



MINUTES

Los Angeles County
Metropolitan
Transportation
Authority

RAIL CONSTRUCTION CORPORATION (RCC) AUGUST 16, 1993 MEETING

818 West Seventh Street
Suite 300
Los Angeles, CA 90017

213.623.1194

MEMBERS PRESENT

ROBERT KRUSE, CHAIRMAN
ERNEST CAMACHO
ROBERT ARTHUR, ALTERNATE TO DEANE DANA
JOHN MURRAY
DAVE ANDERSON
EVAN ANDERSON BRAUDE
RAUL PEREZ, ALTERNATE TO EVAN ANDERSON BRAUDE

STAFF PRESENT

EDWARD McSPEDON, EXECUTIVE OFFICER, CONSTRUCTION & PRESIDENT, RCC
JOEL SANDBERG, PROJECT MANAGER, METRO RED LINE, SEGMENT 2
LARRY KELSEY, CONTRACT MANAGER, METRO RED LINE, SEGMENT 2
LES DURRANT, MGR., SUPV. SYSTEMS ENGIN., METRO RED LINE, SEGMENT 2
JOHN MACK, MANAGER, EQUAL EMPLOYMENT OPPORTUNITY
MERCY MENESES, ASSISTANT RCC BOARD SECRETARY
MARIA WHITE, SECRETARY

OTHERS

AUGUSTIN ZUNIGA, COUNTY COUNSEL
CHARLES SAFER, MTA CO-COUNSEL
TOM K. McCRANIE, EMC
BUDDY HOGEN, TBGP

1. CALL TO ORDER

The meeting was called to order at 9:00 A.M.

2. APPROVAL OF MINUTES

The minutes of the August 2, 1993 meeting were approved as submitted.

3. CHAIRMAN'S REMARKS

Mr. Kruse stated that the environment continues on a hectic schedule due to the administration of the merger which contributes to the late delivery of several Board items on today's agenda.

Mr. Kruse stated that staff has requested that Items 17 and 24 be withdrawn from the agenda.

During the President's Report a correction was made to clarify staff's request to withdraw Item 18 instead of Item 17 from the agenda.

4. SAFETY RECOGNITION AWARD

Mr. McSpedon acknowledged Morrison-Knudson for its exemplary safety record on the reconstruction work done at Union Station. For its exemplary record, Morrison-Knudsen was presented with a monetary award which is the first ever given by the RCC for safety. Morrison-Knudsen qualified for the maximum safety incentive payment of one percent of the total contract value. The value of this contract is \$2 million and the safety incentive award is \$21,300. Morrison-Knudson achieved:

- A lost time average of 2.3 versus the national average of 7.4
- Completion of work on schedule enabling the on-schedule opening of MetroLink

The following Morrison-Knudson staff were present:

- Doug Kavisto, Vice-President, Transit Division
- Steve Church, Safety Representative
- Chris Andrews, Project Engineer

RCC safety staff in attendance were:

- Lou Hubaud, Director, Safety and Security
- Dan Jackson, Director, Construction Safety

Mr. Kruse commended Morrison-Knudson and presented them with a check for \$21,300. Mr. Kruse stated that the Board is steadfast in its support of safety as a top priority.

5. PRESIDENT'S REMARKS

Mr. McSpedon reported the following:

- Smaller construction jobs, at times, tend to be overlooked because of larger, more visible contracts. Special acknowledgement was made of one such job done by Thomas Land Clearing, a 100% DBE firm, for completion of the Vermont/Sunset Demolition job. Not only was the work completed 58 days ahead of schedule but also resulted in only one change order due to change in conditions and no injuries.
- No staff report was sent out on Item 18. The MTA Executive Office requested that no action be taken on this item pending the outcome of the 1993-94 Fiscal Year Budget outcome at the 8/25 MTA meeting. However, should no action be taken, this item will proceed to the next RCC meeting due to the monetary burden placed on the contractor. The only deterrent would be the MTA's decision to discontinue work on the Pasadena schedule.
- Contract No. B710 - Elevators and Escalators Update. As of yet, no final decision from the Federal Transportation Administration (FTA) has been made on the Buy-America protest. A letter stating staff's immediate concerns for proceeding with this item has been sent to the FTA Regional Office.

STANDING INFORMATION REPORTS

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

The RCC Board received this status report.

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

The RCC Board received this status report.

CONSENT CALENDAR

At staff's request, Item No. 8 was pulled for a staff presentation.
Mr. Anderson requested clarification of Item No. 15.

Mr. Arthur moved, Mr. Murray seconded, to approve Consent Calendar
Items 9-19. Motion was approved.

9. METRO RED LINE, SEGMENTS 2 & 3 - BID NO. B644
FIBER OPTIC AND CABLE TRANSMISSION EQUIPMENT (PROCUREMENT)
NOTICE OF ADVERTISEMENT

The RCC Board authorized staff to proceed with the advertisement and
solicitation of Invitation for Bid No. B644.

10. METRO RED LINE, SEGMENTS 2 & 3 - BID NO. B760
SIGNS AND GRAPHICS (DESIGN/SUPPLY)
NOTICE OF ADVERTISEMENT

The RCC Board authorized staff to proceed with the advertisement and
solicitation of Invitation for Bid No. B760.

11. METRO RED LINE, SEGMENTS 2 & 3 - BID NO. B610
TRACKWORK INSTALLATION
NOTICE OF ADVERTISEMENT

The RCC Board authorized staff to proceed with the advertisement and
solicitation of Invitation for Bid No. B610.

12. METRO RED LINE, SEGMENT 2 - CONTRACT NO. B288
DEMOLITION AT HOLLYWOOD/VINE STATION SITE
APPROVAL OF CHANGE ORDER NO. 001 AND AFE INCREASE

The RCC Board recommended that the MTA approve Change Order No.
B288-CO-001 in the amount of \$9,844.67 and the AFE increase of \$3,000.

13. METRO RED LINE, SEGMENT 3 - CONTRACT NO. E0070
 UNIVERSAL CITY ROADWAY, SITE RESTORATION AND LANDSCAPING
 NOTICE OF ADVERTISEMENT (SECTION DESIGN)

The RCC Board authorized the EMC to proceed with the advertisement and solicitation of Site Restoration and Landscaping Design.

14. METRO RED LINE, SEGMENT 3 - CONTRACT NO. E0070
 RECOMMENDATION TO AWARD SECTION DESIGNERS
 FOR ARCHITECTURAL SERVICES

The RCC Board recommended that the MTA authorize the EMC to award contracts to Section Designers for Architectural Services on Metro Red Line, Segment 3 as follows:

Firm	Scope of Services	DBE Goal	DBE Commitment	Negotiated Price
<p>THE TANZMANN ASSOCIATES (DBE/Anglo Woman) Los Angeles, CA</p> <p><u>Subconsultants</u></p> <p>Delon Hampton & Associates (MBE/Black)</p> <p>Uniplan Engineering (DBE/Hispanic)</p> <p>Yang & Associates (DBE/Asian)</p> <p>Electrical Building Systems (DBE/Hispanic)</p> <p>Melendrez Associates (WBE/Anglo Woman)</p> <p>Engineering Associates (WBE/Anglo Woman)</p>	<p>Final Design for Certain elements of North Hollywood Station (C351)</p> <p>Civil/Structural Engineering</p> <p>Utilities Engineering</p> <p>Mechanical Engineering</p> <p>Electrical Engineering</p> <p>Landscape Architecture</p> <p>Integrgraph Coordination</p>	<p>40%</p>	<p>100%</p>	<p>\$2,400,000</p> <p>(includes job development/training program)</p> <p>(excludes Art-In-Transit Program costs)</p>

Firm	Scope of Services	DBE Goal	DBE Commitment	Negotiated Price
SVERDRUP CORPORATION Los Angeles, CA	Final Design for Certain elements of Universal City Station (C321)	40%	51%	\$2,196,000
Subconsultants				(includes job development/training program)
Siegel Diamond Architects (WBE/Anglo Woman)	Architecture			(excludes Art-In-Transit Program cost)
Transmetrics (DBE/Hispanic)	Civil Engineering			
Yang & Associates (DBE/Asian)	Electrical/Mechanical Engineering			
MAA Engineering (DBE/Asian)	Geotechnical Engineering			

15. METRO RED LINE, SEGMENT 3 - CONTRACT NO. E0070
 AUTHORIZATION TO AWARD CONTRACT TO THE EARTH TECHNOLOGY CORPORATION FOR GEOTECHNICAL PRELIMINARY ENGINEERING SAN FERNANDO VALLEY EAST-WEST SEGMENT

Mr. Anderson inquired whether staff's recommendation to award is necessary to fill the continuing obligation on the alternatives on the East/West San Fernando or if it signifies the beginning of implementation of a particular route. Mr. McSpedon stated that the MTA has directed staff to continue with the current studies of both alternatives. Both studies (Ventura Freeway Aerial and Burbank/Chandler Subway) are being done to provide a comparison of impacts and cost estimates. This particular contract is intended to obtain information necessary to accurately estimate the cost of the subway alternative. The RCC has been requested to carry out this work through the EMC by the MTA.

Mr. Anderson suggested that the report be clarified for submission to the MTA.

Mr. Braude questioned whether the main location of offices for Earth Technologies is in Irvine, CA. Mr. Rubin stated that the offices are in Long Beach.

The RCC Board recommended that the MTA authorize the EMC to award the below described contract for Geotechnical Preliminary Engineering Services:

Firm/Location	Scope of Services	Contract Price	MBE/WBE Goal (%)	MBE/WBE Commitment (%)
The Earth Technology Corporation Irvine, CA 100 W. Broadway, Suite 500, Long Beach, CA 90801-5758	Geotechnical Engineering Services San Fernando Valley E/W Segment which is 16.6. miles long starting at Lankershim & Burbank Blvd. running along Burbank Blvd. and ending near Burbank Blvd. and Topanga Avenue.	Not-to-Exceed \$250,000	20/10	20/20

16. METRO BLUE LINE - BID NO. C0150
 PLATFORM EDGE WARNING STRIP REPLACEMENT (ADA)
 NOTICE OF ADVERTISEMENT

The RCC Board recommended that staff proceed with the advertisement of Bid No. C0150, Metro Blue Line, Remaining Stations, Platform Edge Warning Strip Replacement (ADA).

17. METRO RED LINE, SEGMENT E0070
 ENGINEERING MANAGEMENT CONSULTANT (EMC)
 AMENDMENT TO CONTRACT WORK ORDERS

The RCC Board recommended that the MTA execute the following increase in additional Authorization for Expenditure (AFE) to Contract No. E0070. For a detailed comparison of design costs, as compared to construction cost, refer to Attachment B. As expressed in Attachment A, the cost negotiated with the EMC to provide services as described below are fair and reasonable as compared to other transit projects:

	Previously Approved AFE For Preliminary Engineering	AFE Required for Final De- sign	Total AFE Required
Red Line, Segment 3 (North Hollywood)	\$22,457,000	\$45,435,968	\$67,892,968
Red Line, Segment 3 (Mid City)	\$13,500,000	\$20,959,732	\$34,459,732

18. METRO PASADENA PROJECT - CONTRACT NO. E0070
 ENGINEERING MANAGEMENT CONSULTANT
 AMENDMENT TO CONTRACT WORK ORDERS

Per staff's request this item was withdrawn from the agenda.

19. METRO RAIL PROJECTS - PROPOSAL NO. E0060
 SYSTEM ENGINEERING AND ANALYSIS
 NOTICE OF ADVERTISEMENT

The RCC Board authorized staff to proceed with the advertisement and solicitation of Contract No. E0060.

CONSENT CALENDAR ITEMS OF DISCUSSION

8. METRO RED LINE, SEGMENTS 2 & 3 - BID NO. B647
 GAS MONITORING EQUIPMENT (PROCUREMENT)
 NOTICE OF ADVERTISEMENT

Mr. McSpedon stated that due to the importance of accurately detecting methane gas in the subway staff has been assessing technological alternatives that are more effective and cost-efficient than those deployed on the Metro Red Line, Segment 1.

Mr. Durrant provided a briefing on this item.

Mr. Durrant stated that the Fire Department as well as the MTA Operations & Maintenance Department are in full support of the technologically-advanced gas monitoring equipment. This system will improve detection of methane gas throughout the tunnels and will decrease the maintenance involved with the current pump-and-valve system being used. Additionally,

the capital cost of the new equipment is expected to be only 15% of the cost of the Segment 1 equipment.

Mr. Don McCranie provided a demonstration of the sensor equipment.

Mr. Kruse stated that problems occurred on Segment 1 during the testing phase. Mr. Kruse inquired whether staff is examining the feasibility of monitoring the performance of both systems at this time. Mr. Durrant stated that staff's intent is to provide continuous side-by-side monitoring by both systems prior to phasing in the new system. The only problem with such a test is that as of yet there has been virtually no methane to measure in the subway.

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

The RCC Board authorized staff to proceed with the advertisement and solicitation of Invitation for Bid No. B647.

REGULAR CALENDAR

21. METRO RED LINE, SEGMENT 2 - BID NO. B219
WILSHIRE/VERMONT STATION SITE DEMOLITION
RECOMMENDATION FOR AWARD

Mr. Kelsey provided a brief background on this item.

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

The RCC Board recommended that the MTA award Contract No. B219 in the amount below, to Thomas Land Clearing Company, the lowest-priced, responsive and responsible bidder:

Total Contract Award	\$368,170.28
20% Contract Reserve Fund (Excluded from Award Amount)	\$ 73,634.00
TOTAL COMMITMENT REQUEST	\$441,804.28

22. METRO RED LINE, SEGMENT 2 - CONTRACT NO. B252
VERMONT/SANTA MONICA STATION AND CROSSOVER
RECOMMENDATION FOR AWARD

Mr. Kelsey provided a brief background on this item.

Mr. Kelsey stated that staff is recommending award to the second-low bidder, Kiewit-Shea, because the apparent lowest-bidding firm, Kajima/Ray Wilson, submitted what staff considered to be a non-responsive bid, due to missing prices.

The Board heard comments from:

- Robert Flaig, Counsel, Kajima/Ray Wilson

Mr. Braude asked Counsel whether Kajima/Ray Wilson's bid violated any rules. Mr. Zuniga stated that the omission of prices from a bid is considered to be a "fatal flaw".

Mr. Murray asked Counsel to comment on what the guiding rule is for determining that a "fatal flaw" has been made. Mr. Zuniga stated that the bid documents are first reviewed by staff and based on that review a recommendation is made. The Board has the final discretion to either accept or reject staff's recommendation.

Mr. Murray questioned whether this situation has occurred in the past, and if so, how it was handled. Mr. Zuniga stated that staff has typically considered a bid to be non-responsive in the event of missing prices.

Mr. Braude stated that the question of judgment seems moderate in comparison to the potential savings by the agency. Furthermore, Mr. Braude emphasized that the decision to accept Kajima/Ray Wilson's bid would certainly disallow any special considerations dealing with change orders in the future with this contract.

Mr. Zuniga advised the Board that it is within the Board's judgment to establish a policy statement to be included in all contract documents outlining the rules of acceptance or non-acceptance of specific line item instructions to discourage any further confusion on future bid documents.

Mr. Murray stated that there is no question of uncertainty regarding this item since the policy could not be retroactive concerning this current contract.

Mr. Murray concurred with the suggestion to establish a policy for future bid documents.

The Board heard Comments from:

- Lee Gire, Counsel, Kiewit-Shea
- Ted Barrett, Kiewit-Shea
- John Walsh

Mr. Kruse expressed concern with the direction in which the public hearings are being handled. A considerable amount of time is taken by staff in preparation for presenting these items and recently, the meetings have focused on debate rather than discussion. Mr. Kruse added that firms with the construction industry expect the RCC to have consistency within the bidding standards on our jobs and is of utmost importance.

Mr. Braude questioned the possibility of re-bidding this item to include language within the report that clarifies the consequences of leaving blank line items. Furthermore, Mr. Braude suggested that the language reflect to the repercussions involved with leaving blank line items. Mr. McSpedon stated that, although there is no current language within bid documents stating the repercussions, Mr. Braude's suggestions could possibly be incorporated into some form of policy.

Mr. Zuniga stated that Counsel and staff will work together to prepare specific language to be included within future bid documents. This item will be referred to the Contracts Committee for further review.

Mr. Camacho stated that the major issue to re-bid this item involves not as greatly on the errors contained within the contract document but on the sizeable dollar amount involved.

Mr. Murray questioned the time line on re-bidding this item. Mr. McSpedon described the tight time line delays due to the redesign on Segment 2 per MTA Board direction. Mr. McSpedon expressed concern over re-bidding this item and suggested that the Board carefully exercise their discretion to reject all bids as this action should not be used indiscriminately.

Mr. Sandberg stated that the estimated time line to re-bid is 4-5 weeks but there is a possibility that this incident could arise again. Mr. Sandberg agreed with Mr. Kruse's assessment that there remains an obligation to the

present bidders and that a reevaluation be considered before this item is re-bid.

Mr. Arthur moved, Mr. Murray seconded, to approve this request.

The Board heard additional comments from Mr. Robert Flaig.

Motion was approved.

Mr. McSpedon stated that this item will be referred to the Contracts Subcommittee for further staffwork.

The RCC Board recommended that the MTA award Contract No. B252 in the amount below to Kiewit-Shea, the lowest priced responsive and responsible bidder:

Total Contract Award, MRL-2	\$50,879,631.45
11.5% Contract Contingency Fund (Excluded from Award Amount)	\$ 5,851,158.00
TOTAL COMMITMENT REQUEST	\$56,730,789.45

23. TRANSIT BOND GUARANTEE PROGRAM

Mr. Mack, assisted by Mr. Hogen, provided a presentation on this item.

This is an informational item.

Mr. Murray commended the Board, contract administrators, and staff involved with the tremendous amount of effort given that the program has exceeded beyond all expectations.

24. MTA ORDINANCE CONCERNING THE METRO CONSTRUCTION CORP.

Mr. Kruse requested that staff research the minutes from the previous meeting to determine when this item was first presented to the Board and verify Board action. Furthermore, Mr. Kruse requested Counsel to compare the language of both documents to determine if the changes are minor or significant enough to warrant new Board action.

At the Chairman's request, this item was withdrawn from the agenda.

25. PUBLIC COMMENT

The Board heard comments from Mr. John Walsh.

26. BOARD MEMBER REQUEST FOR FUTURE ITEMS

There were no Board member requests.

CLOSED SESSION

Mr. Zuniga noted a correction to the agenda. Potential Litigation - Contract No. C145 should read Contract No. C415.

Mr. Zuniga declared that the following items are subjects for discussion in Closed Session:

Potential Litigation - G.C. #54956.9 (b)

- Contract No. A141
- Contract No. C415

Actual Litigation - G.C. #54956.9 (a)

- Case No. BC076330 (Tutor-Saliba-Perini vs. LACTC and SCRTD)

Real Estate Matters - G.C. #54956.8

- Parcel No. B2-120 (County of L.A. & Shatto Investors)
- Parcel No. B2-180 (Phillip Doppelt & Leonard Isaksen)

Mr. Braude requested that two items be added to the Closed Session for discussion purposes only. Mr. Zuniga advised the Board that a vote is necessary to add these items to the Closed Session:

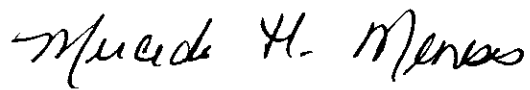
- Racquet Centre Properties
- Hollywood/Vineland Station (Cerrell Associates)

Mr. Braude moved, Mr. Anderson seconded to add these items to the agenda. Motion was approved.

ADJOURNMENT

The meeting adjourned at 10:32 A.M.

Submitted by:

A handwritten signature in black ink that reads "Mercedes H. Menezes". The signature is written in a cursive style with a prominent initial 'M'.

MERCEDES H. MENESES
RCC Assistant Board Secretary

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