




**Rail
Construction
Corporation**

 a Subsidiary of
the Los Angeles County
Transportation Commission

**RAIL CONSTRUCTION CORPORATION
MINUTES OF MEETING OCTOBER 8, 1990**

MEMBERS PRESENT

ERNEST CAMACHO, ACTING CHAIRMAN
JUDITH HOPKINSON
ROBERT E. KRUSE
DONALD McINTYRE
JAMES T. POTT

STAFF PRESENT

EDWARD McSPEDON, PRESIDENT/CEO
AL SCALA, MANAGER OF CONTRACTS
BARBARA NORRIS, SENIOR ADMINISTRATIVE SECRETARY

OTHER

ANTHONY ZUNIGA, COUNTY COUNSEL

CALL TO ORDER

The meeting was called to order at 2:00 p.m.

APPROVAL OF MINUTES OF THE SEPTEMBER 10, 1990 MEETING

The Board approved the minutes of the September 21, 1990 meeting with the following corrections and additions:

Page 2, second paragraph, 5th sentence, - change to readDespite the fact that the crossing gates are in accordance with CPUC regulations, the Board asked staff to explore adding pedestrian gates in selected circumstances.

Page 6, 1st paragraph--Mr. Pott motioned to defer.... add to last sentence and that nominal schedule recovery tactics for this 3-year preliminary schedule would undoubtedly so permit..... Also, note that this motion was passed by the RCC.

Page 7, add to 1st paragraphMr. McSpedon stated that all future station contracts on MOS-2 will have the finishing and the shell work solicited as one contract instead of two contracts as was previously done.

CHAIRMAN'S REMARKS

Mr. Camacho reported that a delegation from France involved in public transportation will be in Los Angeles on Wednesday, October 10th, and will be touring the Metro Blue Line.

Mr. Camacho asked Mr. McSpedon to report on Contract A136 which was approved by the RCC at its September 21 meeting. Mr. McSpedon reported that at its September 26 meeting, the LACTC postponed action on this item to its October 10 meeting. No reason was stated.

PRESIDENT'S REPORT

Mr. McSpedon reported that B.C. Transit is in Los Angeles today and has toured the Blue Line.

On Thursday, October 11, representatives from Dallas Area Rapid Transit will visit the LACTC/RCC. Their interest is in a "Lessons Learned" session on the Blue Line, which they will use to assist them in implementing the rapid transit system in Dallas.

Mr. McSpedon stated that the APTA Construction Committee will be in Los Angeles on November 15 & 16. This Committee is comprised of people involved in the Engineering and Construction of rail systems across the nation. Mr. McSpedon is a member and will be hosting this meeting which will include meetings in the office on the 15th and field tours on the 16th. Mr. McSpedon asked that representatives of the Board meet with the Committee on the 15th to discuss some of the similar issues and concerns that face the Board and other properties across the Country.

Mr. McSpedon also reported on the October 16 meeting scheduled with the Associated General Contractors to begin forming a Blue Ribbon Panel consisting of Contractors and RCC Senior Staff to discuss and improve business relationships and to resolve issues relevant to the efficient implementation of our construction program.

Mr. McSpedon reported that Center Street and Commercial Street in downtown are now open--these are the last two streets to be opened that were impacted by the tunnel fire. All services are now open.

Mr. McSpedon reported on the Green Line budget, stating that at its September 26 meeting the LACTC tabled this item. Ms. Bacharach explained that the Metro Green Line recommendation from the Planning & Mobility Improvement Committee (PMIC) excluded the Imperial Grade Separation from the budget and requested that it be funded separately. The Commission was concerned that the Grade Separation would be lost

and requested that this item be continued in two weeks in order to give staff an opportunity to evaluate funding alternatives for the grade separation.

Ms. Bacharach stated that the Commission will be bringing to the Board on the Green Line project a budget that identifies the cost, and anticipated funding sources, but does not have the funding identified. Mr. Pott stated his concern that in order for this project to be designed effectively, the North Coast extension should be budgeted at the same time as the Norwalk to El Segundo portion.

CONSENT CALENDAR

The Board moved and approved the consent calendar with the exception of items 5Bb and 5Ba.

Mr. McSpedon asked that item 5Ba be tabled until the October 22, 1990 meeting. The Board concurred.

GOVERNMENT CODES CLAIMS

The Board recommended that the Commission formally reject the claims of: Francis Delores Gonzalez.

METRO BLUE LINE: CONTRACT C495 - CONTRACT CLOSEOUT
The Board recommended that the Commission:

1. Approve acceptance of the subject Contract 100% complete as of June 29, 1990, and authorize the recording of the Notice of Completion.
2. Authorize the release of the Contract balance of \$209,435.33 thirty (30) calendar days after the filing of the Notice of Completion.
3. Approve the transfer of funds in the amount of \$70,609 to the Project Reserve. This amount represents a surplus over the total obligated funds for Contract C495.

REGULAR CALENDAR - CONSENT CALENDAR DISCUSSION ITEMS

METRO BLUE LINE: CONTRACT P0852- CHANGE ORDER #03 AND INCREASE IN AFE

Mr. Pott expressed his concern on the percent of increase on this change order from the original bid figure and asked why it wasn't resolicited for open bids.

Mr. Scala reported on the background of the contract. He stated that upon checking with legal counsel, this is a sole source contract and a change order was appropriate for this contract. Mr. Scala stated that originally the RCC tried to lease the vehicle, but found that the only two companies in the marketplace that supply this type of vehicle are the original supplier and McCormick-Morgan, Inc. Mr. Kruse stated that being that the original contract was in default and a claim will be filed against the original supplier there should be no increase in the amount as the original supplier should be liable. Ms. Hopkinson asked how much was unexpended in this contract. Mr. Scala stated this was the only vehicle not completed, and no money was expended on this vehicle.

The Board motioned, seconded and approved to recommend that the Commission:

1. Approve Change Order #03 in the amount of \$373,218.
2. Approve an increase to the current AFE amount by \$355,846 to a revised total AFE of \$831,746. This increase in AFE will enable staff to process pending and anticipated changes.
3. Approve a Contract time extension of five hundred one (501) calendar days, establishing a revised Contract completion date of June 26, 1991.

**METRO GREEN LINE: CONTRACT C101, I-105 TO COMPTON BOULEVARD
UTILITIES AND FOUNDATIONS**

Al Scala presented staff's report on Contract C101 in which the Board recommended award to Kasler Corporation on September 21 subject to review of a protest filed by the Brinderson Corporation. Mr. Scala stated that staff found merit in Brinderson's protest and the Board's recommendation to the LACTC was withdrawn from the LACTC's September 26 agenda. Staff met with Brinderson on September 25 to review the basis of their protest. Staff also reviewed the formal bid protest submitted by Watt, Tieder, Killian and Hoffer, representing Brinderson. As a result of the review, staff determined that the protest had merit, that Brinderson's good faith efforts did comply with the Commission's policies and procedures, and that the Contract should be awarded to Brinderson.

Ms. Hopkinson expressed her concern that Brinderson did not utilize "Good Faith Efforts" since they submitted a contract with a DBE firm that was non-certifiable by the LACTC. Mr. Kruse stated that the contract documents do not obligate the prime contractor to precertify DBE participants as part of good faith efforts, and being that the DBE subcontractor (Merry-Lynn) had been certified by Caltrans and other

public agencies, Brinderson had a reasonable basis to assume Merry-Lynn would be certified and made the best effort available. Mr. Kruse also stated that Caltrans certification list has been recognized by the Industry as an acceptable list to use as a basis for certification.

Mr. McSpedon reported on LACTC's certification procedure.

Mr. Pott motion to recommend that the Commission award Contract C101 to Brinderson Corporation, the lowest responsive and responsible bidder. Motion was seconded and approved with Ms. Judith Hopkinson and Mr. Ernest Camacho voting no.

Mr. Pott also moved that the DBE/WBE program be re-evaluated in terms of its impact on subsequent bidding and that Mr. McSpedon report back to the Board as soon as possible.

AUTHORIZATION TO ADD METRO GREEN LINE AND METRO RED LINE, MOS-2 FOR OCIP COVERAGE

The Board moved, seconded and approved moving this item to the October 22, 1990 RCC Board meeting.

POLICY FOR ACCEPTANCE OF PROJECT FOR DESIGN AND CONSTRUCTION

Mr. Pott explained that the basis for this policy is to ensure that when the LACTC transfers a project to the RCC, RCC staff should present a comprehensive project description and project budget that will enable the RCC Board to address any policy formulation issues early on in the project.

Ms. Bacharach stated that it would be helpful for the RCC Board to meet with the Commissioners, as a Committee or Subcommittee, to address the concerns related to the transferring of projects. Mr. Kruse agreed that this is definitely what is needed. The Board concurred and asked that staff follow through with arrangements for a meeting with the Commission and the RCC Board.

Ms. Hopkinson agreed with Mr. Pott that when the project is transferred, there should be coordination with LACTC that will enable RCC staff to bring to the Board in an organized, logical manner any issues that need to be resolved early on.

After further discussion, it was moved, seconded and approved unanimously that the Policy for Project Policy Control be approved as an instruction to RCC staff. It was also urged that this issue and other issues still pending be pursued promptly in cooperation with the LACTC.

PUBLIC COMMENTS

The Board heard comments from John Walsh regarding the report on the Metro Red Line tunnel fire.

EXECUTIVE SESSION

The Board adjourned to a closed session to discuss:

- Personnel matters
- Real Estate Matters: Parcel B2-143, Kim Il Young & Myeong Ki
Parcel B2-115, Laurence B. Kaplan Trust
& Sam Kaplan Trust
Parcel AS517, Chevron U.S.A., Inc.

ADJOURNMENT TO WORKSHOP

The meeting adjourned at 6:00 p.m. to a workshop on Metro Red Line, MOS-1 design/policies.

BARBARA NORRIS
RCC Board Secretary

EMS:bn-c
(rcc/min-10.8)