
Los Angeles, CA 90053

This is to inform the Board of an upcoming board item regarding the change order resulting from the negotiation of the Contractor's claim for unrecovered costs due to the necessity to suspend all night work at the B221 Contract work site as of June 11, 1992 in response to continued community complaints. The final negotiated change order will be brought to the Board for approval. The cost recovery potential for this item will be analyzed and pursued to the fullest legal extent allowable.

### BACKGROUND

The construction of the Wilshire/Normandie Station and construction of the tunnel sections between Wilshire/Vermont and Wilshire Western.

Invitation For Bid No. B221, low bid construction contract, was awarded by the MTA Board on March 28, 1991 for the bid amount of \$79,812,793 to the Tutor-Saliba/Perini Joint Venture. The Notice-to-Proceed was issued on April 15, 1991. The Contract is approximately 99% complete.

The Contractor bid Contract No. B221 planning to work at night with full street closure of Wilshire Boulevard. As of June 11, 1992, night-time work was suspended between 10:00 p.m. and 6:00 a.m. in response to numerous community complaints to the LAPD-NET. These community complaints continued despite repeated attempts to mitigate the construction noise. At this time, the Contractor had completed the top 5 feet of excavation and had finished installation of street decking above the station.

The night work was terminated which required the Contractor to schedule all work during day time hours. The Contractor alleges that the access to the site was reduced. At night with full street closure, the Contractor would have had overhead access to 80% of the Station because of the ability to remove the street-deck mats. Additionally, excavation removal and material delivery could have proceeded without the interference of daytime traffic congestion, or the restrictions of the daytime LADOT-approved traffic control plans.

CONSTRUCTION COMMITTEE

Contract No. B221

August 4, 1995

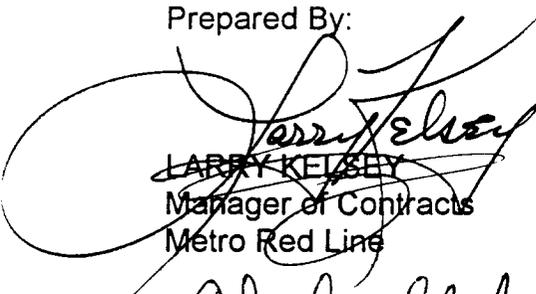
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To accomplish and complete all the work between the daytime hours of 6:00 a.m. and 9:00 p.m. the contractor alleges that he was required to overlap shifts, overlap the activities of the various trades and required the use of an additional unplanned crane. The Contractor's claim is for approximately \$5,300,000 additional for completion of the station box. The claim alleges that inefficiencies caused by not being able to work at night resulted in the Contractor incurring more in direct costs, additional extended overhead costs and also extended the time by over 100 days.

The claim has been evaluated by the Construction Manager (CM) and the MTA Construction Division and considered to have some merit. The amount of the merit is understandably different than the Contractor's proposal. The exact quantification and negotiation are presently in process and the resultant recommended change order will be brought forward to the Board with a recommendation for approval.

Note: This Contractor claim and the negotiation of it does not include the work of the station's side structures. The MTA Board previously approved Change Order No. B221-CN-134 (Attachment 1) in January 1995 for a Revised Schedule and Plan to complete the side structures under these same changed conditions for the amount of \$2,733,660.

Prepared By:



~~LARRY KELSEY~~  
Manager of Contracts  
Metro Red Line



CHARLES STARK  
Deputy Executive Officer, Construction  
Metro Red Line

CONSTRUCTION COMMITTEE

Work Authorization Change Notice No. B221-CN-361

August 4, 1995

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## ATTACHMENT 1



December 7, 1994

Los Angeles County  
Metropolitan  
Transportation  
Authority

318 West Seventh Street  
Suite 300  
Los Angeles, CA 90017  
  
213.972.6000

Mailing Address:  
P.O. Box 194  
Los Angeles, CA 90053

MEMO TO: CONSTRUCTION COMMITTEE MEMBERS - 12/14/94 MEETING

THROUGH: FRANKLIN E. WHITE

FROM: JOHN J. ADAMS *ajs*

SUBJECT: METRO RED LINE - WILSHIRE CORRIDOR  
CONTRACT NO. B221, WILSHIRE/NORMANDIE STATION & LINE  
CONTRACTOR: TUTOR/SALIBA-PERINI, J.V.  
CHANGE ORDER NO. B221-CO-134.00  
FINAL REVISED WORK PLAN AND  
SCHEDULE FOR THE SIDE STRUCTURES

RECOMMENDATION

That the MTA Board approve Change Order No. B221-CO-134.00 for the additional amount of \$1,643,660 (this is in addition to the \$1,600,000 approved by the MTA Board as WACN No. 149.00 on February 2, 1994 for a total amount of \$3,243,660) to fund the Contractor's final revised work plan and schedule for the side structures of the Wilshire/Normandie Station increasing the Contract Value to \$89,976,971 which is within the MTA approved AFE amount of \$90,677,324.

ALTERNATIVES CONSIDERED

The MTA board has the option to:

1. Approve Change Order No. B221-CO-41.00: This will provide the \$3,243,660 of funding for the Contractor's final revised work plan and schedule for the side structures of the Wilshire/Normandie Station settling the Contractor's request for a change for this revised work plan for the side structures. (Note: the Contractor has filed a claim for a similar impact upon the station box (main) structure that will be presented to the Board if it is determined to have merit.)
2. Disapprove Change Order No. B221-CO-41.00: This would not provide sufficient funds to settle the Contractor's request for a change for the final revised work plan and schedule for both the side and box structures of the Wilshire/Normandie Station. This will precipitate a subsequent claim from the Contractor for all alleged cost involved with the revised work plan which would have to be settled, possibly through litigation.

IMPACT ON BUDGET DEFICIT AND OBJECTIVES

No Impact. The funds for this change are available within the MTA approved Project Budget and Contract Contingency.

BACKGROUND

The Contractor bid Contract No. B221 with the plan to work at night with full street closure of Wilshire Boulevard. On June 11, 1992, night-time work was suspended between 10:00 p.m. and 6:00 a.m. because allowable noise limits were repeatedly exceeded despite the Contractor's best efforts at mitigation. The termination of night time work resulted in a need to accelerate the schedule to make up for time already lost as a result of night work suspensions and to allow timely completion of the project. In order to mitigate the impact of these restrictions on construction of the side structures, the Construction Management Consultant (CM) and the Contractor developed a revised work plan that would allow the work to be completed on schedule.

The revised work plan required concurrent construction on both sides of Wilshire Boulevard rather than consecutive construction on one side at a time (as had been reflected in the contractor's original schedule and work plan). The proposed revised work plan included complete closure of South Ardmore Street rather than the originally planned partial closure. The accelerated schedule required LADOT approval of a Work Traffic Control Plan (WTCP) with sufficient construction zones on both sides of the affected streets. The final LADOT approved WTCP for Wilshire Boulevard reduced the requested construction area width by ten feet. The reduced size of construction areas seriously impacted constructability and labor productivity, thereby causing increased costs to the Contractor. Since the schedule acceleration resulting from the night work suspension was determined to be a change to the contract the Contractor is entitled to recover these resulting costs.

DBE COMPLIANCE

The B221 Disadvantaged Business Enterprise (DBE) goal is 25%. It is anticipated that the contractor will meet its DBE goals.

PREPARED BY:



JEANNE KINSEL  
Deputy Project Manager, Contracts  
Metro Red Line

CONCUR:



CHARLES W. STARK  
Deputy Executive Officer, Construction  
Metro Red Line

LIST OF AFFECTED SUBCONTRACTORS  
CONTRACT NO. B221  
WILSHIRE/NORMANDIE STATION AND LINE  
CHANGE ORDER NO. 134.00  
CONTRACTOR: TUTOR-SALIBA-PERINI

Affected Subcontractor Name	Address	Contact Person Tel. #	DBE's Ethnicity	Description of Work to be Done/Discipline
Tri-City Reinforcing Corporation	2377 West Foothill Blvd., #7 Upland, CA 91786	Julie Brazeal (714) 981-1136	N/A	Rebar
West Coast Transfer Services, Inc.	12023 Venice Blvd., Los Angeles, CA 90020	Rian Aldrich (310) 946-8851	N/A	Excavation and Hauling
Kirkwood Dynalectric Company	528 S. Alexandria St., Suite 301 Los Angeles, CA 90020	Tom Condit (213) 380-5536	N/A	Electrical
Accu-Crete, Inc. Corporation	22971 Triton Way, Suites G & H Laguna Hills, CA 92653	Sidney Buggs (714) 454-8610	African/ American	Concrete

42. Consider the Chief Executive Officer's recommendation to approve Change Order No. 46.00 to Contract No. B251 with Shea-Kiewit-Kenny for a credit amount of \$358,244 covering the replacement of 120V outlets with 480V receptacles and the reduction in the number of inserts for unistruts along the Vermont/Hollywood tunnel decreasing the contract value to \$170,417,766.

APPROVED

43. Consider the Chief Executive Officer's recommendation to approve Change Order No. 41 to Contract No. B251 with Shea-Kiewit-Kenny covering access at turnout structure in order to mitigate schedule delays, in the amount of \$2,245,408, for a total contract value of \$172,663,174, which is within the MTA approved AFE amount of \$179,811,148.

APPROVED

44. Consider the Chief Executive Officer's recommendation to approve Change Order No. 134 to Contract No. B221 with Tutor/Saliba-Perini covering the final revised work plan and schedule for the side structures of the Wilshire/Normandie Station in the amount of \$1,643,660, for a total contract value of \$89,976,971, which is within the MTA approved AFE amount of \$90,677,324.

APPROVED

45. Consider the Chief Executive Officer's recommendation to execute Amendment No. 8 to Contract No. FM014 with Fluor Daniel, Inc., covering Project Management Oversight and Project Management Assistance for Metro Rail Projects, in the amount of \$4,933,849, for a total contract value of \$18,248,348.

APPROVED

46. Consider the Chief Executive Officer's recommendation to execute firm, fixed price Contract No. P3490 with Peter Shire covering fabrication of artwork for the Wilshire/Vermont Station of the Metro Red Line for a total amount of \$118,000.

APPROVED