



Los Angeles County
Metropolitan
Transportation
Authority

One Gateway Plaza
Los Angeles, CA
90012

213.922.6000

Mailing Address:
P.O. Box 194
Los Angeles, CA 90053

APRIL 1, 1997

TO: BOARD OF DIRECTORS

FROM: LINDA BOHLINGER
INTERIM CHIEF EXECUTIVE OFFICER

SUBJECT: APPROVE CHANGE ORDER NO. 10 FOR ARROYO SECO
BRIDGE RECONSTRUCTION ON THE PASADENA BLUE
LINE

RECOMMENDATION

Approve Change Order No. 10 to Contract No. C6430, with the Kiewit Pacific Company, for Arroyo Seco Bridge Reconstruction in the amount of \$206,300, which increases the total contract value to \$11,629,122.

Within Construction Committee authority: Yes No

ORGANIZATIONAL IMPACT

Approval of this change will permit adjustment of the foundation drainage system bid quantities to the actual installed amount so that final payment on this bid item can be made.

BUDGET IMPACT

The funds for this action are available within the Board approved project budget of \$803,868,500. This recommended action will increase the current contract value of \$11,487,822 by \$206,300 to \$11,694,122. The final estimated contract value including in-process CN's and other anticipated changes for this contract is \$11,574,400. The current status of the contract cost and forecast, including the impact of this recommended action, is shown in Attachment 1.

This recommended action does not impact the MTA Fiscal Year Budget or the Sources of Funds, either in the fiscal year or over the life of the project. The funds for this action are included in the budget for Fiscal Year 1996.

Potential for Cost Recovery: Yes No

ALTERNATIVES CONSIDERED

The Board has the option to withhold authorization. Disapproval of this item will result in a contract where the final installed quantity is substantially different than the bid quantity identified in the contract. Consequently, payment for work performed cannot occur which may result in a claim from the contractor.

BACKGROUND

Contract No. C6430 was awarded by the MTA Board on September 21, 1994 to Kiewit Pacific Company for the bid amount of \$10,359,464. This change increases the quantity of work identified in the Schedule of Quantities and Prices from an estimated 360 Linear Feet (L.F.) to 2,423 L.F. The increase is necessary to reflect the actual installed quantity amount. This change has been flagged as a potential error against the designer and will be reviewed by the MTA for potential cost recovery action.

This change, along with other pending changes, was negotiated as part of an overall final settlement for contract C6430. The cost associated with this change is MTC's allocation of a portion of the final settlement reached. This approach mitigated potential claims by the contractor and resulted in a final negotiated contract price which is fair and reasonable.

SMALL BUSINESS PARTICIPATION

The Contract has M/WBE participation goals of 25% and 5%, respectively. The Contract is 100% complete. The current M/WBE participation, as determined by MTA's EO Programs Departments' Contract Compliance Unit, is 23.64% and 8.80%, respectively. The contractor did not meet its MBE goal due to MTA directed change orders which deleted work.

ATTACHMENT

1. Contract Value Statement
2. Delegation of Authority Form
3. Clarification of Potential Cost Recovery

Prepared by:

David J. Sievers, P.E., Deputy Executive Officer/Project Manager, Pasadena Blue Line

Scott M. Vranesh, P.E., Contract Manager, Pasadena Blue Line



Charles W. Stark

Interim Executive Officer, Construction

ATTACHMENT 1 CONTRACT VALUE STATUS

R05 Metro Blue Line - Pasadena
CHANGE ORDER : C6430-CO-10.00

CONTRACTOR: KIEWIT PACIFIC COMPANY - ARROYO SECO BRIDGE RECONSTRUCTION
CHANGE TITLE: ADJUST QUANTITY TO ESTIMATED FINAL QUANTITY FOR BID ITEM 02712.01, FOUNDATION DRAINS

CONTRACT VALUE STATUS

1.	CONTRACT AWARD AMOUNT:	\$10,359,464.00
2.	PREVIOUSLY EXECUTED CHANGES:	\$1,216,357.70
3.	CURRENT CONTRACT VALUE: (1 + 2)	\$11,575,821.70
4.	AUTHORIZED WACN'S (NTE):	(\$88,000.00)
5.	OBLIGATED CONTRACT VALUE: (3 + 4)	\$11,487,821.70
6.	VALUE OF THIS CHANGE:	\$206,300.00
7.	ESTIMATED CONTRACT VALUE: (5 + 6)	\$11,694,121.70

AUTHORIZED FOR EXPENDITURE STATUS

INCREASE IN AFE REQUIRED/REQUESTED:

8.	MTA APPROVED AFE:	\$11,574,400.00	Award + 11.73%
9.	ESTIMATED CONTRACT VALUE: (Line 7)	\$11,694,121.70	
10.	REMAINING AFE (Actual 8-9)	(\$119,721.70)	\$119,721.70 For current actual costs
11.	OTHER PENDING CHANGES (merited)	(\$119,722.00)	
12.	REMAINING AFE (w/CHANGES 10-11)	\$0.30	\$0.00 For pending changes
13.	TRENDS AND CONTINGENCIES (pending merit finding)	\$0.30	
14.	REMAINING AFE: (w/TRENDS 12-13)	\$0.00	\$0.00 For possible changes

CONTRACT BUDGET STATUS

15.	CURRENT CONTRACT BUDGET:	\$11,822,400.00
16.	FORECAST CONTRACT VALUE: (9 + 11 + 13)	\$11,574,400.00
17.	REMAINING CONTRACT BUDGET: (15-16)	\$248,000.00

CONTRACT INCREASE PERCENTAGES

18.	% OF ORIGINAL AWARD VALUE (THIS CHANGE)	1.991%
19.	% OF ORIGINAL AWARD VALUE (MERITED CHANGES)	9.736%
20.	% OF ORIGINAL AWARD VALUE (ALL CHANGES)	11.728%
21.	% CONTRACT COMPLETE:	100%

REVIEWED BY MTA PROGRAM CONTROL: SAMANTHA PIERCE, Project Control Mgr.

DATE:

! TREND items may be found to have no merit or be of a lesser value

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PRINTED BY: Dennis Partridge 16:21:50

ATTACHMENT 1 - Unallocated Contract Data

MTA/CCS DATA AS OF 02/27/07

ATTACHMENT 2

**THE CUMULATIVE SUMMARY OF CONSTRUCTION COMMITTEE APPROVALS SINCE DELEGATION OF
AUTHORITY IN MARCH 1995**

CONTRACT C6430, ARROYO SECO BRIDGE RECONSTRUCTION

PREVIOUS CONTRACT ACTIONS/CHANGE ORDERS WITHIN THE CONSTRUCTION COMMITTEE AUTHORITY

<u>CONTRACT NO.</u>	<u>AMENDMENT # & DESCRIPTION</u>	<u>DOLLAR VALUE</u>	<u>DATE OF CONST. COMM. MTG.</u>
C6430	CO No. 4, Adjust Estimated Quantities for Bid Item 02200.01, General Excavation	\$247,440	4/21/95
C6430	CO No. 16, Operating Engineer's Strike - Impact Cost.	\$250,845	12/06/95

ATTACHMENT 3

CLARIFICATION OF POTENTIAL COST RECOVERY

**Contract No. C6430
Change Order No. 10**

This change has a potential cost recovery through the MTA's Project Professional Liability Insurance Program (PPLIP). The MTA's Claims Management branch will review this change to determine if a claim against the EMC has merit and should be filed.

Change Order No. 10 increases the quantity of work identified in the Schedule of Quantities and Prices from an estimated 360 Linear Feet (L.F.) to 2,423 L.F. Early in the contract a dispute arose involving the interpretation of two drainage systems and the applicable bid items for payment. Analyses of the applicable bid items and quantities subject to payment were completed by MTA and determined that one drainage system could be deleted. This in effect eliminated the interpretation dispute with the contractor. However, the final installed quantities for the remaining foundation drainage system were 600% higher than the Engineer's bid estimate.