



**San Gabriel Valley Council of Governments
AGENDA AND NOTICE OF THE REGULAR MEETING
OF THE CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE**

Monday, September 28, 2020 – 12:00PM

Teleconference Meeting: Livestream is available at: <https://youtu.be/IQ0dFKuJmEA>

The SGVCOG's Capital Project and Construction Committee consists of five (5) regional districts; Northeast, Southeast, Central, Southwest, Northwest, the County of Los Angeles and the San Gabriel Valley Council of Governments. Members of the former Alameda Corridor-East Construction Authority (ACE) Board shall maintain a seat on the Committee unless or until completion of all ACE Project(s) in their respective cities. Each member or alternate shall have one vote. A quorum is 50% of its membership. Action taken by the Committee shall be by simple majority of the members present. All disclosable public records related to this meeting are available at www.theaceproject.org and viewing at the Rivergrade Road office during normal business hours.

MEETINGS: *Regular Meetings of the Capital Projects Construction Committee are held the fourth Monday of every month at 12:00 PM at the West Covina City Hall, 1444 West Garvey Avenue, MRC Room 314, West Covina, CA 91791.* The Capital Projects Construction Committee agenda packet is available at the ACE Project office, 4900 Rivergrade Road, Suite A120, Irwindale, CA 91706 and on the website, www.theaceproject.org. Copies are available via email upon request (ahanson@sgvcog.org). Documents distributed to a majority of the Board after the posting will be available for review in the ACE Project office and on the ACE Project website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Members of the public may comment on any item on the agenda at the time it is taken up by the Committee. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion. Persons addressing the Committee are to refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Committee may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Committee. Items on the Agenda have generally been reviewed and investigated by staff in advance of the meeting so that the Committee can be fully informed about a matter before making its decision.

MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19: On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Capital Projects Construction Committee meeting scheduled for September 28, 2020 at 12:00 p.m. will not be allowed. Members of the public may view the meeting live at <https://youtu.be/IQ0dFKuJmEA>



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



SUBMISSION OF PUBLIC COMMENTS: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- **Email:** Please submit via email your public comment to Deanna Stanley dstanley@sgvcog.org at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” Emailed public comments will be part of the recorded meeting minutes but will not be read aloud. A copy of all public comments will be forwarded to the Committee.
- **Phone:** Please email your name and phone number to Deanna Stanley dstanley@sgvcog.org at least 1 hour prior to the scheduled meeting time for the specific agenda item you wish to provide public comment on. Please indicate in the Subject Line of the email “FOR PUBLIC COMMENT.” You will be called on the phone number provided at the appropriate time, either during general public comment or specific agenda item. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Deanna Stanley at least 48 hours prior to the meeting at dstanley@sgvcog.org or Amy Gilbert at (626) 214-8869.

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- I. Pledge of Allegiance
 - II. Roll Call and Instructions
 - III. Public Comment
 - IV. Approval of Capital Projects and Construction Committee Meeting Minutes of July 27, 2020 (*action: [pages 1 – 4](#)*)
 - V. Chairman’s Remarks
 - VI. Member Comments
 - VII. Chief Engineers Monthly Report (*information: [pages 5 – 7](#)*)
 - VIII. Project Progress Reports
 - IX. Approval of Sole Source Contract to OHL North America Inc. for Emergency Interim Site Maintenance on the Fullerton Road Grade Separation Project (*action: [pages 8 – 14](#)*)
 - X. Approval of Task Order 2 with AECOM for Construction Management Services for the Montebello Blvd. Grade Separation Project (*action: [pages 15 – 18](#)*)
 - XI. The Committee will adjourn to closed session in accordance with Government Code Section 54956.9 to discuss:

Conference with legal counsel regarding existing litigation:

Fairway Auto Spa, Inc. adv. Alameda Corridor-East Construction Authority
Los Angeles Superior Court Case No. 070454

and

Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2), one potential case.
 - XII. Adjournment (*action*)



If you would like to receive the Capital Projects and Construction Committee agenda electronically, please email Amy Gilbert at ahanson@sgvcog.org



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SGVCOG Capital Projects & Construction Committee Unapproved Minutes July 27, 2020

Call to Order: Chairman Sandoval called the meeting of the San Gabriel Valley Capital Projects and Construction Committee to order remotely via Zoom and livestreamed via YouTube on July 27, 2020 at p.m.

1. Pledge of Allegiance – C. Moss led the pledge of allegiance.

2. Roll Call

Present:

Tim Sandoval, Chair, Pomona
Nancy Lyons, Vice Chair, Diamond Bar
Jack Hadjinian, Montebello
Tim Hepburn, LaVerne
Diana Mahmud, South Pasadena
Cory Moss, Industry
Becky Shevlin, Monrovia
Cynthia Sternquist, Temple City

Absent:

Jerry Velasco, El Monte
Hilda Solis, County of Los Angeles

Staff:

M. Christoffels, Chief Engineer
David DeBerry, legal counsel
Deanna Stanley
Amy Gilbert

3. Public Comment – There were no public comments.

4. Approval of Capital Projects and Construction Committee Meeting Minutes of June 1, 2020 and June 22, 2020 – A motion was made by T. Hepburn and seconded by N. Lyons to approve the minutes of June 1, 2020 and June 22, 2020.

Ayes: T. Sandoval, N. Lyons, J. Hadjinian, T. Hepburn, D. Mahmud, C. Moss, B. Shevlin, Solis, C. Sternquist

Nays: None Abstain: None

5. Chairman Remarks – Chairman Sandoval thanked the staff for the recent Bike share event.

6. Member Comments – T. Hepburn thanked South El Monte and SGVCOG staff for the successful Bikeshare launch. A channel 7 ABC News video clip was played covering the South El Monte Bikeshare event.

7. **Chief Engineer's Monthly Report** – M. Christoffels thanked Kevin Jones, President of Prince Global Solutions who has worked as the federal lobbyist for the ACE project since 1999. Paul Hubler and other members also extended his appreciation to Mr. Jones. Kevin Jones addressed the Committee and expressed his appreciation for the opportunity to represent the agency.
8. **Project Progress Reports** – Mr. Christoffels reviewed temporary crossing work at Durfee Avenue project and construction activities for the railroad bridge for the Fairway Drive grade separation project.
9. **Adoption of Mitigated Negative Declaration and Mitigation Monitoring Program for the Proposed Modification to the Diamond Bar Golf Course Need for the Proposed Improvements at the SR-57/60 Interchange** – Mr. Christoffels explained the SGVCOG was selected by Metro to undertake tasks necessary for improvements on the SR-57/60 interchange. He indicated the widening and ramp construction will require 10 acres of the Diamond Bar golf course, owned by the County of Los Angeles. He indicated the Mitigated Negative Declaration was published for public comments and three were received and responded to. The Committee discussed the item at length.

A motion was made by N. Lyons and seconded by D. Mahmud to adopt the mitigated negative declaration and mitigation monitoring program for the proposed modification to the Diamond Bar Golf Course needed for the proposed improvements at the SR-57/60 interchange.

Ayes: T. Sandoval, N. Lyons, J. Hadjinian, T. Hepburn, D. Mahmud, C. Moss, B. Shevlin, C. Sternquist

Nayes: None Abstain: None

10. **Approval of Agreement with the County of Los Angeles for proposed modification to the to the Diamond Bar Golf Course** – Mr. Christoffels indicated the agreement with the County of Los Angeles outlines the project responsibilities relative to the golf course modification. He indicated the agreement was a collaborative effort of LA County legal counsel and the SGVCOG's general counsel. He indicated after approval from the Committee, the agreement will need approval from the Los Angeles County Board of Supervisors at their September meeting. D. Mahmud expressed concerns over lack of specificity in Exhibit B. She indicated methodology for reimbursements and appropriate level of compensation should be better addressed to prevent disputes between the SGVCOG and the County. The matter was discussed at length.

After discussion, a motion was made by D. Mahmud and seconded by C. Moss to approve the agreement with the County of Los Angeles for the Proposed Modifications to the Diamond Bar Golf Course subject to further modification of exhibit B to provide greater clarity and detail regarding the basis for calculating the County's loss revenue during closure.

Ayes: T. Sandoval, N. Lyons, J. Hadjinian, T. Hepburn, D. Mahmud, C. Moss, B. Shevlin, C. Sternquist

Nayes: None Abstain: None

11. Approval of Betterment Agreement with County of Los Angeles for the Proposed Modification to the Diamond Bar Golf Course Needed for the Proposed Improvements at the SR-57/60 Interchange – Mr. Christoffels explained that the County saw the opportunity to implement needed irrigation improvements during the work on the golf course project. He reminded the committee that this was outside of the scope of work required for the 57/60 project and as such, was a betterment. Betterment work is paid for by the requesting agency in its entirety.

A motion was made by T. Hepburn and seconded by N. Lyons to approve the Betterment Agreement with the County of Los Angeles for the Proposed Modification to the Diamond Bar Golf Course Needed for the Proposed Improvements at the SR 57/60 Interchange.

Ayes: T. Sandoval, N. Lyons, J. Hadjinian, T. Hepburn, D. Mahmud, C. Moss, B. Shevlin, C. Sternquist
Nays: None Abstain: None

12. Approval of a Construction Management Services Contract with Anser Advisory, LLC for the Turnbull Canyon Road Grade Separation Project – M Christoffels reminded the Committee that each project construction management is necessary to assist with the constructability review and oversight of construction. Mr. Christoffels indicated work on the Turnbull Canyon Road grade separation will begin next year in accordance with new methodology we are bringing pre-negotiated task order construction to begin next year. A motion was made by T. Hepburn and seconded by C. Moss to authorize the Chief Engineer to execute a construction management services contract with Anser Advisory, LLC for an initial task order in a not-to-exceed amount of \$140,000 for the for the Turnbull Canyon Road Grade Separation Project.

Ayes: T. Sandoval, N. Lyons, J. Hadjinian, T. Hepburn, D. Mahmud, C. Moss, B. Shevlin, C. Sternquist
Nays: None Abstain: None

13. Approval of Contract Amendment with Biggs Cardosa Associates for Design Support Services for the Fullerton Road Grade Separation Project – M. Christoffels reminded the Committee that there are ongoing negotiations with the construction contractor for the Fullerton Road project to terminate the contract. He indicated the designer or record is Biggs Cardosa who will be needed for the duration of the construction to review submittals, respond to questions and assist with the unknowns during construction. He also reminded the committee that the designer will need to help with updated plans, adjust quantities and documents necessary to put the construction RFP out to bid. The matter was discussed at length. D. Mahmud asked that due to the delay will the COG be responsible for any costs and Mr. Christoffels indicated the SGVCOG would not. After discussion, a motion was made by T. Hepburn and seconded by T. Sandoval to approve the contract amendment with Biggs Cardosa Associates for Design Services for the Fullerton Road Grade Separation Project in an amount not to exceed \$2,498,884 for a new contract value of \$13,919,883.

Ayes: T. Sandoval, N. Lyons, J. Hadjinian, T. Hepburn, D. Mahmud, C. Moss, B. Shevlin, C. Sternquist

Nays: None Abstain: None

14. Approval to Receive and File 4th Quarter Project Progress and Mitigation Monitoring Reports – M. Christoffels reviewed the quarterly reports. A motion was made by C. Moss and seconded by N. Lyons to receive and file the quarterly reports.

Ayes: T. Sandoval, N. Lyons, J. Hadjinian, T. Hepburn, D. Mahmud, C. Moss, B. Shevlin, C. Sternquist

Nays: None Abstain: None

15. Closed Session – Legal Counsel announced the Committee would adjourn to closed session to discuss San Gabriel Valley Council of Governments v. Jack in the Box Inc. and TBS Foods Inc.; Los Angeles Superior Court Case No. BC 707971.

The Committee returned to open session and legal counsel announced there was no reportable action taken by the Committee.

16. Adjournment – The meeting was adjourned at 1:23 p.m. The next meeting will be held remotely via Zoom on YouTube live on September 28, 2020.

X

Deanna Stanley
Clerk of the Committee



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MEMO TO: Capital Projects and Construction Committee Members & Alternates

FROM: Mark Christoffels, Chief Engineer

DATE: September 28, 2020

SUBJECT: Chief Engineer's Monthly Report

The following are items of note since the last meeting:

SGV Transit Study – The LA Metro Board of Directors approved a fiscal year 2020-21 budget earlier this month which includes \$1.5 million in funding for a San Gabriel Valley Transit Feasibility Study. The study will examine mobility and transit corridor improvement alternatives in lieu of the State Route 60 alignment of the Eastside Gold Line light rail extension. The funding will be transferred to the SGVCOG and staff anticipates seeking consultant proposals later this year. Our appreciation goes to Supervisors Solis and Barger and Board Director Fasana for initiating the board motion calling for the study.

Contracting – The SGVCOG has delegated the Chief Engineer the authority to approve new contracts or change orders for previously approved contracts within certain limits, with a requirement that staff formally report such contract action. The following has been approved since the last Committee meeting:

CONSULTANT/VENDOR	REASON FOR CHANGE	CHANGE AMOUNT	REVISED TOTAL CONTRACT VALUE ¹	CUMULATIVE AUTHORIZED CHANGE (%)
Jacobs Project Management Company Agreement 10-03 Construction Management Services for San Gabriel Trench Project				
Task Order No. 2, Rev. 6	Adjust Post-Award Audit and list key personnel change.	(\$562,269)	\$22,457,056	3.7%
Jacobs Project Management Company Agreement 10-03 Construction Management Services for San Gabriel Trench Project				
Task Order No. 2, Rev. 7	Budget Re-allocation and Cost Adjustment	\$447,178	\$22,904,235	5.7%
Jacobs Project Management Company – Agreement 10-03 Construction Management Services for San Gabriel Trench Project				
Task Order No. 2, Rev. 8	Contract time extension	\$0	\$22,904,235.00	5.7%

¹ For construction, design, and construction management contracts, this amount reflects the contract award made by the CP&C Committee along with any approved amendments. For annual support contracts such as legal services, right of way, auditing, public outreach etc., this amount reflects the current fiscal year authorization as approved by the CP&C Committee.

URS Corporation (AECOM) Agreement 12-03C Preliminary Engineering and Final Design Services for Durfee Ave Grade Separation				
Task Order 6, Rev. 1	Key Personnel Change	\$0	\$1,061,536	0%
Berg & Associate, Inc. Agreement 14-05 Construction Management Services for Alameda Corridor – East Construction Authority Fullerton Road Grade Separation				
Task Order 2, Rev. 7	Contract time extension.	\$0	\$12,871,507.86	9.2%
WSP Agreement 12-07A Construction Management Services for Fairway Drive Grade Separation Project				
Task Order 2, Rev. 7	Key Personnel Change	\$0	\$11,011,292.00	0%
Fehr & Peers – Agreement 20-02.1 Vehicle Miles Traveled Study (Web hosting contract)				
Agreement 20-02.1	New contract to provide 5 years of web site hosting for an online AB 743 analysis tool	\$40,000.00	\$40,000.00	0%
Paragon Partners, Ltd. Agreement 19-02B Right of Way Support Services for the 57-60 Confluence Project				
Task Order No.1, Rev. 3	Change in scope of work and addition of subconsultants for appraisal services	\$0	\$755,157.00	0%
Paragon Partners – Agreement 08-04 Right-of-Way Acquisition Services Contract				
Task Order No. 44, Rev. 1	Change in scope of work and addition of subconsultants for surveying services	\$0	\$191,592.00	0%
Paragon Partners – Agreement 08-04 Right-of-Way Acquisition Services Contract				
Task Order No. 45	New Task Order to sell excess property on the Reservoir Street Grade Separation Project	\$9,792.00	\$9,792.00	0%
Fehr & Peers – Agreement 20-02 Vehicle Miles Traveled Study (743 Implementation)				
Amendment No. 3	Line item budget reallocation for development of a VMT analysis tool	\$0	\$321,242.	0%

Moffatt & Nichol – Agreement 15-02 Preliminary Engineering and Final Design Services for Montebello Corridor Grade Seapartion Project.				
Task Order No. 4, Rev. 4	Line item budget reallocation	\$0	\$8,168,100.00	0%
CWE – Agreement 18-01 Preliminary Engineering for the Load Reduction Strategy Project for the Rio Hondo River and Tributaries				
Task Order No. 1, Rev. 07	Revised scope of work to develop grant application for project funding	\$0	\$312,687.00	9.2%

Community Outreach Update – The following project outreach activities were conducted:

- Conducted photographic survey of properties located within the Durfee Avenue project area;
- Distributed school outreach safety kits to 400 students at North Ranchito Elementary School for the Durfee Avenue project; and,
- Conducted ongoing community outreach and support activities for the Fairway Drive, Fullerton Road, Durfee Avenue, Turnbull Canyon Road and Montebello Corridor grade separation projects.



MEMO TO: Capital Projects & Construction Committee Members and Alternates

FROM: Mark Christoffels, Chief Engineer

DATE: September 28, 2020

SUBJECT: Approval of Sole Source Contract to OHL North America Inc. for Emergency Interim Site Maintenance on the Fullerton Road Grade Separation Project.

RECOMMENDATION: Staff recommends that the Committee approve a Statement of Determinations and Findings for the non-competitive procurement of Emergency Interim Site Maintenance Services on the Fullerton Grade Separation Project and authorize the Chief Engineer to execute a contract with OHL North America Inc. for an amount not to exceed \$314,000.

BACKGROUND: In 2016, SGVCOG awarded and entered into a contract with Shimmick Construction Company, for the construction of the project known as the Fullerton Road Grade Separation Project. Pursuant to the Contract, Shimmick agreed to furnish all material and perform all work set forth in the Contract, and to fulfill obligations set forth in the Contract Documents, as defined in the Contract. On April 17, 2020, Shimmick sent a letter to SGVCOG stating that SGVCOG materially breached the Contract and, as a result, it was suspending work on the Project. On April 22, 2020, SGVCOG responded to Shimmick's April 17, 2020 letter stating that Contractor's suspension was a material breach of the contract and an abandonment of the Project.

Based on further discussions and direction by the Committee, SGVCOG and Shimmick agreed to the termination of Contractor's further performance under the Contract and on the terms, conditions, and final compensation of the Contract, in accordance with a Termination Agreement dated August 26, 2020. Under the terms of that agreement Shimmick was required to de-mobilize from the construction site and is prohibited from performing any contract work with the agency for a period of three years. The agreement also allowed the agency to bid out the remaining work on the contract. The remaining work is currently out to bid and it is anticipated a new contract will be awarded by the end of the year with work commencing again on this project in early 2021.

As the project is only partially complete, the site contains temporary fencing, temporary traffic signals, striping, warning signs, barricades, and shoring that needs to be maintained in a safe condition until work commences again. In addition, general site maintenance such as dust control, graffiti removal and upkeep of storm water pollution prevention devices also need to be maintained.

Since securing competitive bids for this work is not possible to address this immediate need, staff reached out to OHL North America Inc. the contractor currently working on our Fairway Grade Separation project located two miles to the east from the Fullerton Grade Separation project.

For reasons spelled out in greater detail in the attached Statement of Determinations and Findings, staff believes that OHL is uniquely qualified to perform these interim services. Costs were negotiated by staff based on independent estimates that were compared with cost estimates submitted by OHL. The interim contract provides for the following services:

Site clearing and remedial work:	\$145,000
Dust Control:	\$1,000/day (Not to exceed \$50,000)
General Site Maintenance:	\$1,400/day (Not to exceed \$49,000)
Immediate On-Call Response:	Based on actual costs (Not to exceed \$70,000)

Pursuant to SGVCOG’s Procurement Manual, Chapter 5 allows for a sole source contract when the services to be provided are of a unique nature and/or an “emergency condition exists” which is defined as a situation that creates an immediate threat to the Authority (SGVCOG) construction sites or to the public’s health, welfare, or safety. The SGVCOG Procurement Manual also states “Where equipment, materials, parts, and/or services are needed, quotations will not be necessary if the health, welfare, safety, etc., of staff and protection of Organization property is involved. The reasons for such purchases will be documented in the procurement file.”

Finally, to address urgent situation like this, the Procurement Manual allows the Chief Engineer to enter into contract for such needed services, and then seek formal approval by the Committee at its next regularly scheduled meeting. The Chief Engineer did issue an emergency Purchase Order to OHL to have the Changeable Message Boards for traffic control be immediately replaced and to perform two weeks of site maintenance at a cost of \$53,800. The recommended not to exceed contract amount of \$314,000 includes this previously authorized work.

BUDGET IMPACT: Funding for this interim contract will come from existing budgeted funds for the project.

ATTACHMENT:

- Statement of Determinations and Findings



STATEMENT OF DETERMINATIONS AND FINDINGS

DATE: September 28, 2020

PROCUREMENT: Emergency Interim Site Maintenance Services for the Fullerton Road Grade Separation Project

SUBJECT FIRM: OHL North America Inc.

The San Gabriel Valley Council of Governments (SGVCOG) is proposing to proceed with a non-competitive procurement with OHL North America Inc. to provide Emergency Interim Site Maintenance Services for the Fullerton Road Grade Separation Project until a contract to complete the project is awarded and work commenced.

BACKGROUND: In 2016, SGVCOG awarded and entered into a contract with Shimmick Construction Company, for the construction of the project known as the Fullerton Road Grade Separation Project. Pursuant to the Contract, Shimmick agreed to furnish all material and perform all work set forth in the Contract, and to fulfill obligations set forth in the Contract Documents, as defined in the Contract. On April 17, 2020, Shimmick sent a letter to SGVCOG stating that SGVCOG materially breached the Contract and, as a result, it was suspending work on the Project. On April 22, 2020, SGVCOG responded to Shimmick's April 17, 2020 letter stating that Contractor's suspension was a material breach of the contract and an abandonment of the Project.

Based on further discussions and direction by the Committee, SGVCOG and Shimmick agreed to the termination of Contractor's further performance under the Contract and on the terms, conditions, and final compensation of the Contract, in accordance with a Termination Agreement dated August 26, 2020. Under the terms of that agreement Shimmick was required to de-mobilize from the construction site and is prohibited from performing any contract work with the agency for a period of three years. The agreement also allowed the agency to bid out the remaining work on the contract. The remaining work is currently out to bid and it is anticipated a new contract will be awarded by the end of the year with work commencing again on this project in early 2021.

As the project is only partially complete, the site contains temporary fencing, temporary traffic signals, striping, warning signs, barricades, and shoring that needs to be maintained in a safe condition until work commences again. In addition, general site maintenance such as dust control, graffiti removal and upkeep of storm water pollution prevention devices also need to be maintained.

Justification for Non-competitive Procurement

The SGVCOG's procurement process, as outlined in the Administrative Code, demands that competitive procurements be employed whenever possible and only allows non-competitive procurements under certain exceptional circumstances. Staff believes that such exceptional circumstances exist in connection with the need for interim Site Maintenance Services for the Fullerton Road Grade Separation Project to protect the general public traveling through the

Statement of Determinations and Findings
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worksite. Staff offers the following justification for its recommendation that these services be obtained through a non-competitive procurement with OHL.

- OHL has extensive project information and knowledge that directly relates to the immediately needed site maintenance work.
- OHL is currently providing the same services for the SGVCOG on the Fairway Grade Separation Project approximately 2 miles away.
- It is not practical to issue a new contract for this scope to other contractors and will not be cost effective to the Agency since the scope is a small, the need is immediate, and formal bidding would take up to three months.

Mark Christoffels
Mark Christoffels
Chief Engineer



OHL USA

July 23, 2020

Mr. Charles Tsang, P.E.
Mr. Andres Ramirez, P.E.
Mr. David Smith, P. E.-Berg CM
San Gabriel Valley Council of Governments, ACE Projects
4900 Rivergrade Road, Suite A120
Irwindale, CA 91706

Project: Fullerton Road Grade Separation Project (LA Subdivision)
Subject: Scoping Proposal for Fullerton Stormwater Prevention and Traffic Control
Maintenance Programs Revision 1

Dear Gentlemen,

Please find attached the revised SWPP and Maintenance proposal for the Fullerton Roadgrade Separation Project.

The attached pricing, referred to as Revision 1, took into account comments from our review meeting. In particular, Item #3-CMS Boards to Signs and Item #4-SWPP and Traffic Control Maintenance Crew Twice a Week.

Item #3-CMS Boards to Sign was broken down to signs on Highway 60 and those on Gale Avenue. The Agency provided us sign quantities of six on Highway 60 and three on Gale Avenue, counting the arrow board. Pricing was reviewed, but due to fewer quantities and traffic control still required, there are no cost savings. The pricing is as quoted initially at \$5,000 per sign.

Item #4-SWPP and Traffic Control Maintenance Crew Twice a Week crew and time were lowered to four hours maximum per day and cost of water added. This was a cost-saving from our first discussion. Limited water is included in Items #4, #10, and #11.

Please review and get back with me with any questions.

Please advise,


Paul Hatfield
Senior Project Manager

Fullerton Project Site Maintenance Proposal-Revision 1

7/23/2020

All Quantities are Estimates and Quantities will be Measured for Payment (Unless Lump Sum)

Item No.	Description	Measure	Quantity	Unit Price	Total
Project Site Maintenance Lump Sum Items at Start of Job					
1	Initial Clear/Grub and Site Maintenance	LS	1	\$ 80,000.00	\$ 80,000.00
2	Paint K-Rail at Night on Gale Avenue	LS	1	\$ 20,000.00	\$ 20,000.00
3-A	Replace CMS Boards w/ Signs on Hwy 60 and Ramps	EA	6	\$ 5,000.00	\$ 30,000.00
3-B	Replace CMS Boards and Arrow Board on Gale Avenue	EA	3	\$ 5,000.00	\$ 15,000.00
Total:					\$ 145,000.00
Project Site Maintenance Crew 2 Times Per Week for 6 Months					
4	2 Person Crew w/o Equipment for 4 Hours and Twice a Week to Water Grass, Check SWPP, and Restand Traffic Control with 4 Hrs Maximum of Water Truck with 4,000 Gal Water	4 HR	52	\$ 3,600.00	\$ 187,200.00
Total:					\$ 187,200.00
Grand Total:					\$ 332,200.00
Additional Crews, Equipment, and Service on a As Needed Basis					
5	Site Maintenance Crew w/o Equipment	DY	1	\$ 4,000.00	\$ 4,000.00
6	Site Maintenance Crew w/ Backhoe/Skiploader	DY	1	\$ 6,000.00	\$ 6,000.00
7	Emergency Site Maintenance Crew	DY	1	\$ 10,000.00	\$ 10,000.00
8	Traffic Control Crew Streets	DY	1	\$ 4,000.00	\$ 4,000.00
9	Emergency Traffic Control Crew Streets	DY	1	\$ 6,500.00	\$ 6,500.00
10	Project Dust Control with Water	HR	1	\$ 290.00	\$ 290.00
11	Sweeper Service with Water	HR	1	\$ 375.00	\$ 375.00
12	Dump Truck Service	HR	1	\$ 250.00	\$ 250.00

Negotiated on 8/11/2020 to a Dust Control Rate of \$1,000/day NTE \$50,000 and General Site Maintenance Rate of \$1,400/day NTE \$49,000
New Grand Total \$244,000

NTE \$70,000 allowed for these as-needed services

Item Number

Item Includes

- 1 Includes clear and grub of the existing weeds project wide. (one time only) Knock down of existing dirt piles. Clean up litter (one time only) Repair chain link fence (one time only) Fence material to be paid as extra.
- 1 Includes a one time maintenance of project swppp material that are already installed or in place. Material costs to be paid as extra. Sweeping of project site one time included. Dust control while crews are on site for initial work.
- 2 Paint Krail and install new reflectors (patching excluded) 2,200 LF included (Gale location only) Traffic Control for work on Gale only Night Work 2 nights only (1 coat paint)
- 3 Installing signs at predetermined locations. USA Marking/Potholing/Traffic Control/Procurement of 9 ea signs 5'x4'. Returning existing CMS boards to Field Office. Only 2 nights of Freeway traffic control included.
- 4 Discussed locations only. 2 ea properties one located on the east and one located on the west Side of Fullerton Rd. North end of the project. Two times Per Week x 4.33 Wks/Mo x 6 Mos = 52 Days 2 Crew Members and Water Truck
- 5 3 man crew to perform site maintenance for the day. No construction equipment included in this item. Construction materials not included and are to be paid as extra. 48 hour notice required. Hours of operation M-F 6a - 2:30pm 8 hr shift
- 6 4 man crew to perform site maintenance for the day. Equipment mobilization costs not included in daily rate and to be paid as extra. Construction materials not included and are to be paid as extra. 48 hour notice required. Hours of operation M-F 6a - 2:30pm 8 hr shift
- 7 4 man crew to perform emergency site maintenance for the day/night. Construction materials not included and are to be paid as extra. No notice required. 8 hour shift
- 8 2 man crew to perform traffic control for the day on city streets. Construction materials not included and are to be paid as extra. 48 hour notice required. Hours of operation M-F 6a - 2:30pm 8 hr shift
- 9 3 man crew to perform emergency traffic control for the day/night on city streets. Construction materials not included and are to be paid as extra. No notice required. 8 hour shift
- 10 Water truck at hourly use based on availability from Fairway Project. Includes 1 Load of Water Per Hour
- 11 Sweeper service 4 hour minimum 24 hr notice required includes machines dust control water
- 12 Dump Truck service 4 hour minimum daytime and 6 Hour minimum at night-24 hr notice required

Item Number

Exclusions/Notes

- 1 ACE to provide access to Water / Sweeper must dump onsite after sweeping / Cost of construction material, swppp material, and fence material.
- 2 Any patching of Krail / Any other locations
- 3 Street Sweeping/Maintenance of installed signs, traffic control plans, coring into asphalt or concrete
- 4 ACE to provide access to Water / Sweeper must dump onsite after sweeping / Cost of construction material, swppp material, and fence material.
- 5 Crew will be charged for a full day Traffic control not included.
- 6 Crew will be charged for a full day. Equipment will be charged for a full day for each days work. Traffic Control not included
- 7 Traffic Control not included
- 8 Freeway closures/work excluded
- 9 Freeway closures/work excluded
- 10 Water meter and cost of water - By OHL
- 11 Water meter and cost of water - By OHL
- 12 Excludes dump site, disposal, or removal of dirt from site



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MEMO TO: Capital Projects and Construction Committee Members and Alternates

FROM: Mark Christoffels, Chief Engineer

DATE: August 24, 2020

SUBJECT: Approval of Task Order 2 with AECOM for Construction Management Services for Montebello Blvd. Grade Separation.

RECOMMENDATION: Staff recommends that the Committee authorize the Chief Engineer to execute a construction management (CM) services contract with AECOM for Montebello Blvd. Grade Separation and Maple Avenue Pedestrian Bridge Project and approve task order 2 in an amount not to exceed \$8,433,687.38.

BACKGROUND: At the April 27, 2020 meeting, the Capital Projects and Construction Committee approved the selection of AECOM for Construction Management Services for Montebello Blvd. Grade Separation and Maple Avenue Pedestrian Bridge Projects and approved an initial Task Order for pre-construction services (Task Order 1) in an amount not to exceed \$388,112. At the time of this award, the task order for construction management services (Task Order 2) was not awarded and the Committee requested staff to re-negotiate a lower fee based on the current economic climate.

Staff has since met with representatives of AECOM and negotiated a lower cost proposal that is \$168,095.92 less than their previous proposal. This fee reduction, in addition to the previous negotiations by staff, represents a 2% reduction from AECOM's initial cost proposal.

Currently, plans for the Montebello Blvd. Grade Separation Project are 95% complete. A construction contract is anticipated by the end of the year and staff will need the services of AECOM for oversight of construction.

As construction manager for SGVCOG on this project, AECOM's services would include ensuring that the general contractor and subcontractors construct the project as designed, submit complete and accurate schedules for approval by SGVCOG, and adhere to these schedules during the life of the project. The CM is also responsible for the control of change work, through identification and quantification of work necessary for the project that is not included in the contract documents. AECOM would also represent SGVCOG when negotiating change orders. CM services also include quality assurance and material quantity inspections, managing submittal reviews, monitoring of contractors' compliance with air quality, noise and debris control regulations, and local agency ordinance and permitting requirements.

Task 2 Construction Management Services will include the following tasks:

- Progress Management Services
- Progress Schedule
- Changes/Claims Administration
- Construction Safety
- Cost Engineering / Estimating
- Utility coordination
- Coordination Flagpersons & Watchpersons
- Environmental Services
- Progress Payments
- Quality Assurance
- Special Work Assignments
- Submittals, Requests for Information & Nonconformance Report
- Conferences / Meetings
- Contractor Insurance
- Reports & Records
- Document control
- Railroad Force Account
- Survey Support (QA)
- Material testing & support services (QA/QC)
- Labor compliance & DBE monitoring (support)
- As-Built Drawings
- Traffic Control
- Public Affairs (support)
- Contract Closeout

AECOM has committed to a 14% SBE goal.

This authorization includes a 10% Contingency allowance to the Chief Engineer in accordance with normal agency procedures. Any contract amount changes from the above figure due to contract changes that exceed the Chief Engineer's authorization will be brought back to the Committee for further consideration and approval.

A copy of the proposed task order is attached.

BUDGET IMPACT: Funding for the work contemplated under this contract is budgeted in the project with Measure R and SB1 funds.

ATTACHMENT:

- Draft Task Order

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

TASK ORDER

**CONSTRUCTION MANAGEMENT SERVICES FOR
MONTEBELLO BOULEVARD GRADE SEPARATION PROJECT AND THE MAPLE
AVENUE PEDESTRIAN BRIDGE PROJECT**

CONSULTANT: AECOM Technical Services, Inc.	AGREEMENT NO.: 19-08	TASK ORDER NO.: 2
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TASK ORDER TITLE:	Construction Management Services for Montebello Blvd. Grade Separation Project and the Maple Avenue Pedestrian Bridge Project
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EFFECTIVE DATE OF THIS TASK ORDER: October 1, 2021	TASK ORDER VALUE: \$8,433,687.38
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CONTACT: Andres Roldan	TELEPHONE: (818) 414-1611
FACSIMILE: (714) 567-2441	EMAIL: Andres.Roldan@aecom.com
ADDRESS: 300 S. Grand Ave., Los Angeles, CA 90071	

1. SCOPE OF SERVICES:

CONSULTANT agrees to perform the services identified in Attachment "A", Scope of Services, which is attached hereto and made a part hereof this TASK ORDER NO. 2.

2. COMPENSATION:

The total amount payable to CONSULTANT under this TASK ORDER NO. 2 shall not exceed: **Eight Million Four Hundred Thirty-three Thousand and Six Hundred Eighty-seven Dollars and 38/100s (\$8,433,687.38)**, as per Attachment "B" (Consultant's cost proposal), and as defined in further detail in SECTION 7 (COMPENSATION AND METHOD OF PAYMENT) and Exhibit "C" (COMPENSATION) of the AGREEMENT.

3. SUBCONTRACTORS:

Attachment "C" List of Proposed Subcontractors for TASK ORDER NO. 2 is attached hereto and made a part hereof this TASK ORDER NO. 2.

4. KEY PERSONNEL:

Attachment "D" List of Key Personnel for TASK ORDER NO. 2 is attached hereto and made a part hereof this TASK ORDER NO. 2.

5. SBE GOAL

The SBE goal is unchanged by this Task Order.

6. PERIOD OF PERFORMANCE/NOTICE TO PROCEED

Work under this Task Order No. 2 shall commence on October 1, 2021 through May 31, 2025.

All other terms and conditions of this AGREEMENT NO. 19-08 remains unchanged.

In witness whereof, this TASK ORDER NO. 2 has been executed under the provisions of AGREEMENT NO. 19-08 between SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS and the above named CONSULTANT. By signature below, the parties hereto agree that all terms and conditions of this TASK ORDER NO. 2 and AGREEMENT NO. 19-08 shall be in full force and effect.

CONSULTANT:

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

Authorized Signature: _____

Authorized Signature: _____

Print Name: Andres Roldan

Print Name: Mark Christoffels

Print Title: Vice President

Print Title: Chief Engineer