

## MINUTES

**RAIL CONSTRUCTION CORPORATION (RCC)  
APRIL 5, 1993 MEETING**

MEMBERS PRESENT

ROBERT KRUSE, CHAIRMAN  
DAVID ANDERSON  
EVAN ANDERSON BRAUDE  
BOB ARTHUR, ALTERNATE TO DEANE DANA  
ERNEST CAMACHO  
JOHN MURRAY  
RAUL PEREZ, ALTERNATE TO EVAN ANDERSON BRAUDE  
CARL RAGGIO

STAFF PRESENT

EDWARD McSPEDON, PRESIDENT/CEO  
RODNEY DAWSON, VICE PRESIDENT, TECHNICAL OPERATIONS  
JOEL SANDBERG, PROJECT MGR., METRO RED LINE, SEGMENT 2  
LES PORTER, DEPUTY EXECUTIVE DIRECTOR  
ABDOUL SESAY, MANAGER, RISK MANAGEMENT  
LARRY KELSEY, CONTRACT MANAGER, METRO RED LINE, SEGMENT 2  
STAN LOTTERMAN, MANAGER, CONTRACTS  
SHIELA WALKER, MANAGER, CONTRACT COMPLIANCE  
AL THIEDE, VICE PRESIDENT, ENGINEERING  
BONNIE VERDIN, BOARD SECRETARY  
MERCY MENESES, ASSISTANT BOARD SECRETARY

OTHERS

AUGUSTIN ZUNIGA, COUNTY COUNSEL  
CHARLES SAFER, MTA COUNSEL

1. CALL TO ORDER

The meeting was called to order at 1:10 p.m.

2. APPROVAL OF MINUTES

Mr. Murray moved, Mr. Anderson seconded to approve the minutes of the March 15, 1993 meeting with corrections, as



noted by Mr. Anderson, to the fourth and fifth paragraphs on page 14 of the minutes (page 16 of the agenda) as follows:

The RCC Board did not approve staff's recommendation contin-gent upon the opportunity for CII to present any objections to the substitution at a Commission hearing.

Rather, the Board approved staff's recommendation with the provision that CII would have one more opportunity to present any objections to the substitution at the 3/24/93 Commission meeting.

Motion was approved with Mr. Arthur abstaining from voting.

3. CHAIRMAN'S REMARKS

Mr. Kruse noted that the RCC is entering a new era with the establishment of the MTA.

Mr. Kruse introduced the new RCC Board members: Mr. Braude, Mr. Bob Arthur (alternate to Supervisor Deane Dana) and Mr. Carl Raggio.

Referring to Item 5 of the agenda, Mr. Kruse stated that various RCC Board Committees have been formed and briefly described the scope of each. Mr. Kruse stated that it has proven very beneficial for staff to present an issue to a Board Committee before forwarding the item to the full Board.

4. PRESIDENT'S REMARKS

Mr. McSpedon reported the following:

- Meetings were held this morning with Mr. Greg McBride, Acting Chief Counsel for the Federal Transportation Administration (FTA) in Washington. This afternoon he is being given a tour of our construction projects.
- On Wednesday, Michael Wilson, the Canadian Minister of Industry Science and Technology will visit the RCC offices and will be briefed on the Metro Rail program.
- Last Tuesday, Mr. McSpedon testified before the United States Senate, Banking, Housing and Urban Affairs Committee in Washington. The topic was "Benefits of Transit Investment". (A transcript of Mr. McSpedon's testimony was distributed).

The Committee conducted two panels. The first panel focused on transit and national needs. The second

panel examined the related benefits of investment in public transportation projects. There was great interest in the L.A. Car project.

- Mr. McSpedon noted that the RCC has received the following awards and honors:
  - 1993 Project Achievement Award - Metro Red Line - Institute for the Advancement of Engineers - 2/19/93
  - Outstanding Engineering Merit Award - Institute for the Advancement of Engineering - 2/19/93
  - Project of the Year - Metro Red Line - California Transportation Foundation - 5/13/93
  - Special Recognition Award - TOP Program - California Transportation Foundation - 5/13/93
  - Project of the Year - Project Management Institute - Los Angeles Chapter - 2/10/93 - (national winner to be selected in August 1993)
  - National Finalist - Outstanding Civil Engineering Achievement Award - Metro Red Line - American Society of Civil Engineering (winners to be selected in April 1993)
  - 1993 Excellence in Transportation Facilities Award - Metro Green Line Segmental Bridges - Caltrans - 3/93
  - Los Angeles Business Council Engineering Achievement Urban Beautification Award - 4/5/93
- For the benefit of the new RCC Board members, Mr. McSpedon provided a brief overview of the Rail Construction Program.
- An article in today's L.A. Times article addressed the construction impacts on Wilshire Blvd. A response to the article is being prepared by staff. A letter from the Los Angeles Department of Transportation (LADOT) which strongly refutes the congestion problem along Wilshire Boulevard was distributed to the Board.

Mr. Sandberg, Mr. Porter, and Mr. Sesay briefed the Board on the various measures that are being taken to minimize the disruption to businesses along Wilshire Boulevard and ways that these businesses can be assisted through the construction.

Mr. Murray stated that the RCC Board and staff has always been sensitive to the impacts of construction on affected businesses and has studied ways of minimizing disruption to the impacted businesses. Mr. Murray added that the "Times" article failed to acknowledge staff's sensitivity and the amount of thinking that has gone into identifying ways of minimizing the impacts of construction on businesses. Although ways to minimize the surface level impacts were identified (i.e., mined tunneling) the cost-benefit analysis did not warrant this alternate means of construction.

5. APPOINTMENT OF RCC COMMITTEES

A list of RCC Committees was distributed to the Board.

COMMITTEE REPORT

6. FORECAST OF UNEXECUTED PROFESSIONAL SERVICES  
CONTRACT CHANGES OVER \$200,000

The Board received this status report.

CONSENT CALENDAR

Items 9 and 10 were pulled for discussion. Mr. Anderson moved, and Mr. Camacho seconded to approve the remaining Consent Calendar items. Motion was approved.

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

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

8. METRO RED LINE, SEGMENT 2 - BID NO. B252  
VERMONT/SANTA MONICA STATION AND CROSSOVER  
REQUEST TO ADVERTISE

The RCC Board recommended that staff proceed with the advertisement and solicitation of invitation for Bid No. B252.

CONSENT CALENDAR - ITEMS OF DISCUSSION

9. METRO RED LINE, SEGMENTS 2 & 3 - BID NO. B761  
PROCUREMENT OF ILLUMINATED SIGNS AND EDGE LIGHTS EQUIPMENT  
REQUEST TO ADVERTISE

Mr. Murray inquired if the newly established procedure for establishing the minority participation goals was followed.

Mr. Kelsey stated that the new procedure was indeed followed.

Mr. McSpedon stated that this was a strict manufacture and furnish item which inherently limits the DBE goal.

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

The RCC Board recommended that staff proceed with the advertisement and solicitation of invitation for Bid No. B761.

10. METRO RAIL PROJECTS - CONTRACT NO. P0060  
VARIABLE MESSAGE SIGNS (ADA)  
REQUEST TO ADVERTISE

Mr. Murray inquired if the proper procedure for setting the MBE/WBE goals was followed. Mr. Lotterman stated that the correct procedure was followed. Mr. Lotterman stated that this item is a procurement only involving no installation.

Mr. Murray moved, Mr. Braude seconded, to approve Items 9 & 10. Motion was approved.

The RCC Board recommended that staff proceed with the advertisement of Contract No. P0060.

REGULAR CALENDAR

12. METRO BLUE LINE - CONTRACT NO. C6370  
STATION PARKING LOT IMPROVEMENTS  
RECOMMENDATION TO REJECT ALL BIDS

Mr. McSpedon provided a briefing on this item.

Mr. Kruse stated that the 3/31 letter by Mr. McSpedon is a very accurate account of the RCC's position in this matter.

Mr. Zuniga stated that at this time the Board is unable to make an award of the contract because none of the proposers met the MBE/WBE goal. The goal is viewed as an issue of responsiveness and, therefore, as no proposer submitted sufficient good faith efforts, no proposer was found responsive. It therefore appears that rejection of bids is the only alternative available to the Board.

Mr. Murray asked whether a proposer's failure to achieve the anticipated MBE/WBE level of participation for a contract is in and of itself an issue of non-responsiveness.

Mr. Zuniga clarified for Mr. Murray that responsiveness issues are generally pass or fail. However, there is the alternative for a proposer to qualify under good faith efforts. Mr. Zuniga stated that failure to qualify under

good faith efforts would, in fact, be deemed an issue of non-responsiveness.

Mr. Murray stated that the DBE and MBE/WBE programs are handled distinctly and in the absence of a predicate study, determining minority participation is a fine line.

Mr. Camacho moved, Mr. Murray seconded to approve staff's recommendation. Motion approved.

Mr. Murray reiterated the Board's request for staff to provide a list of the subcontractors as an attachment to reports on items where there is subcontractor participation.

Mr. Dawson stated that a staff committee is convening regularly to improve the quality of standard board reports and the Board's request to provide subcontractor lists will be addressed for future reports.

Mr. Anderson stated that something has to be wrong with the system when this number of bidders have trouble meeting our requirements. Mr. Anderson stated that he would like to see this Board and RCC staff participate, or input, into the committee of the MTA that is working towards finalizing the DBE and MBE/WBE programs.

Mr. Camacho directed staff to follow-up and provide to the RCC's Minority Participation/Contract Committee information relative to any MTA activity towards the finalization of the DBE and MBE/WBE programs.

The RCC Board recommended that the MTA reject all bids because all bidders were determined to be non-responsive to the MBE/WBE goals for Contract No. C6370, Station Parking Lot Improvements.

13. METRO RAIL PROJECTS - CONTRACT NO. E0070  
ENGINEERING MANAGEMENT CONSULTANT (EMC)  
AUTHORIZATION TO AWARD A CONTRACT DESIGN SUPPORT  
OF LANDSCAPE MASTER PLANNING

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

The RCC Board recommended that the MTA authorize the EMC to award a contract for Design Support services for Landscape Master Planning in the amount of \$274,692, as negotiated in accordance with Attachment A.

14. PUBLIC COMMENT

The Board heard comments from:

- Pat Chiodo
- Bob D'Amato

15. BOARD MEMBER REQUEST FOR FUTURE ITEMS

There were no requests for future items.

EXECUTIVE SESSION

The Board adjourned to Executive Session to discuss:

Real Estate - G.C.#54956.8

- Parcel No. B2-203 (Min S. Kim)
- Parcel No.'s C3-751, C3-753, C3-758, C3-763, C3-766, C3-768, C3-769, and C3-773 (MCA Properties)

Pending Litigation - G.C. #54956.9

- Case No. BC067368

ADJOURNMENT

The meeting adjourned at 2:35 p.m.



BONNIE VERDIN  
Board Secretary

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