



Minutes

RAIL CONSTRUCTION CORPORATION (RCC) NOVEMBER 9, 1992 MEETING

MEMBERS PRESENT

ROBERT KRUSE, CHAIRMAN
DAVID ANDERSON
ERNEST CAMACHO
DON McINTYRE
JOHN MURRAY
MAS NAGAMI

STAFF PRESENT

EDWARD McSPEDON, PRESIDENT/CEO
NEIL PETERSON, EXECUTIVE DIRECTOR, LACTC
LAURENCE WELDON, PROJECT MANAGER, METRO PASADENA PROJECT
CHARLES STARK, PROJECT MANAGER, METRO RED LINE, SEGMENTS 1 & 3
LOU HUBAUD, DIRECTOR, SAFETY AND SECURITY
SCOTT VRANESH, MANAGER, CONTRACTS
MIKE BACA, MANAGER, CONTRACTS
WILL SANCHEZ, DIRECTOR, CONTRACTS
PAMELA MURANO, SECURITY OPERATIONS MANAGER
BONNIE VERDIN, BOARD SECRETARY
MERCY MENESES, ASSISTANT BOARD SECRETARY

OTHER

AUGUSTIN ZUNIGA, COUNTY COUNSEL
PHIL HAWKEY, PASADENA CITY MANAGER
RICK COLE, MAYOR, CITY OF PASADENA
MARTY RUBIN, EMC

1. CALL TO ORDER

The meeting was called to order at 1:20 p.m.

2. SIGNING OF MASTER COOPERATIVE AGREEMENT BETWEEN THE CITY OF PASADENA AND LACTC

Mr. McIntyre thanked the City of Pasadena for hosting the RCC/LACTC for this occasion. Mr. McIntyre stated that

Pasadena is very well-prepared for the light rail system that will soon traverse the city.

Mr. Hawkey, Pasadena City Manager, welcomed the RCC/LACTC to Pasadena and he introduced Pasadena City staffpersons who will play critical roles in working with the RCC/LACTC to ensure that this project is a success.

Mr. McSpedon stated that many hours have gone into negotiating the Master Cooperative Agreement (MCA). The MCA defines the basic framework as to how our agency is going to work with the City of Pasadena to execute the Pasadena rail project in the most timely and cost-effective manner. The MCA was approved by the RCC Board and Commission last month and is now ready for formal execution by Neil Peterson, Executive Director of the LACTC, and Mr. Hawkey.

Mr. Peterson stated that the RCC/LACTC and the City of Pasadena have enjoyed a very smooth working relationship and credited Mr. Hawkey and his staff for helping to accomplish this. In addition, the successful negotiation with Santa Fe Railroad for the acquisition of the right-of-way has helped pave the way to make this project a reality.

Mr. Cole, Mayor of the City of Pasadena, stated that the lifeblood of Pasadena's history and now its future are bound to the railroad. Incorporated into the City's General Plan is the goal of enabling citizens to circulate about without cars and this new light rail, the Metro Blue Line extension will help achieve that goal.

Mr. Peterson and Mr. Hawkey executed the MCA.

In addition, Mr. Kruse and Mr. Cole signed a Joint Declaration of the City of Pasadena and the Rail Construction Corporation in symbol of the "Spirit of Cooperation" that the two agencies aim to foster.

Mr. McSpedon presented hard hats, as well as other project commemorative gifts, to various key Pasadena City officials.

3. METRO PASADENA PROJECT - PROGRESS REPORT

Mr. Weldon provided a briefing on the progress of the Metro Pasadena Project.

Mr. McIntyre inquired what the likelihood and timing is for extending the light rail line beyond Pasadena. Mr. Weldon deferred to Mr. Peterson who stated that this issue will be addressed in the April, 1993 update of LACTC's 30-Year Plan. The extension of the Pasadena Line is one of seven or eight

candidate corridors that will be under discussion and review.

4. APPROVAL OF MINUTES

The minutes of the October 26, 1992 meeting were approved as submitted.

5. CHAIRMAN'S REMARKS

Mr. Kruse stated that an agenda item was inadvertently listed under the Executive Session section of today's agenda. The item, H2O Science, Inc., will be moved to Item 27A of the regular calendar.

6. PRESIDENT'S REMARKS

Mr. McSpedon reported the following:

- A STEP's Program seminar was recently held for small, minority and women-owned firms. Due to the overwhelming response, there will be five repeat seminars.
- At its last meeting, the Commission approved a Construction Loan Program which is geared toward trying to help businesses located along the construction alignments get through the construction period with minimum financial impacts. A briefing to this Board from Les Porter on the details of the program may be in order.
- The Planning and Mobility Improvement Committee (PMIC) has requested a report at its November 11 meeting on RCC's assessment of the potential to construct the North Hollywood phase of Metro Red Line, Segment 3 in a more cost effective and/or more expeditious way than had been planned. The results of this will be reported back to the Board.

CONSENT CALENDAR

Items 13, 17 and 18 were pulled for discussion.

Mr. Camacho moved, Mr. McIntyre seconded to approve the remaining Consent Calendar items. Motion was approved.

7. STATUS OF UNEXECUTED CONSTRUCTION/PROCUREMENT
CONTRACT CHANGES OVER \$200,000

The RCC Board recommended that the Commission receive the above captioned status report.

8. STATUS OF UNEXECUTED PROFESSIONAL SERVICES
 CONTRACT CHANGES OVER \$200,000

The RCC Board recommended that the Commission receive the above captioned status report.

9. METRO RAIL PROJECTS - CONTRACT R90-S19-MY005
 CONFIGURATION MANAGEMENT SERVICES
 AMENDMENT NO. 5

The RCC Board recommended that the Commission authorize the Executive Director to execute Amendment No. 5 with LKG-CMC, Inc. to reallocate \$189,542 to provide configuration management services for the changes made to the Metro Green Line by Caltrans and for the services required on the LAX/Palmdale/San Fernando Valley East/West line. There will be no increase in total contract value or extension to the contract completion date.

The recommended \$189,542 is to be reallocated as follows:

PROJECT	ORIGINAL BUDGET	NEW BUDGET AMOUNT	CHANGE
RCC Systemwide (R90)	\$2,901,508	\$2,711,966	(\$189,542)
Metro Red Line (R81)	3,457,455	3,457,455	-0-
Metro Red Line (R80)	384,190	384,190	-0-
Metro Green Line (R23)	46,188	81,410	35,222
LAX/Palmdale (R25)	-0-	154,320	154,320
TOTAL CONTRACT VALUE	<u>\$6,789,341</u>	<u>\$6,789,341</u>	<u>-0-</u>

10. METRO RAIL PROJECTS - CONTRACT 3369
 CONSTRUCTION MANAGEMENT SERVICES, AMENDMENT NO. 16

The RCC Board recommended that the Commission authorize the Executive Director to execute Amendment No. 16 to Contract 3369 for an increase of \$4,838,373 which will bring the new contract value to \$161,991,364.

The recommended \$161,991,364 is budgeted as follows:

PROJECT	ORIGINAL BUDGET	ADDITIONAL BUDGET REQUESTED	NEW CONTRACT VALUE
Metro Red Line, Seg. 1	\$ 26,463,166	\$4,493,839	\$ 30,957,005
Metro Blue Line, Seg. 2	130,689,825	-0-	130,689,825
Metro Blue Line	-0-	6,010	6,010
Pasadena Line	-0-	25,785	25,785
Metro Green Line	-0-	11,059	11,059
Commuter Rail	-0-	301,680	301,680
	<u>\$157,152,991</u>	<u>\$4,838,373</u>	<u>\$161,991,364</u>

11. METRO BLUE LINE, CONTRACT NO. C6360, ADA PLATFORM EDGE WARNINGS STRIP REPLACEMENT, NOTICE FOR ADVERTISEMENT

The RCC Board authorized staff to proceed with the advertisement and solicitation of Contract No. C6360.

12. METRO RED LINE, SEGMENT 1 - CONTRACT A144
OPERATION AND MAINTENANCE OF GROUNDWATER
TREATMENT PLANT, CONTRACT CLOSE-OUT

The RCC Board recommended that the Commission:

- Approve the acceptance of the subject contract completion as of May 31, 1991.
- Authorize the filing of the Notice of Completion.

14. METRO RED LINE - CONTRACT A145
5TH & HILL UTILITY RELOCATION, VAULT MODIFICATION
AND STATION STAGE ONE, CONTRACT CLOSE-OUT

The RCC Board recommended that the Commission:

- Approve the acceptance of the subject contract completion as of April 20, 1991.
- Authorize the filing of the Notice of Completion.

15. METRO RED LINE, SEGMENT 1 - CONTRACT A117
YARD SITE LIGHTING, CONTRACT CLOSE-OUT

The RCC Board recommended that the Commission:

- Approve the acceptance of subject contract completion as of October 21, 1992.
- Authorize the filing of the Notice of Completion.

16. METRO RED LINE, SEGMENTS 2 AND 3, CONTRACT NO. B614, SPECIAL TRACKWORK (PROCUREMENT), NOTICE OF ADVERTISEMENT

The RCC Board authorized for staff to proceed with the advertisement and solicitation of Contract No. B614.

19. METRO GREEN LINE - CONTRACT P1800
CHANGE ORDER NO. 4

The RCC Board recommended that the Commission authorize the Executive Director to approve Change Order No. 4 providing for a credit in the amount of <\$521,800> from Bethlehem Steel.

- 19B. METRO RED LINE, SEGMENT 1 - CONTRACT A147/157 MORRISON KNUDSON WORK FOR GATEWAY CORPORATION AT EAST ENTRANCE TO UNION STATION APPROVAL OF BUDGET AFE INCREASE, APPROVAL TO PROCEED WITH NEGOTIATIONS AND EXECUTE CHANGE ORDER NO. 203

The RCC Board recommended that the Commission approve the budget in excess of \$1,000,000 and an Authorization for Expenditure (AFE) increase of \$1,000,000 and authorize negotiations to proceed followed by change order execution. This work is being performed at the request of Gateway Corporation and will be paid by Gateway.

CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION

13. METRO RED LINE, SEGMENT 1 - CONTRACT A141
FINAL SETTLEMENT AND CLOSE-OUT OF CLAIMS AND OTHER
OUTSTANDING ISSUES, CHANGE ORDER NO. 158

Mr. Anderson inquired whether this change order will be affected as a result of the Tutor Saliba audit. Mr. Stark stated that it will be. This claim includes payments for extension of time to certain portions of the A141 work. The audits of Tutor-Saliba will be required to turn provisional overhead rates into final overhead rates which will affect the final payments on Contract A141.

Any adjustment that may be required as a result of the recent Commission audit activity on the Tutor-Saliba Corporation will be applied to any applicable overhead calculations at the time Contract A141 is closed. RCC will withhold sufficient funds from this settlement to cover this eventuality.

Mr. Anderson inquired if disputed items of the audit must be resolved mutually or if we have the power to make a unilateral decision. Mr. Stark stated that we do have the power to make any disallowances as long as they are consistent with Federal acquisition regulations. Mr. Stark clarified for Mr. Anderson that we are not in any way compromising our ability to handle any disputed items that may arise.

Mr. Anderson moved, Mr. McIntyre seconded to approve this item. Motion was approved.

The RCC Board recommended that the Commission approve Change Order No. 158 in the amount of \$9,503,160 (24% of the total amount claimed) increasing the contract total to \$89,053,969.44. This change order is within the contract forecast and necessary funding is available within \$1,450,000,000 Segment 1 budget.

17. METRO GREEN LINE - CONTRACT R23-T01-C0110
SEGMENTAL BRIDGES, CHANGE ORDER NO. 019

Mr. Nagami stated that his concern with this item has to do with format only. He stated that he would prefer to see a chart with all critical information provided at the front of the report as was done on Item #13.

Mr. Nagami moved, Mr. McIntyre seconded to approve this matter subject to the changes as requested by Mr. Nagami.

The RCC Board recommended that the Commission authorize the Executive Director to approve Change Order No. 019 in the amount of \$500,000.

Mr. McIntyre stated that this is not the first time that poor report format observation has been made. Perhaps someone should scrutinize all reports for uniformity to see if we can't get what is needed up front. Mr. McSpedon stated that such an effort is underway and hopefully the Board will note improvement in the very near future.

18. METRO GREEN LINE - CONTRACT MS028, AUTOMATIC TRAIN CONTROL SYSTEM - INDEPENDENT SAFETY AUDIT - PROFESSIONAL SERVICES CONSULTANT CONTRACT, REQUEST TO ADVERTISE

Mr. Anderson inquired what the intent of this advertisement is. Mr. Hubaud stated that the intent is to provide an independent audit which will audit the EMC and give us an independent evaluation to satisfy the concerns of the California Public Utilities Commission (CPUC).

Mr. Anderson stated that if the intent is to solicit proposals for an independent safety audit and to certify the actual safety of the automatic system, then paragraph four on Page 89 of the agenda is inaccurate. As stated now, the report indicates that the intent is to audit the **procedures** used in the EMC's evaluation of the safety submittals required by Contract H1100. Mr. Hubaud confirmed that the intent is to provide an independent safety audit not an audit of the procedures used.

Mr. Anderson moved, Mr. Murray seconded to approve this item subject to:

1. Correction/clarification of paragraph four on page two of the report as follows:

"Due to the complexity of the ATC equipment design and, consequently of the Contractor's submittals verifying safety compliance, the CPUC feels it is advisable that the Commission hire an independent contractor to audit the EMC. More specifically, the independent contractor

will audit the EMC's evaluation of the safety submittals required by Contract H1100."

2. If proposals come in substantially over the cost estimates, staff will return before the Board for additional authority.

Motion was approved.

The RCC Board authorized staff to advertise a solicitation to perform an independent safety audit of the Metro Green Line Automatic Train Control System.

REGULAR CALENDAR

21. METRO RAIL PROJECTS - CONTRACT E0070, EMC CONTRACTING PLAN/LIST SUBCONSULTANTS

Mr. McSpedon stated that this report has been revised as Mayor Bradley requested at the last Commission meeting.

Mr. Murray moved, Mr. McIntyre seconded to approve this item. Motion was approved.

The RCC Board recommends that the Commission approve the following:

- A) Language be contained within the EMC's solicitations to address the general economic conditions, including employment, for Los Angeles County. The example language as reflected below will be used in all applicable EMC solicitations.

The EMC will consider the following in evaluating submittals:

- The impact of a firm/team's Management plan/approach on the Los Angeles County economy, particularly the creation and/or opportunity for local employment.
- Where appropriate and applicable, the element of technology transfer (business, professional, technical, etc.) as part of the management plan will be considered.
- Submittal shall include a statement describing firm/team's workforce, and locations of the local project office.

B) The EMC's Subcontracting Plan (Attachment A).

C) The list of subconsultants as set forth in Table 2 of the Subcontracting Plan as provided by

PBQD/DMJM and the list of vendors as set out in Attachment B for supplies as selected in accordance with the attached plan.

22. METRO PASADENA PROJECT/METRO RED LINE, SEGMENT 3
CONTRACT E0070 - ENGINEERING MANAGEMENT CONSULTANT
SELECTION OF SUBCONSULTANTS

Mr. Camacho moved, Mr. Murray seconded to approve this item.

Mr. Anderson inquired what in the procedure will enable the RCC meet the Mayor's request to encourage or demand the lowest reasonable cost possible. Mr. Baca stated that a firm is selected based on its technical qualifications; cost has nothing to do with the selection. This type of procurement is known as A & E Brooks Bill Procurement which is a type of contracting commonly used by government agencies. A contract specifically goes to the highest technically qualified firm provided a fair and reasonable price can be negotiated. If a price agreement cannot be reached, then negotiations with the second choice firm will occur. To ensure that a fair and reasonable price has been negotiated, pre and post award audits are conducted.

Mr. Murray stated the EMC has committed to 27% DBE participation with every effort to achieve 30%. However, as these types of selections are made, there is no way to tell in the recommended awards what the DBE participation is nor is there a breakdown of the identification of the subcontracting firms such that for statistical purposes it is made known if a firm is DBE, WBE or MBE.

Mr. Rubin stated that this information is certainly available. Mr. Rubin stated that since the inception of the EMC contract, DBE participation in excess of 30% is being achieved. A very rigorous DBE statistical report is sent to RCC monthly. Mr. Murray stated that the Board, or minimally the Board's Minority Participation Subcommittee, is interested in seeing this information on a regular, routine basis. In addition, as these awards come up, this information should also be provided in the report.

Mr. Murray stated that last month, LACTC staff informed the Board that beginning November 1, an MBE/WBE Program will be in place. Mr. Murray stated that he is aware of a provision in the EMC contract that will require the EMC to perform to changes or expansion of LACTC'S MBE/WBE Program. Mr. Sanchez stated that he will research this clause in the contract. Mr. Rubin stated that although he's not sure what the contract says, he commits to the Board that the EMC will adhere to changes or expansion in MBE/WBE standards. However, the EMC has not been advised of any change

in policy, therefore they are still adhering to the original agreement.

Following further discussion, it was agreed that prior to the next Board meeting, staff will meet with the Board's Minority Subcommittee to discuss the status of the MBE/WBE Program and how it relates to the EMC. The results will then be reported at the next Board meeting.

Motion was approved.

The RCC Board authorized the EMC to proceed with negotiations and subsequent award of contracts for design support services.

23. METRO RAIL LINES - CONTRACT EN030
WASTE HANDLING SERVICES

Mr. Camacho moved, Mr. Murray seconded to approve this item. Motion was approved.

The RCC Board recommended that the Commission approve the selection of CH2M Hill, IT Corporation, Metcalf & Eddy and Alaska Petroleum, and their respective subcontractors, and authorize the RCC Staff to negotiate pricing, terms and conditions with each firm for a five year contract. Project services will be ordered by staff's issuance of Contract Work Orders (CWO) under each contract.

24. METRO CONSTRUCTION SAFETY PROGRAM

Mr. McSpedon provided a status update of the program.

Mr. Kruse stated that he has never seen as comprehensive a program as the one RCC has developed and implemented. Much progress has been made and he does not want to see this program ever abandoned.

Mr. Anderson inquired how the reporting process problems will be overcome. Mr. McSpedon stated that requiring the Construction Safety Project Managers to sign the injury/accident report will help insure the accuracy of the report. In addition, Fluor Daniel will continue to monitor the program for reporting accuracy.

25. METRO RAIL PROJECT - CONTRACT E0070
ENGINEERING MANAGEMENT CONSULTANT
AMENDMENT TO CONTRACT WORK ORDERS

Mr. Nagami again raised the issue of report formatting problems. He stated that he had to read through the entire document to discover that this work is being done due to enhancements approved by the Commission. Mr. Nagami stated

that this is important information that should be up front in the report.

Mr. Kruse requested that a meeting of the Board's Administrative Subcommittee and staff be set to work on establishing a more effective standard report format.

The RCC Board recommended that the Commission authorize the Executive Director to execute Amendment No. 1 to (CWO) No. 0004 (Metro Red Line, Segment 3) in the amount of \$13,500,000 and Amendment No. 1 to (CWO) 0003 (Metro Red Line, Segment 2) in the amount of \$9,235,508. The contract funding is as follows:

	PREVIOUSLY APPROVED AFE	ADDITIONAL AFE REQUIRED (AMENDMENT 1)	AMENDED AFE
Blue Line	0	0	0
Pasadena Line	15,000,000	0	15,000,000
*MRL-1	186,970,948	0	186,970,948
*MRL-2	127,315,000	9,235,508	136,550,508
*MRL-3	22,457,000	13,500,000	35,957,000
**Green Line	65,684,609	0	65,684,609
**N.C. Ext.	6,786,523	0	6,786,523
Systemwide	0	0	0

* AFE includes contract value of MRTC + EMC

**AFE includes contract value of Transcal II + EMC

27. METRO GREEN LINE - SECURITY PROGRAM

Mr. Kruse requested presentation of this item prior to Item 26.

Ms. Murano provided a briefing on this program.

26. METRO RED LINE, SEGMENT 1 - START-UP READINESS

Mr. Stark provided a status update on this item.

Mr. Kruse inquired whether SCRTPD is equally as motivated as RCC/LACTC toward the early opening of Metro Red Line, Segment 1. Mr. Stark affirmed that it is and stressed that the common goal, however, is for a "safe" opening of the subway.

Mr. Anderson inquired what the status is of the previously reported transformer problems. Mr. Stark stated that one of the three transformers has a design problem and will need to be redesigned.

The Board heard comments from Mr. John Walsh.

27A. H20 SCIENCE, INC. - CONTRACT

Mr. Zuniga called for a Board vote to consider this item. Mr. McIntyre moved, Mr. Murray seconded to consider this matter for action. Motion approved.

Mr. Camacho moved, Mr. Murray seconded to approve this item. Motion was approved.

28. PUBLIC COMMENT

There were no further requests to speak.

29. BOARD MEMBER REQUEST FOR FUTURE ITEMS

Mr. Murray reiterated the request for the Board's DBE Subcommittee to be given a status briefing of the DBE/MBE/WBE Program and how it relates to the EMC.

EXECUTIVE SESSION

The Board adjourned to Executive Session to discuss:

Real Estate - G.C. 54956.8

- Parcel No. B2-204 (Children's Hospital of L.A.)

ADJOURNMENT

The meeting adjourned at 3:40 p.m.



BONNIE VERDIN
Board Secretary
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