



March 11, 2021

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Agreement for Construction of the Anaheim Canyon Metrolink Station Improvement Project

Overview

The Orange County Transportation Authority, in coordination with the Southern California Regional Rail Authority and the City of Anaheim, has completed plans, specifications, and cost estimates for the Anaheim Canyon Metrolink Station Improvement Project. An invitation for bids was released on October 27, 2020. Bids were received in accordance with Board of Directors-approved procedures for public works projects. Board of Directors' approval is requested to execute the agreement.

Recommendations

- A. Find Environmental Construction, Inc., the apparent low bidder, as non-responsive for failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2193 between the Orange County Transportation Authority and Stacy and Witbeck, Inc., the lowest responsive, responsible bidder, in the amount of \$13,480,000, for the construction of the Anaheim Canyon Metrolink Station Improvement Project.
- C. Authorize the use of up to \$4,300,000, in additional federal Congestion Mitigation and Air Quality Improvement Program funds to provide full funding for construction of the Anaheim Canyon Metrolink Station Improvement Project.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate programming of the Project.

Discussion

The Orange County Transportation Authority (OCTA), in coordination with the Southern California Regional Rail Authority (SCRRA) and the City of Anaheim (City), has completed plans, specifications, and cost estimates for the Anaheim Canyon Metrolink Station Improvement Project (Project). The Project will include the addition of approximately 3,400 linear feet of secondary track, a second platform, extending the existing platform, improvements for two at-grade railroad crossings located on Tustin Street and La Palma Avenue, and the installation of shade structures, benches, and ticket vending machines. These improvements will both accommodate planned future train service and enhance on-time service and safety.

OCTA will lead the construction of track, structures, and other civil improvements. SCRRA will lead the construction of signals, communications, and wayside positive train control facilities in support of the Project as defined in Cooperative Agreement No. C-4-1714, which was approved by the Board of Directors (Board) on August 25, 2014.

Funding Plan

There have been increases to total costs for the Project since the original cost estimate was developed, and funds programmed. SCRRA enacted a new policy for flagging that requires additional flagmen and personnel when work is being performed in multiple sites along an active rail line, as is the case for the Project. The Project also had an increase in costs for design and project management due to plan revisions for accommodating permanent maintenance access and the addition of a traffic signal design required by the City. An additional \$4,300,000 is needed to cover the increase in the construction costs because of these requirements.

Staff is recommending the use of up to \$4,300,000 in additional federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to provide full funding for the Project. The Project is eligible for CMAQ funding as it will reduce pollutants by increasing ridership on Metrolink commuter rail while decreasing the number of vehicle trips taken. This use of CMAQ funds is also consistent with the Board-approved Capital Programming Policies as it directs these funds to rail capital projects. The Capital Programming Policies also direct all external funds to Measure M2 (M2) projects, and this Project is included in Project R in the Next 10 Delivery Plan.

CMAQ funding is available for this Project due to the recent SB 1 (Chapter 5, Statutes of 2017) award of \$140,000,000 to the freeway program for the State

Route 55 (SR-55) Improvement Project from Interstate 405 to Interstate 5. CMAQ funding was previously reserved for the high-occupancy vehicle component of the SR-55 Improvement Project, but the SB 1 funding received has reduced the amount of CMAQ funding required. Furthermore, it is anticipated that there will be savings in CMAQ funding from the Laguna Niguel to San Juan Capistrano Passing Siding Project that would be redirected to this Project.

The original and proposed funding plans for the total Project cost, including prior phases, is provided below:

<u>Funding Programs</u>	<u>Previous Funding Plan (in 000's)</u>	<u>Proposed Funding Plan (in 000's)</u>	<u>Difference (in 000's)</u>
CMAQ	\$26,132	\$30,432	\$4,300
M2	\$2,000	\$2,000	\$ 0
Revenue from Sale of Federal Assets	\$1,275	\$1,275	\$ 0
Commuter Urban Rail Endowment Fund	\$493	\$493	\$ 0
Total	\$29,900	\$34,200	\$4,300

When OCTA approves a programming change for a project, a capital funding plan is provided so the Board can consider the change while simultaneously reviewing the overall funding for capital projects in the transit program. Once approved, the changes noted above will be added into the Capital Funding Program Report for the transit program as provided in Attachment A.

Procurement Approach

This procurement was handled in accordance with OCTA's Board-approved procedures for public works projects. These procedures, which conform to both federal and state requirements, require that contracts are awarded to the lowest responsive, responsible bidder after a sealed bidding process.

On October 12, 2020, the Board authorized the release of Invitation for Bids (IFB) 0-2193, which was released through OCTA's CAMM NET system. The Project was advertised on October 29 and November 2, 2020, in a newspaper of general circulation. A pre-bid virtual conference was held on November 9, 2020, and was attended by 13 firms. Eight addenda were issued to provide the pre-bid conference registration sheets and handle administrative

issues related to the IFB. On January 21, 2021, five bids were received and publicly opened.

All bids were reviewed by staff from both the Contracts Administration and Materials Management and Rail Programs departments to ensure compliance with the contract terms and conditions, as well as technical specifications. The list of bidders and bid amounts is presented below:

<u>Firm and Location</u>	<u>Bid Amount</u>
Environmental Construction, Inc. Woodland Hills, California	\$12,168,668
Stacy and Witbeck, Inc. Alameda, California	\$13,480,000
Griffith Company Santa Fe Springs, California	\$13,809,508
Granite Construction Company Carlsbad, California	\$14,310,310
Reyes Construction, Inc. Pomona, California	\$16,289,748

The apparent low bidder, Environmental Construction, Inc., was deemed non-responsive for failure to meet the federal program requirement for Disadvantaged Business Enterprise (DBE) participation or demonstrate sufficient good faith efforts (GFE) as required by regulations set by the United States Department of Transportation, which is providing funding for this Project. The DBE goal for this Project was established at 11 percent. Environmental Construction, Inc., only met a goal of 1.32 percent and did not submit any GFE documentation by the due date specified in the IFB. The firm later informed OCTA that it did not fully vet the IFB requirements and did not complete the GFE.

The final engineer's estimate for this Project was \$11,767,591, which included the final engineering plans for retaining walls that are required to provide permanent access for rail signal maintenance, which were issued as an addendum to the bid package. The recommended firm's bid is 14.5 percent above the engineer's estimate. The engineer's analysis of the bids concluded that the higher bid may be attributed to difficulty of construction due to site

constraints, access limitations, and construction near an active railroad track. In addition, specialized design of the shade structures and light poles to match the existing ones at the station, as well as higher steel prices, may also be attributed to the higher bid. For these reasons, although the lowest responsive, responsible bid of \$13,480,000, submitted by Stacy and Witbeck, Inc., is higher than the engineer's estimate, it is considered by staff to be acceptable, fair, and reasonable. The recommended firm's bid met the requirements of the IFB, as well as all federal and state requirements.

State law requires award to the lowest responsive, responsible bidder. As such, staff recommends award to Stacy and Witbeck, Inc., the lowest, responsive, responsible bidder, in the amount of \$13,480,000, for construction of the Project.

Fiscal Impact

Funding for the Project is approved in the OCTA Fiscal Year 2020-21 Budget, Capital Programs Division, Account No. 0018-9084-C5061-TXD, and is funded with CMAQ funds from the Federal Transit Administration. As noted above, staff is proposing to increase the amount of programmed CMAQ funds so that the Project is fully funded.

Summary

Staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2193 between the Orange County Transportation Authority and Stacy and Witbeck, Inc., the lowest responsive, responsible bidder, in the amount of \$13,480,000, for construction of the Anaheim Canyon Metrolink Station Improvement Project.

Attachment

A. Capital Funding Program Report

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