



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

Monday, December 14, 2020 – 12:00PM

Teleconference Meeting: Livestream is available at:

<https://youtu.be/SZFs8pDUdSc>

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 December 14, 2020 at 12:00 p.m. will not be allowed. Members of the public may view the meeting live at <https://youtu.be/SZFs8pDUdSc>



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 read into the record and will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all Committee members prior to the meeting.
- **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.

PRELIMINARY BUSINESS

1. Pledge of Allegiance
2. Roll Call
3. Public Comment
4. Chairman’s Remarks
5. Member Comments

PROJECT REPORTS

6. Director of Capital Projects Monthly Report ([pages 1 – 2](#))
7. Project Progress Reports

ACTION ITEMS

8. Approval of Capital Projects and Construction Committee Meeting Minutes of November 16, 2020 ([pages 3 – 6](#))
9. Approval of Task Order no. 2 Amendment with CWE for Preliminary Engineering and Final Design Services for the Load Reduction Strategy Projects for the Rio Hondo River and Tributaries ([pages 7 – 10](#))
10. Approval of Contract Amendment with Berg & Associates, Inc. for Construction Management Services for the Fullerton Road Grade Separation Project ([pages 11 – 14](#))
11. Approval of 2021 Capital Projects Program Legislative Priorities ([pages 15 – 17](#))
12. Approval of 2021 Capital Project Construction Committee Meeting Schedule ([page 18](#))

PRESENTATION

13. Recognition of SGVCOG Chief Engineer Mark Christoffels

CLOSED SESSION

14. The Committee will adjourn to closed session to discuss:
Conference with legal counsel regarding anticipated litigation
Significant exposure to litigation pursuant to Government Code section 54956.9 (one potential case).

ADJOURN



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



4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



MEMO TO: Capital Projects and Construction Committee Members & Alternates

FROM: Eric Shen, Director of Capital Projects

DATE: December 14, 2020

SUBJECT: **DIRECTOR OF CAPITAL PROJECT'S MONTHLY REPORT**

The following are items of note since the last meeting:

Montebello Project Funding – The California Transportation Commission (CTC) approved a time extension for the Montebello Boulevard project at their meeting on December 2-3. The additional time to award the construction contract is needed due to Union Pacific Railroad delays in approving track designs for the project. Staff anticipates the construction contract award milestone will be reached by summer 2021.

SR 57/60 Funding – The CTC adopted the 2020 Trade Corridor Enhancement Program at their meeting on December 2-3, including \$217.9 million in SB 1 funds for the construction phase of the SR 57/60 Confluence Chokepoint Relief Project.

Federal Funding – House Democratic leaders will consider reviving Congressionally directed funding as part of the annual appropriations process when Congress reconvenes in January. House Appropriations Committee leaders will begin soliciting lawmakers for their district and state priorities in December. If this opportunity becomes concrete, staff will explore with Congressional staff the potential to help fund SGVCOG priority projects.

Contracting – The SGVCOG has delegated the Executive Director or the designee 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 | | | | |
| 10-03, Construction Management Services for San Gabriel Trench | | | | |
| Task Order No. 2, Rev. 9 | Work under the new contract extension for this Task Order | 0 | \$22,904,235.00 | 2.85% |

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.

| | | | | |
|--|--|-------------|----------------|-------|
| | shall be completed May 30, 2021. | | | |
| HDR Engineering, Inc. | | | | |
| 13-01A, Property Acquisition and Relocation Assistance Services for the Montebello Blvd. Grade Separation Project | | | | |
| Task Order No. 3, Rev. 11 | Budget reallocation of unused funds align with actual line item expenses. | 0 | \$473,454.00 | 0% |
| AECOM | | | | |
| 15-04, Construction Management Services for the Puente Ave Grade Separation Project | | | | |
| Task Order No.3 | Consultant to provide SGVCOG support for OHL claims | \$55,617.60 | \$5,317,825.60 | 1.06% |

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

- Distributed construction alert notices regarding a temporary road closure on Stephens Street for street rehabilitation for the Durfee Avenue project;
- Distributed construction alert notices regarding parking restrictions for a residential property 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.

Prepared by: 
 Mark Christoffels, Chief Engineer

Approved by: 
 Marisa Creter, Executive Director



4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



SGVCOG Capital Projects & Construction Committee Unapproved Minutes November 16, 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 November 16, 2020 at 12:00p.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
Hilda Solis, LA County
Jerry Velasco, El Monte

Absent:

Margaret Clark, SGVCOG, Rosemead

Staff:

| | |
|-------------------------------------|---|
| Mark Christoffels, Chief Engineer | Paul Hubler, Director Gov/Community Relations |
| David DeBerry, legal counsel | Ricky Choi, Community Outreach Manager |
| Deanna Stanley, Admin. Service Mgr. | |
| Amy Gilbert, Management Analyst | |

3. Public Comment – There were no public comments.

4. Approval of Capital Projects and Construction Committee Meeting Minutes of September 28, 2020 – A motion was made by T. Hepburn and seconded by N. Lyons to approve the minutes.

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

Nays: None Abstain: None

5. Chairman Remarks – Chairman Sandoval thanked longest serving committee member and former Chair Jack Hadjinian for his tenure on the Committee and overall commitment to the ACE Program.

6. Member Comments – Hadjinian thanked staff and the Committee. Members also thanked J. Hadjinian for his leadership as Chair of ACE and member of the capital projects committee. J. Velasco thanked the Committee for the opportunity to serve.

7. **Chief Engineer's Monthly Report** – M. Christoffels reported that a request for a time extension was submitted to the CTC for Montebello Blvd. project. An extension is necessary due to outstanding Union Pacific approvals. In addition, an application for funding was submitted to the CTC for the LaVerne Pedestrian bridge. P. Hubler reported that CTC released an announcement that the SR 57/60 construction project was recommended for an award of \$217.9M for construction beginning in FY 22/23. He indicated the application for funding was accompanied with bipartisan support letters.
8. **Project Progress Reports** – M. Christoffels reviewed progress photos of the Durfee Avenue and Fairway Drive construction activities.
9. **Election of Officers.** – Chairman Sandoval indicated the election of officers, typically done in January by this Committee, was delayed due to the Governing Board's postponement of their elections. He indicated if an election was held now, the term would end on June 30, 2021 and the Committee should consider its options. Discussion ensued and a motion was made by H. Solis and seconded by B. Shevlin to extend the current term of the Chair and Vice Chair through June 2021.

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

10. **Approval of Revision to Task Order No. 4 with Moffatt & Nichol for Final Design of the Montebello Blvd. Grade Separation Project** – M. Christoffels reminded the Committee that the construction management firm was brought on board when a project was at or nearing 90% design in order for them to participate in, amongst other things, constructability review. He indicated that as a result of constructability review a revision to design was recommended which that will result in a significant overall savings in the construction of the project. Moffatt & Nichol is needed to revise drawings and a change order is necessary in the amount of \$186,000. A motion was made by H. Solis and seconded by J. Velasco to authorize the Chief Engineer to execute revision to task order No. 4 with Moffatt & Nichol for final design for the Montebello Blvd. grade separation project in the amount of \$186,000.

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

11. **Approval of Construction Management Amendment with WSP for the Fairway Drive Grade Separation Project.** – M. Christoffels reported that the Fairway Drive grade separation schedule was extended and the Committee previously approved an amendment to the construction contractor for the time extension. He indicated, an amendment with WSP, as contract manager is also required. The Committee previously requested staff to consider more aggressive negotiations which was done and staff is recommending a contract amendment that will carry the contract through its March 2023 completion. D. Mahmud asked for clarification of escalation and M. Christoffels indicated the contract has a maximum of 3% or CPI whichever is less but rates are locked in for the first two years. A

motion was made by H. Solis and seconded by N. Lyons to amend the contract with WSP to add a not to exceed \$4,209,152 for task order 2 for construction management services.

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

Nays: None Abstain: None

- 12. Approval of a Design Services Contract with KPFF Consulting Engineers and Task Order No. 1 for the Gold Line Transit Oriented Development Pedestrian Bridge Project in the City of LaVerne** - M. Christoffels reminded the Committee that the SGVCOG was to build this project at the request of the City of LaVerne to connect Gold Line station with Los Angeles County Fairgrounds. He indicated design was procured and we received two bids and negotiated with the lowest bidder which was unsuccessful and then moved to negotiate with the second lowest bidder. He indicated KPFF Consulting Engineers were highly qualified. D. Mahmud asked for clarification of the SBE goal, as the staff report indicated 18.5% but the task order reflected 8%. M. Christoffels indicated the correct SBE goal was 18.5%. A motion was made by T. Hepburn and seconded by H. Solis to approve as corrected a design services contract with KPFF Consulting Engineers and Task Order 1 in a not to exceed amount of \$545,720 for the Gold Line Transit Oriented Development Pedestrian Bridge Project in the City of LaVerne.

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

Nays: None

Abstain: None

- 13. Approval of Award of Construction Management Services Contract with Anser Advisory LLC and Approval of Task Order No 1 for the Diamond Bar Golf Course Project** - M. Christoffels reviewed the elements of the project. He indicated the necessity to hire a construction management firm prior to releasing the bid documents for construction in order for a constructability review to be done. He reviewed the schedule of the project and its funding. He indicated there were 13 firms who submitted proposals for construction management services and Anser was the successful firm. He indicated staff was recommending a task order in the amount of \$170,000 for construction analysis, schedule review, review of engineer's estimate and review and inspection of early utility relocations. A motion was made by H. Solis and seconded by B. Shevlin to authorize the Executive Director or designee to execute construction management contract with Anser Advisory LLC and task order 1 in a not to exceed amount of \$170,000 for the Diamond Bar gold course project.

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

Nays: None

Abstain: None

- 14. Approval to Reject all Bids Received for the Construction of the Fullerton Road Grade Separation Project** - M. Christoffels indicated the procurement was complete for the construction of the remaining work necessary for the Fullerton Road grade separation project but that there were only three proposals received. He indicated the lowest bidder's proposal was deemed non-responsive due to missing information and the two remaining bids were significantly higher than the engineer's estimate. M. Christoffels indicated staff was recommending rejection of all bids in order for staff to do a forensic study to incorporate in a new procurement expected to be released in early 2021. A motion was made by T. Hepburn and seconded by B. Shevlin to reject all bids received for the construction of the Fullerton Road grade separation project.

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

Nays: None

Abstain: None

- 15. Adjourn** – The meeting was adjourned at 1:10 p.m. The next meeting will be held remotely via Zoom on YouTube live on December 14, 2020 at noon.

X

Deanna Stanley
Clerk of the Committee



MEMO TO: Capital Projects & Construction Committee Members and Alternates

FROM: Eric Shen, Director of Capital Projects
Marisa Creter, Executive Director

DATE: December 14, 2020

SUBJECT: **APPROVAL OF TASK ORDER NO. 2 AMENDMENT WITH CWE FOR PRELIMINARY ENGINEERING AND FINAL DESIGN SERVICES FOR THE LOAD REDUCTION STRATEGY PROJECTS FOR THE RIO HONDO RIVER AND TRIBUTARIES**

RECOMMENDATION

Authorize the Executive Director or her designee to execute Task Order No. 2 on the design services contract with California Watershed Engineering Corporation (CWE) for final design services for the Load Reduction Strategy (LRS) Projects for the Rio Hondo River and Tributaries in the amount of \$1,314,012.

BACKGROUND

The Los Angeles Regional Water Quality Control Board (LARWQB) adopted the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer (MS4) Permit Order No. R4-2012-0175, which became effective on December 28, 2012. The MS4 Permit identifies the permittees that are responsible for compliance with the MS4 Permit requirements pertaining to the Los Angeles River Bacteria Total Maximum Daily Load (LAR Bacteria TMDL) Resolution No. R10-007. The LAR Bacteria TMDL requires the responsible permittees to protect recreational uses in the Los Angeles River watershed by meeting targets and waste load allocations for the indicator bacterium *E. coli* during wet weather and dry weather seasons.

To implement the series of projects approved by the LARWQB, the cities of Alhambra, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South Pasadena, Temple City and Unincorporated Los Angeles County, as participating agencies and permittees had requested to enter into an agreement with the SGVCOG to oversee the project.

At the March 2018 SGVCOG Governing Board meeting, the Board authorized staff to solicit proposals for design and engineering services for the LRS projects and assign the project management to the Capital Projects & Construction Committee.

At their meeting of September 24, 2018 the Committee approved Task Order No. 1 for CWE to prepare preliminary design and engineering services for the LRS projects in a not-to-exceed contract amount of \$249,394.

A preliminary design report was submitted to the participating agencies this past summer. The initial direction from the member agencies was to design a system that would divert dry weather

flows in the Los Angeles County Sanitation District (LACSD) system for treatment. Several major issues come up as a result of this preliminary study. They are as follows:

- The annual LACSD cost for the treatment is \$574,000
- The annual cost for the Los Angeles County Flood Control District to maintain the diversion pumps and related facilities is \$600,000
- 2000 acre feet of water will be diverted from an adjudicated basin at an annual replenishment cost of \$1,680,000

Based on these very high annual costs, the participating agencies requested that the design consultant look at an onsite treatment and release alternative for each location. This was done and a revised feasibility study was produced that recommended this alternative approach. The participating agencies approved the revised feasibility study and recommended we proceed with the preparation of final plans and specifications.

Staff prepared a scope of work and began cost negotiations with CWE. Costs submitted by CWE were compared with independent cost estimates prepared by staff. Based on the above, staff is recommending approval of Task Order 2 for final design in an amount not to exceed \$1,314,012

Funding for this Task Order has been provided from the participating agencies. To fund the construction of this project the SGVCOG submitted an application for funding under the Safe Clean Water program for \$7,608,480


This authorization would also allow a 10% contingency allowance in accordance with normal agency procedures. Any contract amount changes from the above figure due to contract change orders during the preliminary design phase that exceed the Executive Director's authorization will be brought back to the Committee for further consideration and approval.

The final plans and specifications should be completed within eighteen months.

BUDGET IMPACT

Funding for this design contract will be provided from the participating agencies identified in this report under a separate agreement previously approved by the SGVCOG Governing Board.

Prepared by: 
Mark Christoffels, Chief Engineer

Approved by: 
Marisa Creter, Executive Director

ATTACHMENTS

Attachment A – Task Order 2, Preliminary Engineering and Final Design Services

ATTACHMET A

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

TASK ORDER

PRELIMINARY ENGINEERING AND FINAL DESIGN SERVICES FOR THE LOAD REDUCTION STRATEGY PROJECT FOR THE RIO HONDO RIVER AND TRIBUTARIES

| | | |
|--|---|-------------------|
| CONSULTANT: CWE | AGREEMENT NO.: 18-01 | TASK ORDER NO.: 2 |
| TASK ORDER TITLE: | FINAL DESIGN SERVICES FOR THE RIO HONDO LOAD REDUCTION STRATEGY PROJECT | |
| EFFECTIVE DATE OF THIS TASK ORDER: December 14, 2020 | TASK ORDER VALUE: \$1,314,012.00 | |
| CONTACT: Vik Bapna, P.E. | TELEPHONE: (714) 526-7500 | |
| FACSIMILE: (714) 526-7004 | EMAIL: ybapna@cwecorp.com | |
| ADDRESS: 1561 E. Orangethorpe Ave., Suite 240, Fullerton, CA 92831 | | |

1. SCOPE OF SERVICES:

The CONSULTANT agrees to perform 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: **One million, three hundred fourteen thousand, twelve dollars and 00/100s (\$1,314,012.00)**, as per Attachment “B” Consultant’s Cost Proposal, and as defined in further detail in SECTION 7 (COMPENSATION AND METHOD OF PAYMENT) of the AGREEMENT. CONSULTANT’s Cost Proposal is attached hereto and made a part hereof this **TASK ORDER NO. 2**.

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. PERIOD OF PERFORMANCE/ NOTICE TO PROCEED:

Work under this **TASK ORDER NO. 2** shall be completed by December 31, 2023.

All other terms and conditions of this AGREEMENT NO. 18-01 remain unchanged.

In witness whereof, this **TASK ORDER NO. 2** has been executed under the provisions of AGREEMENT NO. 18-01 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. 18-01 shall be in full force and effect.

CONSULTANT: CWE

**AGENCY: SAN GABRIEL VALLEY
COUNCIL OF GOVERNMENTS**

Authorized
Signature: _____

Authorized
Signature: _____

Print Name: Vik Bapna

Print Name: Mark Christoffels

Print Title: Principal

Print Title: Chief Engineer



4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



MEMO TO: Capital Projects & Construction Committee Members and Alternates

FROM: Eric Shen, Director of Capital Projects
Marisa Creter, Executive Director

DATE: December 14, 2020

SUBJECT: **APPROVAL OF CONTRACT AMENDMENT WITH BERG & ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE FULLERTON ROAD GRADE SEPARATION PROJECT**

RECOMMENDATION

Authorize the Executive Director or the designee to amend Task Order No. 2 with Berg & Associates, Inc. (Berg) for construction management (CM) services associated with the Fullerton Road Grade Separation project in an amount not to exceed \$857,955.92 for a revised total task order value of \$13,729,463.78.

BACKGROUND

At the August 18, 2014 meeting, the former ACE Board authorized the execution of a contract with Berg for CM services for the Fullerton Road Grade Separation Project. On February 22, 2016, the former ACE Board authorized Task Order No. 2 to provide construction oversight and project closeout. Originally set to expire in January 2020, this Task Order was extended to December 31, 2020 under the Chief Engineer's contingency.

In 2016, SGVCOG awarded and entered into a construction contract with Shimmick Construction Company for the construction of 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. 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. Subsequently, a Termination Agreement was entered into between Shimmick and the SGVCOG on August 26, 2020.

On November 2, 2020 the SGVCOG received three bids for the solicitation to complete the work of the Project. After review of the bids, the determination was made to reject all bids, determine if any value engineering can be done on the plans and specifications, and re-solicit the remaining work. This was approved by the Committee at the November 16, 2020 meeting.

To support the Agency's efforts during the second re-bid period and to provide support during the negotiation and dispute resolution period of the Termination Agreement with Shimmick, the Berg Task Order will need to be extended. Berg reviewed the staffing that would be required to provide the re-bid and dispute resolution services for the next 6 months and developed a cost proposal. Proposal cost for the additional CM services were compared with estimates independently

prepared by staff and any discrepancies have been resolved. Staff is now recommending approval of a Task Order amendment of \$857,955.92 to provide these services. This contract extension is not a lump sum payment, but instead states that payments will be made on actual incurred costs subject to final audits by SGVCOG staff.

This authorization would also allow a 10% contingency allowance in accordance with normal agency procedures. Any contract amount changes from the above figure due to contract change orders during the preliminary design phase that exceed the Executive Director's authorization will be brought back to the Committee for further consideration and approval.

BUDGET IMPACT

Funds for this contract amendment are available in the project budget and will come from State and Metro funds allocated to this project.

Prepared by: 
Andres Ramirez, Senior Project Manager

Approved by: 
Marisa Creter, Executive Director

ATTACHMENTS

Attachment A – Task Order 2 for Construction Management Services with Berg & Associates, Inc. for Fullerton Road Grade Separation Project

ATTACHMENT A

**SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
TASK ORDER
CONSTRUCTION MANAGEMENT SERVICES FOR
ALAMEDA CORRIDOR – EAST CONSTRUCTION AUTHORITY
FULLERTON ROAD GRADE SEPARATION PROJECT**

| | | |
|--|-----------------------------|--------------------------|
| CONSULTANT: Berg & Associates, Inc. | AGREEMENT NO.: 14-05 | TASK ORDER NO.: 2 |
| | | REVISION NO.: 8 |

| | |
|--------------------------|---|
| TASK ORDER TITLE: | Construction Management Services for Fullerton Grade Separation Project |
|--------------------------|---|

| | |
|---|--|
| EFFECTIVE DATE OF THIS TASK ORDER: December 14, 2020 | TASK ORDER VALUE: \$13,729,463.78 |
|---|--|

| | |
|---|----------------------------------|
| CONTACT: Deborah Berg | TELEPHONE: (310) 548-9292 |
| FACSIMILE: (310) 548-9195 | EMAIL: deborah@bergcm.com |
| ADDRESS: 302 W. Fifth Street, Suite 210, San Pedro, CA 90731 | |

1. **SCOPE OF SERVICES:** [UNCHANGED BY THIS REVISION NO. 8]

2. **COMPENSATION:** [CHANGED BY THIS REVISION NO. 8]

The total amount payable to CONSULTANT under this **TASK ORDER NO. 2**, including all Revisions shall not exceed: **Thirteen million, seven hundred twenty nine thousand, four hundred sixty three dollars and 78/100 (\$13,729,463.78)** as shown in summary in Attachment “B”.

| TASK ORDER | AMOUNT |
|---|-----------------|
| Task Order No. 2 & Task Order 2, Rev. 1 | \$11,871,963.00 |
| Task Order No. 2, Revision No. 2 | \$0.00 |
| Task Order No. 2, Revision No. 3 | \$0.00 |
| Task Order No. 2, Revision No. 4 - Audit Finding: (\$583,161.00) - Staff Adjustment: (\$23,818.68) - Special Work Assignment: \$100,000.00 | (\$506,979.68) |
| Task Order No. 2, Revision No. 5 | \$376,348.90 |
| Task Order No. 2, Revision No. 6 | \$1,130,175.64 |
| Task Order No. 2, Revision No. 7 | \$0 |

| | |
|--|------------------------|
| This Task Order No. 2, Revision No. 8 | \$857,955.92 |
| TOTAL TASK ORDER NO. 2 NTE VALUE: | \$13,729,463.78 |

- 3. **SUBCONTRACTORS:** [UNCHANGED BY THIS REVISION NO. 8]
- 4. **KEY PERSONNEL:** [UNCHANGED BY THIS REVISION NO. 8]
- 5. **SBE GOAL:** [UNCHANGED BY THIS REVISION NO. 8]
- 6. **PERIOD OF PERFORMANCE/NOTICE TO PROCEED**

Work under **TASK ORDER NO. 2, REVISION NO. 8** shall be terminated on December 31, 2020.

All other terms and conditions of this AGREEMENT NO. 14-05 remain unchanged.

In witness whereof, this **TASK ORDER NO. 2, REVISION NO. 8** has been executed under the provisions of AGREEMENT NO. 14-05 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, REVISION NO. 8** and AGREEMENT NO. 14-05 shall be in full force and effect.

CONSULTANT:

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

Authorized Signature: _____

Authorized Signature: _____

Print Name: Deborah Berg

Print Name: Mark Christoffels

Print Title: Chief Executive Officer

Print Title: Chief Engineer



4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org



Memo to: Capital Projects and Construction Committee Members & Alternates

From: Eric Shen, Director of Capital Projects
Marisa Creter, Executive Director

Date: December 14, 2020

SUBJECT: **2021 CAPITAL PROJECTS PROGRAM LEGISLATIVE PRIORITIES**

RECOMMENDATION

Recommend adoption of these Capital Projects Program Legislative Priorities to be included in the 2021 SGVCOG Legislative Platform intended to inform and guide the legislative, policy and programmatic actions and positions taken by the SGVCOG over the course of the calendar year.

BACKGROUND

The SGVCOG Governing Board every January adopts an annual legislative platform consistent with the Strategic Plan and upon recommendation of the various policy committees. This report reviews the 2020 accomplishments under the purview of the Capital Projects and Construction Committee, and presents or reaffirms legislative objectives for 2021. New or revised objectives are indicated in *italic* text.

2020 Accomplishments

- Secured the reprogramming of \$18.8 million in ACE program Prop 1B savings onto the Montebello Boulevard grade separation projects.
- Secured \$15 million in Prop C matching funds from Metro, programmed to the Montebello Boulevard project.
- Secured time extensions to 2021 to initiate construction of the Montebello Boulevard and Turnbull Canyon Road projects due to COVID-related delays.
- Supported the successful application seeking \$217.9 million in state SB 1 trade corridor grant program funds for the SR 57/60 Confluence Chokepoint Relief Project as well as the unsuccessful application seeking federal INFRA grant program funds for the project.
- Supported preparation of a grant application seeking \$6.8 million in Active Transportation Program funds for the La Verne pedestrian bridge project.
- Provided testimony before the House of Representatives Rail Subcommittee in support of funding programs for grade separations and rail safety improvements, resulting in House-passed bill with a new \$2.5 billion grade separation program and other policy improvements.
- Oversaw preparation of requests for proposals for a Metro-funded San Gabriel Valley Transit Feasibility Study in lieu of the proposed State Route 60 extension of Eastside Gold Line light rail project.
- Supported the rollout of the GoSGV electric assist bike share program in three San Gabriel Valley cities.

- Funded and oversaw preparation of a regional traffic analysis model for the San Gabriel Valley region to assist cities with compliance with SB 743, requiring CEQA analysis of vehicle miles traveled.

2021 Legislative Priorities

Based on these accomplishments and developments, staff recommends adoption of the following legislative priorities for calendar year 2021:

State and Regional:

- Submit and/or advocate for funding requests, grant applications or specific budget earmarks to ensure San Gabriel Valley transportation and capital projects and programs are timely allocated or awarded Metro-administered funds, SB 1 and other state funds, and relevant county-administered funds.
- Support the development of transportation and capital projects best practices and funding programs beneficial to San Gabriel Valley transportation and capital projects and programs¹.
- Support legislative or administrative efforts to expedite environmental and permitting approvals and project delivery of San Gabriel Valley transportation and capital projects and programs.
- *Support the development of the San Gabriel Valley Transit Study.*
- Continue to collaborate and participate with the San Gabriel Valley Legislative Caucus, the Mobility 21 coalition, and other stakeholders to benefit San Gabriel Valley capital projects and programs.

Federal:

- Propose and advocate policies, funding and programs beneficial to San Gabriel Valley transportation and capital projects and programs, including in the context of the reauthorization of the FAST Act multi-year surface transportation program legislation, possible standalone legislation or other relevant legislation.
- Support transportation and capital projects in the San Gabriel Valley.
- Support legislative or administrative efforts to expedite environmental and permitting approvals and project delivery of San Gabriel Valley transportation and capital projects and programs.
- *Continue to reach out to and work with the San Gabriel Valley's federal representatives and the new Administration, the Coalition for America's Gateways and Trade Corridors, Mobility 21, Metro and other stakeholders in support of these legislative priorities and other matters that benefit San Gabriel Valley transportation and capital projects and programs.*


Staff recommends the adoption of these legislative priorities intended to advance the SGVCOG's

¹ These projects and programs include those currently or to be assigned for implementation to the Capital Projects and Construction Committee (ACE Project, SR 57-60 Project, Rio Hondo Load Reduction Strategy, Regional Bike Share, La Verne Pedestrian Bridge, etc.) as well as regional priority projects supported by the SGVCOG Governing Board, including, but not limited to, the Foothill Gold Line and SR 71 Gap Closure Project.

priority capital projects and programs to provide enhanced mobility and quality of life and reduced environmental degradation.

BUDGET IMPACT

Funding for advocacy efforts related to federal, state and regional objectives is available from Prop C funds and/or member dues. The current fund balance for this effort is sufficient to fund the activities proposed.

Prepared by: 
Paul Hubler
Director of Government and Community Relations

Approved by: 
Marisa Creter
Executive Director



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MEMO TO: Capital Projects and Construction Committee Members & Alternates

FROM: Eric Shen, Director of Capital Projects
Marisa Creter, Executive Director

DATE: December 14, 2020

SUBJECT: **APPROVAL OF 2021 CAPITAL PROJECT CONSTRUCTION COMMITTEE MEETING SCHEDULE**

The Capital Projects and Construction Committee meetings on the fourth Monday of each month with the exceptions of holidays or member scheduling conflicts. Meetings are held at 12:00PM at the West Covina Community Center. Please note that meeting will be held virtually until Los Angeles County Health Officials declare it safe to hold in person meetings again.

Staff is recommending the following meeting schedule for calendar year 2021:

January 25

February 22

March 22

April 26

June 7* *May meeting*

June 28

July 26

August 23

September 27

October 25

November 15*

December 13*

* *Changed due to holiday or scheduling conflicts*

Prepared by:

Deanna Stanley

Deanna Stanley, Clerk of the Committee

Approved by:

Marisa Creter

Marisa Creter, Executive Director