



San Gabriel Valley Council of Governments
AGENDA AND NOTICE OF THE REGULAR MEETING
OF THE CAPITAL PROJECTS AND CONSTRUCTION COMMITTEE
Monday, February 22, 2021– 12:00PM
Teleconference Meeting: Livestream is available at:
<https://youtu.be/kc5gHRsPSYc>

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 February 22, 2021 at 12:00 p.m. will not be allowed. Members of the public may view the meeting live at <https://youtu.be/kc5gHRsPSYc>



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 – 4](#))
7. Construction Project Progress Report
8. Durfee Avenue Grade Separation Project Update ([pages 5 – 7](#))

ACTION ITEMS

9. Approval of Capital Projects and Construction Committee Meeting Minutes of January 25, 2021 ([pages 8 – 11](#))
10. Approval to Establish and Appoint a Capital Projects Ad Hoc Committee to Examine ACE Program Costs and Funding ([page 12](#))
11. Receive and File Update on Construction Management Services Contract with AECOM for the Montebello Boulevard Grade Separation Project ([pages 13 – 17](#))

CLOSED SESSION

The Committee will adjourn to closed session for conference with legal counsel – anticipated litigation pursuant to Government Code section 54956.9(d)(4) (two potential cases)

Default of contract by Gotcha Mobility, LLC and

Settlement negotiations with Kaykel Investment Properties APN 8760-00-016

ADJOURN



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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TO: Capital Projects and Construction Committee Members & Alternates

FROM: Eric Shen, Director of Capital Projects

Date: February 22, 2021

SUBJECT: **DIRECTOR OF CAPITAL PROJECTS' MONTHLY REPORT**

RECOMMENDATION

Receive and file.

BACKGROUND

Each month the Director of Capital Project provides an update on key programs. During the meeting on January 25, 2021, the Committee discussed at length change Order approval authorizations, project delays and increase in project costs. In response to the Committee's request for more comprehensive details on all projects, the Monthly Report format and contents are being updated. Committee members may contact staff for clarifications on any of the reported items prior to the scheduled meeting. The following are items of note since the last meeting:

I. PROGRAMS

Regional VMT Mitigation Fee Structure Study

The passage of SB 743 in 2013 changed the primary metric that the State uses to assess transportation impacts under CEQA from Level of Service (LOS) to Vehicle Miles Travelled (VMT). The change resulted in the deployment of new analytic approaches to determine the significance of potential transportation impacts and the use of new mitigation measures to address those impacts. Last year, the SGVCOG tasked Fehr & Peers to provide professional services for the implementation of the Regional VMT Analysis Model to assist cities with complying to SB 743 mandates. Toward the end of the project, several cities discussed the implementation of mitigation fee structures that could be used to streamline VMT-related impact analysis and ensure successful implementation of associated mitigations. In response, staff developed a scope for a Regional VMT Mitigation Fee Structure Program and solicited member cities for their participation. As of mid-February, 22 member cities have agreed to cost-share the development cost. Staff is planning to solicit professional services through a Request for Proposals process in Spring 2021. The estimated budget for the professional service is around \$220,000.

San Gabriel Valley Transit Study

The Metro-funded San Gabriel Valley Transit Study will identify new transportation or transit options to increase mobility in an equitable manner and to reach communities that currently have deficient access to public transportation options. In early February 2021, staff in collaboration with agency partners, reviewed written proposals and conducted oral interviews. In the next few weeks, we will be reviewing cost proposals and scopes from the top-ranked technical consultant team and outreach support team. Staff will present recommendations for contract awards at the Governing Board meeting in April or May.

II. PROJECTS

La Verne Pedestrian Bridge

California Transportation Commission staff on February 8 released the recommended awards for the current cycle of Active Transportation Program funding. Unfortunately, our application seeking \$6.81 million for construction of the La Verne Pedestrian Bridge project was not among those recommended. Competition was significant with only 50 awards totaling \$241.5 million made to projects located in state-designated Disadvantaged Communities from among a total of 454 applications submitted. Design of the project continues and staff will seek construction funding from subsequent rounds of state ATP funding.

SR 57/60 Interchange Improvement Project & Diamond Bar Golf Course Improvement

The Metro-funded project consists of two distinct yet interrelated components for the SGVCOG team. The Diamond Bar Golf Course (DBGC) Improvement Project must proceed in advance of the SR 57/60 Interchange Improvement Project. On behalf of Metro, SGVCOG oversee the DBGC improvements, and coordinate utility relocations, acquisition of rights of way, and oversee the bid, award and construction of the SR 57/60 Improvement Project.

A Request for Proposals (RFP) for Public Outreach Support Services for the DBGC Improvement Project was released on January 12 and the proposals were due on February 16. Staff intends to recommend the top-ranked team for the Capital Projects & Construction Committee's approval for contract award on March 1, 2021.

An Issue for Bid (IFB) for Construction of the Diamond Bar Golf Course Project is being prepared for release in March. A Request for Proposals (RFP) for Construction Management for the SR57/60 Improvement Project is being prepared for release in March.

Rio Hondo Load Reduction Strategy – Design

The Committee approved Task Order No. 2 on the design services contract with California Watershed Engineering Corporation (CWE) for the final design of the Load Reduction Strategy (LRS) project for the Rio Hondo River and Tributaries. Subsequently, staff also authorized HDR Inc. to provide right-of-way and acquisition services associated with this project. CWE has begun topographic survey and established coordination with key permitting agencies, such as Caltrans District 7 Office. CWE is scheduled to deliver a draft initial report to SGVCOG for review in mid-March.

III. CONTRACTING

The SGVCOG has delegated to 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.

According to the Agency's Purchasing and Procurement Policies and Procedures (PROCEDURES), (last updated in December 2020), the Executive Director is authorized to issue contracts with a contract price that does not exceed \$250,000; or modify contracts approved by the

Executive Director cumulatively with the initial contract price and prior modifications not in excess of \$250,000; or modify the Board's approved contracts price cumulatively by no more than 10%, or a lesser amount established by the Board. The Executive Director is requested to report to the Board at its next regularly scheduled meeting each new contract awarded on an emergency basis and report monthly to the Board all other new contracts and contract modifications entered into by the Executive Director without express Board approval.

It should be noted that task order revisions to existing capital project contracts above \$250,000 were issued when contingency funds were available. Going forward, staff will abide by the newly updated PROCEDURES and obtain approvals from the CP&C Committee after the Executive Director's discretionary approvals of \$250,000 has been reached.

In response to the Committee's desire to have transparent and accurate contract information, a new format of reporting with additional explanations is being used. For construction, design, and construction management contracts, the "Total Board-approved plus Staff-authorized amount" 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. The available contingency for the FY 2020-21 program management tasks orders was calculated based on the entire annual program management budget (legal, out-reach, right of way, environmental observation etc. all combined) (10%), not based on individual task order for each consultant. The unused contingency does not roll over to next fiscal year.

The following has been approved since the last Committee meeting:

Consultant/Vendor: Stantec

Contract Category: Annual Program Management

Contract Number: 8-11, Environmental Management Services (Fiscal Year 2020-2021)

- Total Board approved amount to-date: \$505,289
- Maximum contingency based on Board-approved budget* (10%): \$578,206
- Most recent activities: Task Order 23, Revision 1
 - Justifications: Continual support for the Rain Event Action Plan
 - Fiscal impact: \$49,564
- Total Staff-authorized amount to-date: \$49,564 (does not increase contingency)
- Total Board-approved plus Staff-authorized amount: \$554,853
- Net use of available contingency fund (%) = $(\$49,564/\$578,206) = \underline{\underline{8.57\%}}$ **

** See Attachment A: FY20-21 Annual Task Orders and Amendments for Support Services, approved by the Committee on June 1, 2020. The 10% contingency is \$578,206 based on the total cost of \$5,782,058*

*** Staff will provide the culmulative use of available contintency in percentage at the Committee.*

Consultant/Vendor: Moffatt & Nichol

Contract Category: Professional Design Services


Contract Number: 15-02, Final Design: Montebello Blvd Grade Separation Project


- Total Board approved amount to-date: \$13,495,614
- Maximum contingency based on Board-approved budget (10%): \$1,349,561
- Most recent activities: Task Order 4, Revisions 8 and 9
 - Justifications: No-cost-increase, time-extension only through July 31, 2021 and reallocate itemized budget
 - Fiscal impact: Zero
- Total Staff-authorized amount to-date: \$1,228,572 (does not increase contingency)
- Total Board-approved plus Staff-authorized amount: \$14,724,186
- Cumulative use of available contingency fund (%) = $(\$1,228,572/\$1,349,561) =$ **91.03%**

IV. COMMUNITY OUTREACH UPDATE

The following project outreach activities were conducted:

- Staffed a virtual information table at the Owners' Night event of the Construction Management Association of America (CMAA) Southern California Chapter;
- Distributed construction alert notices regarding nighttime ramp and lane closure at Lemon Avenue on State Route 60 for the Fairway Drive 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: 
Eric C. Shen, PE, PTP
Director of Capital Projects

Approved by: 
Marisa Creter
Executive Director

Attachment A: FY20-21 Annual Task Orders and Amendments for Support Services, Approved by the Committee on June 1, 2020.



MEMO TO: Capital Projects and Construction Committee Members and Alternates

FROM: Mark Christoffels, Chief Engineer

DATE: June 1, 2020

SUBJECT: Approval of Annual Task Orders and Amendments for Support Services

RECOMMENDATION: It is recommended that the Committee authorize the Chief Engineer to amend contracts or issue annual task orders for the following contracts for continuing support services needed to deliver the remaining ACE projects from July 1, 2020 through June 30, 2021:

- Burke, Williams & Sorensen, LLC annual task order for \$1,702,500;
- Capital Representation Group contract amendment for \$55,000;
- David Lang & Associates annual task order for \$74,478;
- Epic Land Solutions, Inc. annual task order for \$33,137;
- HDR Engineering, Inc. annual task order for \$981,842;
- Ken Spiker & Associates contract amendment for \$65,000;
- LSA Associates, Inc. annual task order for \$175,594;
- Lee Andrews Group, Inc. annual task order for \$551,540;
- Lubka & White, LLP annual task order for \$245,000;
- Oliver Sandifer & Murphy annual task order for \$752,875;
- Paragon Partners, Ltd. annual task order for \$528,803;
- Stantec annual task order for \$505,289;
- Vasquez and Company annual task order for \$44,000; and
- Woodruff, Spradlin and Smart annual task order: \$67,000

These authorizations would include an overall 10% contingency allowance in accordance with normal agency procedures.

BACKGROUND: Continuation of contracted agency support services is necessary for FY 2021. The following is summary of work activities and proposed contract amendments/annual task orders:

- **Burke, Williams & Sorensen** – Because there are several pending legal cases for property acquisition that BWS has been involved in, those services will be retained until all pending acquisitions have been completed. These include acquisitions on the Montebello, Fullerton, and Durfee projects. It is anticipated that the level of services required from this firm for these services for FY 2021 will require an annual task order in the amount of \$1,702,500.
- **Capital Representation Group** – This firm provides state legislative supportive services for the SGVCOG/ACE Project. The firm provides assistance in responding to

questions/information from legislators and state officials concerning the ACE Project. The firm assists in monitoring transportation related bills/legislations and regulations impacting the ACE Project and attending CTC meetings on behalf of SGVCOG. It is anticipated that the level of services required from this firm for all of SGVCOG's/ACE active projects will require a contract amendment in the amount of \$55,000.

- **David Lang & Associates** – David Lang & Associates is part of SGVCOG's community outreach team, specializing in providing assistance with the Asian community outreach across all SGVCOG/ACE Project. It is anticipated that the level of services required from this firm for all of SGVCOG/ACE active projects will require an annual task order in the amount of \$74,478.
- **Epic Land Solutions, Inc.** – This firm provides property acquisition and relocation assistance services. Epic's current task order is for the Nogales (LA Sub) project. The firm's services include property acquisition, preparation of appraisals and project management. It is anticipated that the level of services required from this firm for project outgrants for the utility companies and completing all property settlements on the Nogales project will require an annual task order in the amount of \$33,137.
- **HDR Engineering** – This firm provides property acquisition and relocation services for the SGVCOG/ACE Project. HDR's project assignments will include Pomona's At Grade Crossing Safety Improvements, Montebello and Turnbull Canyon projects. HDR's scope of work includes ROW impact evaluation, property acquisition, relocation assistance, third party services for appraisals and property management. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$981,842.
- **Ken Spiker & Associates, Inc.** – This firm's role includes coordination of SGVCOG's insurance program, review of evidence of insurance provided by SGVCOG's contractors and consultants, as well as periodic risk assessment and review of SGVCOG's contracts relative to insurance and bond requirements. Their role also includes involvement in coordinating third party claims between SGVCOG and its contractors. The firm will be assisting staff in responding to inquiries from proposers and bidders relevant to insurance requirements on future SGVCOG procurements. It is anticipated that the level of services required from this firm for all of SGVCOG's active projects will require a contract amendment in the amount of \$65,000. The \$65,000 budget does not include any premiums for policies.
- **LSA Associates, Inc.** – This firm provides environmental services for the SGVCOG/ACE Project including general program management, conducting required environmental mitigation monitoring program for Fairway, Fullerton and Durfee projects and environmental permitting for Turnbull project in accordance with Federal and State regulations. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$175,594.
- **Lee Andrews Group, Inc.** – This firm provides public outreach services on the SGVCOG/ACE Project. Their scope consists of two full time equivalent positions

to support our public information and field community outreach and the production of all public information material (project brochures, handouts, community events, advertising, etc.) on all active SGVCOG/ACE projects. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$551,540.

- **Lubka & White, LLP** – This firm provides construction legal services including legal assistance in bid preparation, bid protests and challenges, review of agreement and bonds for construction projects anticipated to be awarded in FY 2021, as well assistance on on-call construction-related contracts and contractor claims. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$245,000.
- **Oliver Sandifer & Murphy** – This firm provides property acquisition legal services for the SGVCOG/ACE project. OSM has been assigned with property acquisition legal services for the Nogales, Fairway and Turnbull Canyon projects. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$752,875.
- **Paragon Partners, Ltd.** – This firm provides right of way acquisition services for the SGVCOG/ACE Project. Paragon’s project assignments include Fairway, Durfee and Fullerton projects. In addition, Paragon continues to assist with property matters on the San Gabriel Trench, Puente, and Reservoir projects. Paragon’s scope of work includes third party services for appraisals, environmental investigation, closing costs for property acquisitions, relocation assistance, property management and project outgrants. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$528,803.
- **Stantec** – This firm provides environmental management services during construction for SGVCOG/ACE Project. These services consist of testing hazardous materials that may be encountered on the project sites and other environmental assessments. The scope for FY 2021 includes work on Durfee, Fairway, and Fullerton projects. It is anticipated that the level of services required from this firm for these services will require an annual task order in the amount of \$686,620.
- **Vasquez and Company** – Vasquez and Company is SGVCOG’s certified public accounting firm hired to conduct financial and compliance audits in preparation of all requirement management and financial reports, including the Single Audit Report on federal grant activities. It is anticipated that the level of services required from this firm will require an annual task order in the amount of \$44,000.
- **Woodruff, Spradlin and Smart** – This firm provides property acquisition legal services for the SGVCOG/ACE Project. It is anticipated that the level of services required from this firm for these services will required an annual task order in the amount of \$67,000.

BUDGET IMPACT: Funds for these contracts were included in the recently SGVCOG Board adopted FY 2021 budget and are being funded with various Federal, State, and local grant funds.

TO: Capital Projects and Construction Committee Members & Alternates

FROM: Eric Shen, Director of Capital Projects

DATE: February 22, 2021

SUBJECT: **DURFEE AVENUE GRADE SEPARATION PROJECT – UPDATE AND LESSONS LEARNED**

RECOMMENDATION

Receive and file.

BACKGROUND

Each month staff provides an update on key construction activities to the Committee. As the \$107.8-million Durfee Avenue Grade Separation Project is close to completing a major milestone, certain high-risks activities which were enough to cause significant schedule delays to the Project were mitigated. This report is intended to address some important lessons learned and outlines staff's efforts to complete the project on time and within budget.

URS was awarded the design phase of the Durfee project in early 2010's. After preliminary engineering and environmental reviews, the project obtained approval under the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) in July 2014. Around the same time in 2014, AECOM acquired URS and thus, was responsible for completing the remaining design of the project. In December 2018 Riverside Construction was selected for the construction of the project and PreScience was selected as the Construction Management firm. The Durfee Avenue grade separation project had a completion date of June 2022.

The current construction activities are bridge and roadway work. Significant progress has been made in relocation of underground utilities, pump station building, mass grading, bridge and retaining wall foundations, and the first phase of a new steel bridge across Durfee Avenue (north side of the tracks). As illustrated in Picture 1, the first phase of the steel bridge is near completion. Afterwards, the Union Pacific (UPRR) Railroad Company will shift their tracks from the temporary shoofly alignment onto the new bridge. The UPRR has committed to shifting the tracks from the temporary alignment to the permanent alignment over the new bridge beginning in mid-March. When the tracks are shifted, subsequent phases of the PROJECT will proceed with a greater degree of certainty to the schedule.

LESSON LEARNED

Since the construction began in mid-2019, Riverside Construction and PreScience have been able to adhere to schedules and stay within the budget. In one instance, the construction could have experienced extended delayed due to a third party utility long lead-time to complete its work. Fortunately, Riverside Construction suggested re-sequencing its activities and obtained staff's

approval. Such collaborative approach among contractor, construction management, and staff indeed avoided a potential cost increase to the project due to 3rd-party work.

The on-going pandemic also impacts available labor force in the construction industry and affects government permitting processes due to remote working. Most recently we encountered several request from the UPRR to use their means and method in the installation of bridge foundations instead of using the industry-acceptable design by our Contractor. We agreed to UPRR’s request after exhausting several resources and resolved the issue after weighing the potential cost impacts to the entire project. Such change resulted in \$400,000. The project budget for unforeseen railroad changes is \$625,000, but the compromise potentially has averted two or three times added cost to the project in addition to months of delays.

WHAT’S NEXT?

As shown in Picture 1, the first phase of the bridge has been erected and is nearly complete. UPRR will then shift the tracks on the new bridge. As shown in Picture 2, the contractor has begun mass excavation and placed temporary shoring to build the retaining walls on Durfee Avenue just north of the railroad tracks after successfully installing the new steel bridge. The second phase of bridge foundation work will soon begin, followed by mass excavation and retaining walls on Durfee Avenue south of the railroad tracks. The last major civil work will involve finishing the road work on Durfee Avenue and surrounding streets.



Picture 1: Phase 1 of Rail Bridge nearly complete. Workers are preparing the steel surface for waterproofing. UPRR will then lay their tracks over the completed bridge starting in mid-March 2021.



Picture 2: Installing retaining wall foundation system and excavating Durfee Avenue approaching the new railroad bridge.



Picture 3: Durfee Avenue South of Rail Bridge (Artist Rendering)

Staff feels confident that this project will continue moving forward without major challenges.

Prepared by:

Rene Coronel
Project Manager

Reviewed by:

Eric C. Shen, PE, PTP
Director of Capital Projects

Approved by:

Marisa Creter
Executive Director



SGVCOG Capital Projects & Construction Committee Unapproved Minutes January 25, 2021

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 January 25, 2021 at 12:01p.m.

1. Pledge of Allegiance – N. Lyons led the pledge of allegiance.

2. Roll Call

Present:

Tim Sandoval, Chair, Pomona
 Nancy Lyons, Vice Chair, Diamond Bar
 Becky Shevlin, Monrovia
 Cory Moss, Industry
 Diana Mahmud, South Pasadena
 Hilda Solis, LA County
 Margaret Clark, SGVCOG, Rosemead
 Maria Morales, El Monte
 Scarlet Peralta, Montebello
 Tim Hepburn, LaVerne

Staff:

Eric Shen, Director of Capital Projects
 Marisa Creter, Executive Director
 David DeBerry, General Counsel
 Deanna Stanley, Admin. Service Mgr.
 Amy Gilbert, Management Analyst
 Andres Ramirez, Senior Project Manager
 Caitlin Sims, Principal Management Analyst
 Charles Tsang, Senior Project Manager
 Paul Hubler, Director Gov/Community Relations
 Rene Coronel, Project Manager

Guests

Larry Lubka, Lubka & White, LLP
 Sam Pedroza, City of Industry

3. Public Comment – D. Stanley announced that Natasha DeBenon from Ghirardilli Associates submitted a comment to welcome Eric Shen in his new role as Director of Capital Projects.

4. Chairman Remarks – Chairman welcomed new members Maria Morales of El Monte and Scarlet Peralta of Montebello.

5. Member Comments – There were no comments.

6. **Director of Capital Projects Monthly Report** – E. Shen announced an RFP for the San Gabriel Transit study was issued in November and proposals are due on January 27. He indicated staff is expecting to bring forth a recommendation for the Committee’s review and approval at its March meeting. The Committee discussed at length change order approval authorizations, project delays and increase in project costs. The Committee requested staff provide more comprehensive details on all projects at its February or March meeting regarding project schedules, remaining work to complete current project, related costs and sources of funding. H. Solis requested staff poll other agencies for levels of approvals.
7. **Project Progress Reports** – R. Coronel presented construction progress photos for the Durfee Avenue grade separation project that included bridge construction, curb and gutter installation for New Street, excavation and pump station construction. C. Tsang presented construction progress photos for the Fairway Drive grade separation project that included ongoing waterproofing the bridge deck, installation of ballast and installation of side panels on the railroad bridge and installation of spur tracks.
8. **Approval of Capital Projects and Construction Committee Meeting Minutes of December 14, 2020** – A motion was made by H. Solis and seconded by N. Lyons to approve the minutes.

Ayes: T. Sandoval, N. Lyons, B. Shevlin, C. Moss, D. Mahmud, H. Solis, M. Clark, M. Morales, S. Peralta, T. Hepburn

Nayes: None Abstain: None

9. **Approval of Task Order No. 1 Revision to AECOM for Montebello Blvd. Grade Separation Project** – E. Shen reviewed the request for approval of the task order revision for AECOM. D. Mahmud raised concerns of the extensive delays and cost increases for this project. The matter was discussed at length. A. Ramirez reported various factors attributed to the need to revise the task order including the expiration of the contract, extensive delays in Union Pacific approvals that resulting in re-sequencing work outside of the railroad right of way, as well as utility coordination which was previously performed by staff. H. Solis requested staff examine ways to recover delays costs associated with Union Pacific including submitting a formal request to the Union Pacific, which was done in the past. D. Mahmud requested a breakdown of the percentage of change order associated with utility coordination.

After discussion a motion was made by B. Shevlin and seconded by H. Solis to bring this item back to the committee for consideration in February to include a more comprehensive explanation details of scope of work and costs.

Ayes: T. Sandoval, N. Lyons, B. Shevlin, C. Moss, D. Mahmud, H. Solis, M. Clark, M. Morales, S. Peralta, T. Hepburn

Nayes: None Abstain: None

10. **Approval of Quarterly Project Progress Reports** – E. Shen reviewed quarterly project reports. He reported the at-grade safety project in Pomona is in final design. The Durfee

Avenue grade separation project is on schedule and the Union Pacific will move its tracks onto the new bridge shortly. The Fairway Drive grade separation project is at 65% completion and is expected to be complete by 2023. The Fullerton Road grade separation project currently has no construction activities and there is 39% of work remaining to complete the project. The Montebello Corridor project is in final design. The SR 57/60 Project is at 85% design. The bike share project launched in Baldwin Park and South El Monte is on hold due to notice from Gotcha regarding its bankruptcy. Staff is preparing a revised scope and examining next steps to the bike share program obligations. D. Mahmud requested revisions to the quarterly reports to include budgets and specific funding sources. D. Mahmud asked staff to consider utilizing retirees of public agencies for utility coordination efforts. Discussion ensued regarding the project shortfall. N. Lyons requested additional detail on additional funding sources such as property sales Union Pacific contributions, Section 130 and Measure M. E. Shen indicated the amount of property sales was not enough to cover the overall shortfall. She indicated a more comprehensive report will be helpful for the Committee to determine the amount of funding compared to the expenditures of the projects. The Committee agreed additional information should be provided by staff.

A motion was made by N. Lyons and seconded by H. Solis to receive and file the quarterly report.

Ayes: T. Sandoval, N. Lyons, B. Shevlin, C. Moss, D. Mahmud, H. Solis, M. Clark, M. Morales, S. Peralta, T. Hepburn
Nays: None Abstain: None

- 11. Approval Quarterly Mitigation Monitoring Outreach Reports** – P. Hubler indicated mitigation monitoring is ongoing for all of the projects in construction. There were no questions.

A motion was made by member C. Moss and seconded by T. Hepburn to receive and file the quarterly mitigation monitoring reports.

Ayes: T. Sandoval, N. Lyons, B. Shevlin, C. Moss, D. Mahmud, H. Solis, M. Clark, M. Morales, S. Peralta, T. Hepburn
Nays: None Abstain: None

- 12. Closed Session** – Legal counsel announced the Committee would adjourn to closed session to discuss anticipated litigation in accordance with Government Code Section 54956.9(d)(4) (one potential case) and conference with legal counsel regarding anticipated litigation in accordance with Government Code Section 54956.9 (one potential case), settlement negotiations relating to termination of construction contract with Shimmick Construction.

The Committee reconvened and legal counsel announced the Committee directed staff to send notice of contract termination to Gotcha Mobility for the SGVCOG Bike Share Program. No other reportable action was taken.

13. Adjournment – The meeting was adjourned at 2:18 p.m. The next meeting will be held remotely via Zoom on YouTube live on February 22, 2021 at noon.

Prepared by: _____

Deanna Stanley
Clerk of the Committee



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



TO: Capital Projects and Construction Committee Members & Alternates

FROM: Eric Shen, Director of Capital Projects

DATE: February 22, 2021

SUBJECT: **APPROVAL TO ESTABLISH CAPITAL PROJECTS CONSTRUCTION COMMITTEE AD-HOC WORKING GROUP ON PROJECT COSTS AND FUNDING**

RECOMMENDATION

Authorize the Executive Director, or designee, to establish and appoint members to a Capital Projects and Construction Committee (CPCC) working group as a limited duration, ad-hoc committee to examine Alameda Corridor-East (ACE) program project costs and available grant funding. The working group is proposed to consist of no more than three members. The group would not take any action but would work with staff to gather information and report its findings to the CPCC by its April 2021 meeting.

BACKGROUND

Recent cost increases incurred on the ACE projects under construction have given rise to concern about the contributing factors of those cost increases and the availability of grant funding to cover budget shortfalls. Staff is preparing background information on the most recent cost increases and clarifying the causes of those cost increases which are often accompanied by unforeseen schedule slippages. Staff is also identifying committed and potential or non-committed grant funding needed to fully fund the remaining projects in the ACE program. Future funding sources will be ranked by feasibility in order to prioritize advocacy and other efforts needed to pursue and secure funding commitments.

Prepared by: Paul R. Hubler
Paul Hubler
Director of Government and Community Relations

Reviewed by: Eric C. Shen
Eric C. Shen, PE, PTP
Director of Capital Projects

Approved by: Marisa Creter
Marisa Creter
Executive Director



TO: Capital Projects and Construction Committee Members & Alternates

FROM: Eric Shen, Director of Capital Projects

DATE: February 22, 2021

SUBJECT: **UPDATE ON CONSTRUCTION MANAGEMENT SERVICES
CONTRACT WITH AECOM FOR THE MONTEBELLO BOULEVARD
GRADE SEPARATION PROJECT**

RECOMMENDATION

Receive and file

BACKGROUND

On January 25, 2021, staff recommended to the Committee for issuing Task Order No. 1 Revision 5 to AECOM for Pre-Construction Services for the Montebello Boulevard Grade Separation Project. The recommended changes to contract would (1) add \$259,681.77 to the overall total plus an additional 10%, or \$25,968.17 to the contingency fund; and (2) authorize an extension to Task Order No. 1 from January 31, 2021 to September 30, 2021. The matter was discussed in length. After discussion, a motion was passed by the Committee to bring this item back in February for consideration with a comprehensive explanation on the scope of work and costs.

CURRENT ISSUES

When staff recommended Task Order No. 1 Revision 5 to the Committee for approval on January 25, nearly two-third of the proposed cost increase was attributed to inter-agency coordination efforts to be carried out by consultants. Staff agreed with the Committee's concerns on the premium for outsourcing the utility coordination activities instead of being handled by an in-house staff. The added cost to AECOM for the Montebello Grade Separation Project becomes indicative for us to pay similar premiums to other consultants for several on-going ACE projects as well. Thus, staff has recommended to Executive Director for backfilling the vacancy of Utility Coordinator in the near future.

In the meantime, staff has asked AECOM to reduce the cost estimate for providing only as-needed utility coordination. We expect to receive a revised cost proposal from AECOM in the next few weeks, then to recommend to the Committee for approvals.

However, Task Order 1 has expired on January 31, 2021. Staff cannot direct AECOM to provide technical support (other than utility coordination) even though there is available budget in Task Order 1. The expiration is causing at least a one-month delay to the Constructability Review by AECOM. In order to avoid further delays to the pre-construction activities, we have prepared a revised Task Order No. 1 Revision 5 that extends the period of performance to September 31, 2021 as a no-cost time- extension-only. AECOM consultants could resume their work with the approved budget shortly. Staff has asked AECOM to resubmit a cost proposal for providing limited utility coordination in the near-term. A new task order (Task Order No. 3) will be presented to the

Committee in March for approval. Task Order No. 3 will include the additional costs and any associated time impacts related to the added scope of work.

BUDGETARY INFORMATION BASED ON PRVIOUS APPROVALS

At the February 2020 meeting, the Committee approved the selection of AECOM to provide Construction Management services for the Montebello Boulevard Grade Separation and Maple Avenue Pedestrian Bridge Projects; and authorized the Chief Engineer to negotiate a contract with AECOM for said services.

Staff proceeded with negotiating Task Orders 1 and 2 for just the Montebello Boulevard Grade Separation Project services (the Maple Pedestrian Bridge Project services will be negotiated at a later date) to be issued under this contract. Proposed costs for the Pre-construction CM services and Construction Management Services during construction tasks were compared with estimates independently prepared by staff and any discrepancies were resolved. The final agreed to amounts are as follows:

Task 1: Pre-construction CM services:	\$ 388,112
Task 2: Construction Management services:	\$ 8,424,164
Contract Value (not-to-exceed amount)	\$ 8,812,276

Staff issued an initial Task Order 1 in reference to Task 1: Pre-Construction CM Services as work needed to proceed immediately. Task Order No. 1 was executed under the Chief Engineer’s authority to proceed in a not to exceed amount of \$137,864.

At its April 2020 meeting, the Committee approved the Agreement with AECOM and authorized the issuance of Task Order No. 1 in the amount of \$388,112.00 for the Pre-construction CM services. This amount is comprised of the \$137,864 issued under the Chief Engineer’s authority and the balance of \$250,248. The Committee also authorized the issuance of Task Order No. 2 in the amount of \$8,424,164 for the Construction Management services during construction. This authorization acknowledged the 10% Contingency allowance provided 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.


In January 2021, a revision to Task Order No. 1 was issued under the Chief Engineer’s authorization in the amount of \$27,392.56. The total revised amount for Task Order No. 1 increased to \$415,504.60. This revision extended the Task Order duration to January 31, 2021 and added services due to UPRR review extensions and minor utility coordination. These efforts were initially projected to only add one month to the pre-construction services.

Subsequent to this revision, it was determined that the additional UPRR review and the utility coordination efforts would be required until September 30, 2020. A Task Order revision (Task Order No. 1 Revision 5) was negotiated and presented to the Committee at the February 22, 2021 meeting. Concerns were raised by the Committee regarding extensive delays and costs increases. The matter was discussed at length, with staff reporting that the increased time and costs were

attributed to UPRR approval durations and the need to provide utility coordination which was previously performed by staff. A request was made for staff to re-examine the need for this additional work and to evaluate if there are different methods to addressing it. The motion was made to bring the item back to the February Committee meeting for consideration.

BUDGET IMPACT

The revised Task Order No. 1 Revision 5 is a no-cost time-extension-only. This item has no impact to the project budget.

Prepared by: 
Eric C. Shen, PE, PTP
Director of Capital Projects

Approved by 
Marisa Creter
Executive Director

ATTACHMENT

Attachment A – Task Order No. 1 Revision 5, for Pre-Construction Services for Montebello Boulevard Grade Separation Project.

ATTACHMENT A

**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.: 1
		REVISION NO.: 5

TASK ORDER TITLE:	Pre-Construction Services for Montebello Blvd. Grade Separation Project
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EFFECTIVE DATE OF THIS TASK ORDER: February 1, 2021	TASK ORDER VALUE: \$415,504.60
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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	

- SCOPE OF SERVICES:** [UNCHANGED BY THIS REVISION NO. 5]
- COMPENSATION:** [UNCHANGED BY THIS REVISION NO. 5]

The total amount payable to CONSULTANT under this **TASK ORDER NO. 1**, including all Revisions shall not exceed: Four Hundred Fifteen Thousand Five Hundred Four Dollars and 60/100s (\$415,504.60) as per Attachment "B", and as defined in further detail in SECTION 7 (COMPENSATION AND METHOD OF PAYMENT) and Exhibit "C" (COMPENSATION) of the AGREEMENT.

TASK ORDER	AMOUNT
Task Order No. 1	\$137,864.27
Task Order No. 1, REV. 1	\$250,247.77
Task Order No. 1, Rev. 2	\$0.00
Task Order No. 1, Rev. 3	\$0.00
Task Order No. 1, Rev. 4	\$27,392.56
This Task Order No. 1, Revision No. 5	\$0.00
TOTAL TASK ORDER NO. 2 NTE VALUE:	\$415,514.60

- SUBCONTRACTORS:** [UNCHANGED BY THIS REVISION NO. 5]

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

The effective date of **Task Order, No. 1, REVISION No. 5** is February 1, 2021. Work under this Task Order shall be terminated on September 30, 2021.

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

In witness whereof, this **TASK ORDER NO. 1, REVISION NO. 5** 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. 1, REVISION NO. 5** and AGREEMENT NO. 19-08 shall be in full force and effect.

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

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

Authorized Signature: _____ Reviewed Signature: _____

Print Name: Andres Roldan Print Name: Eric Shen, PE, PTP

Print Title: Vice President Print Title: Director of Capital Projects

Authorized Signature: _____

Print Name: Marisa Creter

Print Title: Executive Director