



RAIL CONSTRUCTION CORPORATION
MINUTES OF MEETING JULY 8, 1991

MEMBERS PRESENT

ERNEST CAMACHO, CHAIRMAN
ROBERT E. KRUSE, VICE CHAIRMAN
DAVID E. ANDERSON
DONALD McINTYRE
JAMES T. POTT

STAFF PRESENT

TOM TANKE, EXECUTIVE VICE PRESIDENT, TECHNICAL OPERATIONS
JOHN ADAMS, VICE PRESIDENT - CONSTRUCTION
JOHN MACK, MANAGER OF CONTRACT COMPLIANCE
BARBARA NORRIS, EXECUTIVE SECRETARY

OTHER

AUGUSTIN ZUNIGA, COUNTY COUNSEL

1. **CAJ. TO ORDER**

The meeting was called to order at 2:05 p.m.

2. Mr. Anderson passed the gavel to Incoming Chairman, Mr. Camacho. Mr. Camacho presented a plaque to Mr. Anderson and again thanked him for the leadership during the past year and mentioned a few of the major accomplishments during Mr. Anderson's chairmanship such as: the completion of the Full-Funding Grant Agreement, the opening of the three segments of the Metro Blue Line--all ahead of schedule, the groundbreaking of the Metro Green Line and Metro Red Line, Segment 2.

3. **APPROVAL OF MINUTES**

Mr. Pott motioned, Mr. Anderson seconded approval of the minutes with the following addition and correction:

Pg. 10, Item 19, Add as the 1st paragraph Ms. Hopkinson and Mr. Pott complimented the staff on its responsiveness to, and quality of work with the Board's working group on the policy modifications.



Rail
Construction
Corporation

818 West Seventh Street
Suite 1100
Los Angeles, CA 90017
Tel 213 623-1194

a Subsidiary of
the Los Angeles County
Transportation Commission

Leading the Way to Greater Mobility

Pg. 10, Item 19, sub-item 2, correct to read if it should be determined that the barrier free system is inappropriate.....

Motion approved.

4. CHAIRMAN'S REMARKS

Mr. Camacho stated that in agreement with the LACTC Executive Director, Ed McSpedon will represent the Board at the Commission meetings and present the Board's position on any questions asked by the Commissioners in order to ensure that the Board's perspective is always considered by the LACTC. In addition, on sensitive issues Mr. Camacho will communicate directly with the LACTC Chair-person. Mr. Camacho and/or Mr. Kruse will make an effort to attend the LACTC meetings.

5. PRESIDENT'S REPORT

Mr. Tanke reported on the following issues:

- Mr. Peterson has addressed the full Commission and intends to release an RFP on the Pasadena Line sometime late August, early September depending on the course of the project, etc. This will be a full competitive selection for all the insurance the LACTC/RCC will have on the Pasadena Line. The RFP will come to the Board for review and to the Commission for approval before being released.
- Mr. McSpedon took the following action on the water treatment facility on Segment 1. Northwestern Carbon has been selected to dismantle and dispose of all equipment, piping and components comprising the groundwater treatment facilities at a cost of \$25,000.
- At its June 26 meeting the Commission rejected all bids on Metro Green Line Contract P1800. Staff reissued invitation for bids on June 28. Bids are due on July 16. A recommendation for award will be presented to the Board at its July 22 meeting and to the Commission at its July 24 meeting.
- The first two vehicles on the Metro Red Line will be leaving port in Italy on July 10 and will arrive at Houston on August 12. Ten to Fourteen days after that the vehicles will arrive at Pueblo, Colorado to begin testing.
- A conference will be held on October 27-29 called "New Transportation for the New Century" at the Sheraton Universal Hotel in L.A. The conference is sponsored by Assemblyman Katz and the LACTC. The Board will be sent further information.

CONSENT CALENDAR (ITEMS 6 THRU 9)

Mr. McIntyre moved, Mr. Anderson seconded to approve Consent Calendar Items 6-9. Motion approved.

6. METRO RED LINE, CONTRACT A-756, PROFESSIONAL SERVICES FOR ASBESTOS ABATEMENT, AMENDMENT #3

The Board recommended that the Commission authorize the Executive Director to execute Amendment #3 to the subject contract in the amount of \$300,000. This amendment is for Segment 2 work. Also, that the Commission approve an increase to the AFE amount by \$300,000 to a revised total of \$600,000. This increase in AFE will enable staff to process anticipated changes to this contract.

7. METRO RED LINE, CONTRACT 4985, HANDLING, TREATING AND DISPOSING OF HAZARDOUS MATERIAL, METCALF & EDDY, AMENDMENT #3

The Board recommended that the Commission authorize the Executive Director to execute Amendment #3 to the subject contract in the amount of \$300,000. This amendment is for Segment 2 work. Also, that the Commission approve an increase to the AFE amount by \$300,000 to a revised total of \$800,000. This increase in AFE will enable staff to process anticipated changes to this contract.

8. METRO RED LINE, CONTRACT 4987, HANDLING, TREATING AND DISPOSING OF HAZARDOUS MATERIAL, DAMES & MOORE, INC., AMENDMENT #3

The Board recommended that the Commission authorize the Executive Director to execute Amendment #3 to the subject contract in the amount of \$500,000. This amendment is for Segment 2 work. Also, that the Commission approve an increase to the AFE amount by \$500,000 to a revised total of \$1,000,000. This increase in AFE will enable staff to process anticipated changes to this contract.

9. METRO RED LINE, CONTRACT 4344, PROJECT ARCHAEOLOGIST SERVICES

The Board recommended that the Commission authorize the Executive Director to execute an amendment Contract 4344 in the amount of \$289,225.33. This amendment is for Segment 2 work. Also, that the Commission approve an increase to the AFE amount by \$320,000 to a revised total of \$884,404.

11. METRO RED LINE, SEGMENT 2 - CONTRACT B211, WILSHIRE/VERMONT STATION

Mr. Roger Foreman, representing Traylor Bros. Inc., the second lowest bidder on Contract B211 addressed the Board. Mr. Foreman stated that it is Traylor Bros. Inc. position that the apparent lowest responsive bidder was not responsive to the bid documents as they did not meet the DBE goals required by the contract. Mr. Foreman contended that Golden Bear Concrete was not certified by the LACTC at bid time, but certified by SCRTRD, which is not stated as being accepted anywhere in the bid document.

Mr. Foreman stated Traylor Bros. originally had listed Golden Bear as a DBE, but since they were not on the LACTC book of certified DBEs, Traylor Bros. contacted the LACTC Compliance Office which in turn told them Golden Bear was not certified and wouldn't be accepted, therefore, Traylor Bros. did not list Golden Bear as a DBE.

Mr. Kruse asked if Counsel has checked the bid document as to whether it states that a DBE may not be certified by LACTC up to a certain point of time.

Mr. Mack stated that the LACTC has a Memorandum of Understanding with SCRTRD on the Red Line contracts for them to supply support services on construction contracts. Under the agreement SCRTRD has the lead role in terms of certification. In this instance Golden Bear is certified by SCRTRD and by virtue of the agreement adopted by the Commission for this particular line.

Mr. Pott asked if the bid document stated that SCRTRD would be conducting the certification or that LACTC Contract Compliance would be doing the certification.

Counsel stated that in checking the bid documents, it is not stated that SCRTRD will do the certification.

Mr. Roger Sexton, Tutor-Saliba, addressed the Board stating that at the pre-bid it is clearly stated that if a sub is SCRTRD certified he/she is therefore RCC/LACTC certified on the Segment 2 jobs. Further, the representative at the pre-bid for LACTC is in fact from SCRTRD.

Mr. Kruse stated that in order to establish a right of appeal time of 5 days which begins when the RCC takes an action to make a recommendation, he would motion to approve staff's recommendation to authorize the Executive Director to award Contract B211 to Tutor-Saliba-Perini JV., the lowest bidder, in the amount of \$38,478,177.00 A ten percent (10%) reserve

fund of \$3,847,817 is also recommended to cover the cost of changes and extra work as well as reserve funds to establish provisional sums for the Disputes Review Board and the Safety Awareness Program. These contingency items will not be included in the Contract. Mr. Pott seconded the motion. Motion approved.

12. **ROLE OF ENGINEERING MANAGEMENT CONSULTANT (EMC) AND CONSTRUCTION MANAGEMENT CONSULTANT (CM)**

John Adams presented staff's report. Mr. Adams stated that in the present draft EMC contract there is no reference prohibiting the EMC prime, subcontractors or section designers from participating in construction management if he has a responsible role in the design of the same project. Therefore, staff's recommendation referencing that the EMC prime be precluded from competing for a responsible CM role on a project for this reason is moot at this time, but can be established by the Board if they so choose.

Mr. Pott asked if the provisions of staff's recommendation are adopted by the Board, will these provisions govern the EMC contract. Mr. Camacho stated yes.

Mr. Adams briefed the Board on the role of the construction manager.

The Board discussed concerns on the following issues: size of contracts (too large for most contractors); who handles safety; public awareness; coordination between contractors and CM; and procurement of long-term owner supplied materials.

After further discussion, Mr. Kruse motioned, Mr. Anderson seconded that the Board adopt staff's recommendation as follows:

In order to further ensure continued, substantial participation opportunities for professional service firms and to provide independent and specialized competency in the day-to-day management of its construction activities, the RCC shall engage construction management consultants which are separate from the EMC on RCC's rail projects. The prime venturers of the EMC shall accordingly be precluded from participation in RCC's construction management contracts.

Further, any EMC prime, subcontractors or section designers which in RCC's opinion have significant, responsible roles in the design of a rail project shall be precluded from competing for a responsible construction management role on that same project.

Construction management consultants shall effectively function as RCC's agents and as an extension of RCC's staff for the day-to-day management of its rail construction projects.

Motion approved.

13. DISADVANTAGE BUSINESS ENTERPRISE (DBE) PROCEDURES

John Mack reviewed staff's report with the Board addressing staff's effort to clarify and/or eliminate inconsistencies with process language in the DBE procedures. The Board noted that several inconsistencies still existed after the rewrite and asked that the Associated General Contractors (AGC) be involved in the review process. After further discussion Mr. Kruse moved, Mr. Anderson seconded to table action on this item to the July 22 meeting. The Board directed Mr. Mack to meet with the Board's appropriate committee and the AGC for these temporary stop gap provisions and not the final version. The subsequent changes will be made and an addendum to any contracts that are presently released will be sent.

14. ESTABLISHMENT OF RCC SUBCOMMITTEE ON FINANCE & BUDGET

Mr. Zuniga presented staff's report and explained that the procedure for establishing a permanent standing subcommittee entails approving a Resolution and forwarding to the Commission for approval and adoption. Mr. Anderson moved, Mr. Pott seconded to recommend that the Commission approve and adopt the Resolution. Motion approved.

15. BOND SALE BRIEFING

In the absence of Mr. Les Porter, LaCTC Deputy Executive Director, Mr. Pott reported that this issue arose from his concern on the overall cash flow for design and construction that might be significantly modified by some of the conditions surrounding litigation on Prop. C and the commitments on the recent selling of the bonds whose debt service would be paid by Prop. A. Les Porter had called and assured Mr. Pott that if things went according to present hopes, there would be no impact on the cash flow for design and construction.

16. TRAVEL REQUEST

Mr. Tanke presented staff's report. The following Board members: Ernest Camacho, Herbert Carter, Judith Hopkinson, Robert Kruse, Don McIntyre and James Pott have expressed an interest in attending the APTA Annual Conference to be held September 29 thru October 3 in Toronto, Canada. Mr. Pott moved, Mr. McIntyre seconded to ratify the travel. Motion approved.

17. PUBLIC COMMENTS

The Board heard comments from Dr. Abraham Falick on the policy of public toilets in stations and asked that the Board reconsider this issue.

The Board asked that staff meet with a working group of the Board consisting of Mr. Pott and Mr. Kruse, to discuss all the ramifications on this issue and report back to the full Board.

The Board heard comments from Mr. John Walsh, URLA.

18. BOARD MEMBERS REQUEST FOR FUTURE ITEMS

Mr. Pott requested the following:

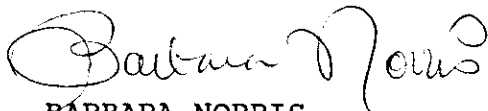
- a briefing on the North Coast Line. Mr. Tanke stated that staff will set up a workshop in August
- summary report on the EMC issuance for the July 22 meeting.

26. EXECUTIVE SESSION

The Board adjourned to an Executive Session to discuss Potential Litigation.

ADJOURNMENT

The Meeting adjourned at 5:30 p.m.


BARBARA NORRIS
Executive Secretary