



**Rail
Construction
Corporation**



a Subsidiary of
the Los Angeles County
Transportation Commission

**RAIL CONSTRUCTION CORPORATION
MINUTES OF MEETING SEPTEMBER 21, 1990**

MEMBERS PRESENT

DAVID E. ANDERSON, CHAIRMAN
ERNEST CAMACHO, VICE CHAIRMAN
HERBERT L. CARTER
JUDITH HOPKINSON
ROBERT E. KRUSE
DONALD McINTYRE
JAMES T. POTT

STAFF PRESENT

EDWARD McSPEDON, PRESIDENT/CEO
AL SCALA, MANAGER OF CONTRACTS
DAVE SIEVERS, PROJECT MANAGER, GREEN LINE
DICK DOMINGUEZ, DIRECTOR OF JOINT DEVELOPMENT/TREASURER
BARBARA NORRIS, SENIOR ADMINISTRATIVE SECRETARY

CALL TO ORDER

The meeting was called to order at 12:30 p.m.

APPROVAL OF MINUTES OF THE SEPTEMBER 10, 1990 MEETING

The Board approved the minutes of the September 10, 1990 meeting as submitted.

CHAIRMAN'S REMARKS

Mr. Anderson asked the Board for concurrence to have an RCC Workshop Meeting on design policies on the Metro Red Line following the October 8 meeting. The Board concurred.

Mr. McIntyre and Mr. Kruse will be attending the APTA Conference in Houston, Texas.

Mr. Anderson expressed the Board's sorrow on the death of the pedestrian crossing the tracks on the Blue Line. Mr. McSpedon will report the status during the President's remarks.

PRESIDENT'S REPORT

Mr. McSpedon reported on the fatality on the Blue Line which involved a pedestrian crossing the tracks at a grade crossing at 103rd Street. The Sheriff will be doing an investigation on the incident. Also, the SCRTD as the operator will be investigating, with the support of the RCC, particularly in the area of design and operation of the grade crossing protection and emergency systems. Mr. McSpedon stated that it is currently believed that all safety features were functioning at the time of the accident. Although the back of the crossing gate does close off the sidewalk, the Board directed staff to explore adding pedestrian gates where warranted. Staff will report back to the Board with the results of the investigation.

Mr. McSpedon also reported that on September 13, the first live wire run of a train into the subway station on 7th & Flower was conducted and it was successful.

Mr. McSpedon briefed the Board on the September 13 breakfast meeting with the MOS-1 construction contractors. This was the second meeting held to keep the contractors abreast of the transition of MOS-1 management to the RCC. The contractors were able to express their concerns and give their input for resolution of outstanding issues. One suggestion was that a pay item be put in the contracts for extra site cleanup efforts. There are certain basics that they are required to do, but some that the contractors feel are above and beyond the contract requirements. The development of a Disputes Review Board had a great deal of support from the contractors. The contractors also supported formation of the Blue Ribbon Owner/Contractor Panel as suggested by Mr. Kruse.

Mr. McSpedon informed the Board that at the request of UMTA, he will be meeting with representatives from Honolulu on September 23 to assist them in preparing for their heavy rail project. He will also be in San Diego September 24 to give a presentation on the L.A. Metro Project-of-the-Year award from the American Construction Management Association for the Metro Blue Line project.

Mr. McSpedon reported on the direction by the Board to look for more cost-effective ways to handle legal construction claims before they get to litigation. Through County Counsel, three to four attorneys are being identified that have experience in construction claims.

Staff will meet with them and give them a sense of what our needs are and how their skills and availability can be of assistance to the RCC on an as needed basis for routine claims advice and assistance.

RCC staff met with the Hollywood Chamber of Commerce last week. The Chamber is very concerned regarding construction impacts on the Hollywood business, residential and tourist communities. The MOS-2 project team has been and continues to work closely with the cognizant City Council offices, the Community Redevelopment Agency and the Hollywood Chamber of Commerce to develop an exemplary construction impact mitigation program for MOS-2.

CONSENT CALENDAR

The Board moved and approved the consent calendar as follows:

GOVERNMENT CODES CLAIMS

The Board recommended that the Commission formally reject the claims of: Charles B. Boyd; Margaret Elaine Osborne; and Paul Swingle.

METRO BLUE LINE: CONTRACT C258 - CHANGE ORDER #25 AND INCREASE IN AFE

Mr. Anderson stated that Page 3 of staff's report should be corrected to read a surplus on the Budget Remaining rather than a deficit. With this correction the Board recommended that the Commission:

1. Approve Change Order #25 in the amount of \$367,859.
2. Approve an increase to the current AFE amount by \$546,089 to a revised total AFE of \$15,116,289. This increase in AFE will enable staff to process pending and anticipated changes. The \$546,089 is included in the current forecast for this contract.
3. Approve a contract time extension of one hundred ninety-nine (199) calendar days.

METRO BLUE LINE: AWARD CONTRACT C355R - LONG BEACH LANDSCAPING

Mr. McIntyre asked whether this contract included the night work. Mr. McSpedon stated yes, and that permits for night work has been approved by the City. This work will have no impact on Blue Line Rail operations.

Mr. Larry Tyler, President, Terra-Cal Construction, addressed the Board for clarification on the Landscaping contract bid form whether the work performed under this contract will be paid on a lumpsum or unit item basis.

The Board moved and approved to recommend that the Commission authorize the Executive Director to award Contract No. R01-T01-C355R to Artistic Landscape and Engineering, Inc., the lowest responsive and responsible bidder. The contract award will be for a total estimated contract price of \$1,176,449. A 10% contract reserve fund of \$117,645 is also recommended to cover the cost of changes and extra work, but will not be included in the contract.

METRO GREEN LINE: AWARD CONTRACT C101 - I-105 TO COMPTON BOULEVARD - UTILITIES/FOUNDATIONS

Mr. McInTyre asked how staff determines actual DBE% vs. proposed DBE%. Mr. Scala stated that the actual is what is certifiable, and proposed is what the bidder proposes. Mr. McInTyre also asked if the certifying process covers performance. Mr. Scala stated no.

Mr. Scala stated that he has received an intent to file a protest from the Brinderson Corporation, the lowest bidder on the C101 contract. The bidder has working five days after the report has been submitted to the Board within which to file a protest (making any protest due no later than Monday, September 24) at which time staff will make a determination as to whether the protest is valid. The Board directed staff to make every effort to ensure that the bid protest timeframe has ended before the Board meeting in the future.

The Board heard comments from Mr. Roger Brown representing the Brinderson Corporation.

Ms. Hopkinson moved to approve staff's recommendation with the understanding that if staff doesn't find merit in the protest, and the Board approves staff's recommendation, the final decision will be made by the Commission and the Brinderson Corporation will have the opportunity to appear before the Commission to present their protest. If staff finds that the protest may have validity, the issue will return to the RCC Board, and therefore the Brinderson Corporation will have an opportunity to appeal to the RCC Board before the recommendation goes to the Commission.

Subject to the above condition Ms. Hopkinson moved that the Board recommended that the Commission authorize the Executive Director to award Contract R12-T01-C101 to Kasler Corporation, the lowest responsive and responsible bidder. The contract award will be for a total estimated contract price of \$12,604,209. A 10% contract reserve

fund of \$1,260,042 is also recommended to cover the cost of changes and extra work, but will not be included in the contract award amount. The motion was approved with Mr. Pott and Mr. Anderson voting no.

METRO GREEN LINE: PROJECT UPDATE

Mr. McSpedon reported on the Green Line scope and estimated cost. A budget recommendation of \$598.9 million for the Green Line project went to the Planning & Mobility Improvement Committee (PMIC) on September 19 and PMIC will recommend approval by the LACTC at its September 26 meeting. Staff also recommended to PMIC that the Commission establish a stand alone vehicle and support facility procurement program.

There was an agreement in concept by the PMIC on the vehicle program, along with a request that more work be done to identify the number of vehicles needed, specific timing of procurements, commuter rail cars requirements, current ridership trends on the Blue Line, and future growth on all rail lines. Included in the program would be additional cars for the Green Line to provide more frequent service.

Dave Sievers reported to the Board on the Green Line system characteristics, the cost estimate history and the current estimate adjustments. Ms. Hopkinson had questions on the current forecast. Mr. Pott asked if this estimate includes the North Coast extension (Aviation to Westchester). Mr. McSpedon stated no. Mr. Pott also asked what the ROD schedule is for the Green Line and the North Coast Extension. Jacki Bacharach answered that both are scheduled for October 1994, although the budget has not been evaluated for the North Coast Branch. Ms. Hopkinson stated her concern that the ROD for the El Segundo will slip if the North extension is expected to open at the same time.

Mr. Pott raised concerns on the design & construction process on the wye, and where the funds were coming from.

Ms. Hopkinson stated her concern that there was no advantage to bidding for 22 railcars with an option of 22 more, but that there is an advantage if there is an alternate bid for 44 cars.

The Board discussed the vehicle procurement process, whether the vehicle and ATC system procurement would be a combined or separate effort. Mr. McSpedon stated that at present staff is looking at bidding both ways, although it is planned to bid the vehicle on October 8, 1990. Ms. Hopkinson stated that staff should be prepared

at the time of issuance of an RFP to affirmatively request proposals for a joint bid as well as separate bids proposals, and if this is not possible to do, the Board should be informed before the RFP is issued.

Mr. Pott motioned to defer the RFP on the vehicle and system control until November. Dave Sievers stated that the ROD would slip day for day since this contract is on the critical path. Mr. Pott stated his objection to proceeding in bidding vehicles for a project not yet assigned to the RCC.

Mr. McSpedon suggested issuing a preliminary RFP in order to let the suppliers know what is needed and expected.

Mr. McIntyre amended Mr. Pott's motion to add that staff present a plan for bidding the cars on the two bases, one for a small car order of 22 cars and the second for the larger 44 car order. Staff is also directed to bid the contract separately and as a combined package. The Board would like staff to so report at its first November meeting.

The Board also asked for staff to report back on the ROD for the Green Line.

METRO RED LINE: AWARD CONTRACT R80-E0017, CONSULTANT SERVICES FOR CLAIMS

Al Scala presented staff's report on the Construction Claims Consultant. Mr. Carter asked if there is a way for staff to evaluate or determine whether the DBE/WBEs which are participating in this contract will be provided with work opportunities that will lead these firms to be able to develop to bid independently as a prime contractors in the future. Mr. Carter stated his interest to see that the DBE/WBEs compete as primes and asked whether this issue was a consideration when evaluating these proposals. Mr. Scala stated that staff does require that all proposed DBE/WBE firms perform meaningful work on the team, however, there is no specific consideration as to whether this work is carried out in a prime or subcontractor role. Mr. McSpedon noted that the recommended firm contains at least one WBE firm (Kabler Assoc.) which was founded by a former Blue Line employee based upon experience gained working for LACTC as a consultant.

The Board recommended that the Commission approve the selection of High-Point Schaer to perform Construction Claims Consulting Services on the metro Red Line, MOS-1, and award a contract for the first year services in an amount not to exceed \$2,599,146.

METRO RED LINE: CONTRACT A136 - STAGE II. UNION STATION

Al Scala presented staff's report on Contract A136 which requires the contractor to perform construction of the Metro Red Line Union Station and west double cross-over, Stage II construction. (Station Finishes)

The Board recommended that the Commission authorize the Executive Director to execute a contract with Tutor-Saliba Corporation for \$18,977,000 and authorize a 10% (\$1,897,000) contract reserve fund for changes and extra work.

RISK MANAGEMENT CONSULTANT CONTRACT, CONTRACT FA-013, AMENDMENT #3

Dick Dominguez presented staff's report explaining that this item was referred to the RCC by the Legislative & Administrative Services Committee. The Board expressed concern on taking action on a contract that was never originally brought before the RCC and which involves an operations issue. The Board voted to refer this item to the Commission for action.

NOTICE OF BOARD MEMBERS REQUEST FOR FUTURE ACTIONS

Ms. Hopkinson reported on her meeting on September 20 with Don McIntyre on joint development and stated the following actions from that meeting:

1. Receive a presentation by staff on joint development activities, staffing and organization and return to the Board on October 22
2. Receive a presentation on real estate acquisition policies, number of parcels acquired, how much money over-appraised value etc. and schedule process for acquiring property at the meeting of October 22.
3. Ms. Hopkinson also asked that a report on RCC personnel approved in the annual budget be presented at the November 12th meeting.
4. Mr. Pott presented a Policy for Acceptance of Project for Design and Construction and stated he would like to the Board to consider this item at its October 8 meeting.

PUBLIC COMMENTS

The Board heard comments from Mr. John Walsh.

EXECUTIVE SESSION

The Board adjourned to a closed session to discuss:

- Personnel matters
- Potential Litigation - A130
- Potential Litigation - CFAAC

MEETING ADJOURNED.

The meeting adjourned at 6:00 p.m.



BARBARA NORRIS
RCC Board Secretary

EMS:bn-c
(rcc/min-9.21)