

Revised Agenda Item No. 12

Board of Directors Meeting

January 4, 2018

10:00 a.m.

Location:

San Bernardino County Transportation Authority
First Floor Lobby Board Room
Santa Fe Depot, 1170 W. 3rd Street
San Bernardino, CA 92410

CONSENT CALENDAR

Consent - Project Delivery

12. Mount Vernon Avenue Viaduct- AECOM Design Contract Amendment and BNSF Preliminary Engineering Agreement

That the Board, acting as the San Bernardino County Transportation Authority:

A. Approve the Amended and Restated Agreement (Contract No 16-1001512) with AECOM Technical Services **in substantially the form attached subject to approval as to form by General Counsel**, amending the scope of work and cost proposal for support of environmental revalidation, design-build preliminary engineering and right of way services, and increasing the contract amount by \$1,074,300.50 to \$4,178,388.50 for these services for the Mt. Vernon Avenue Viaduct over the BNSF Railway Intermodal Yard Project (Mt. Vernon Viaduct Project).

B. Approve Agreement 17-1001621 with BNSF Railway and the City of San Bernardino **in substantially the form attached subject to approval as to form by General Counsel**, for preliminary engineering of railway operational impacts' mitigation and designating project responsibilities for the Mt. Vernon Viaduct Project, which includes payment of an estimated \$500,000 to BNSF for preliminary engineering work and receiving \$3,500,000 from BNSF for an initial contribution towards the project.

C. Approve amendment to the San Bernardino County Transportation Authority (SBCTA) Fiscal Year 2017/2018 Budget to add in \$1,574,300.50 in BNSF funding to Task 0860 Arterial Projects, Sub-task 0827 Mount Vernon Avenue Viaduct, to fund current fiscal year work associated with the agreements in recommendations A and B.

This item was revised to include additional wording noted above in bold, in recommendations A and B.

Minute Action

AGENDA ITEM: 12

Date: January 4, 2018

Subject:

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Recommendation:

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C. Approve amendment to the San Bernardino County Transportation Authority (SBCTA) Fiscal Year 2017/2018 Budget to add in \$1,574,300.50 in BNSF funding to Task 0860 Arterial Projects, Sub-task 0827 Mount Vernon Avenue Viaduct, to fund current fiscal year work associated with the agreements in recommendations A and B.

Background:

The Mount Vernon Avenue Viaduct over the BNSF Railway Intermodal Yard Project (project) has been a high priority project for the City of San Bernardino (City) for more than 15 years. In June 2011, the City obtained environmental clearance from Caltrans for a bridge replacement. However, the City experienced design and schedule delays based on a variety of challenges including potential environmental revalidation needs, right-of-way issues and funding concerns. In an effort to expedite the completion of the project, the City agreed to have SBCTA take over the project due to SBCTA's extensive experience in delivering large complex projects.

On May 4, 2016, the SBCTA Board of Directors approved a Memorandum of Understanding (SBCTA Contract No. 16-1001476) with the City for the development of the project, defining a framework for project execution and funding, and designating SBCTA as the lead agency for administration of the project moving forward. On June 7, 2016, the SBCTA Board approved cooperative agreement Contract No. 16-1001477 with the City, under which the City designated SBCTA to lead project management of the design and right of way phases for the project; an

Entity: San Bernardino County Transportation Authority

assignment and assumption agreement Contract No. 16-1001511 between SBCTA, the City and AECOM allowing SBCTA to assume the City's responsibilities and rights under the City and AECOM contract, Contract No. 16-1001512, and enabling AECOM to continue providing design and environmental professional services on the project.

SBCTA has been working actively to expedite project delivery. SBCTA sought legislation, AB 1523, for Design Build Authority on this project. This legislation was approved by the Governor on July 31, 2017 and the design build method is now being planned for the demolition and construction of a new bridge. Some of the next steps in moving forward in the process are to complete the environmental revalidation for the bridge demolition and reconstruction, and complete preliminary engineering activities, and initiate technical provisions for a potential design-build procurement package. It is important to execute sufficient preliminary engineering to develop a definition for the scope of work in the design build procurement documents. Recommendations A and B would allow preliminary engineering work by the existing designer, AECOM, and BNSF Railway (BNSF) to continue such that sufficient project definition and cost estimates can be developed prior to issuing procurement documents for a design build contract. It is anticipated these documents could be finalized before the end of 2018.

Recommendation A: Since AECOM's original scope of work was preparation of a complete plans, specifications, and estimate (PS&E) package, AECOM's scope of work needs to be modified to address the current planned design-build project delivery. Because SBCTA assumed an existing contract between the City and AECOM, an amended and restated agreement is now being executed between SBCTA and AECOM to incorporate standard SBCTA contract terms and conditions. This agreement will reflect these items, add in the new scope of services to support design-build delivery, amend the contract value, and provide a time extension on the contract to the year 2022 to allow AECOM to be under contract through the anticipated duration of the design build work.

An increase in additional funding of \$1,074,300.50 is required to be added to the AECOM contract as most of the existing contract balance has been expended in getting the project to about 40% design completion and providing numerous studies and alternative analyses in seeking to move the project forward over the last few years. The requested additional funding will allow completion of a revalidation of the existing project and potential mitigations as well as provide the preliminary engineering, technical provisions, and design support for the preparation of procurement documents for a design build contract. The term of the contract is also being extended such that AECOM is under contract to provide support as needed during the execution of the design-build contract.

Staff is recommending approval of this amended and restated agreement Contract No. 16-1001512 with AECOM.

Recommendation B: Staff has been working with BNSF and the City to assess and address operational impacts to the BNSF intermodal facility, the rail lines and the community as a result of the demolition and replacement of the Viaduct. Studies have looked at developing best construction means and methods for execution during limited work windows and restrictions from working on a major railroad corridor. The BNSF facility and lines are an active area with over 100 trains per day passing through the project area in addition to extensive movement of

trailers and trucks through the intermodal yard. Further analysis is required to look at potential mitigations which would facilitate greater work windows to allow the demolition and construction to occur while minimizing the impacts to existing and planned future operations in this area.

This agreement with BNSF and the City of San Bernardino (SBCTA Contract No. 17-10016210) provides a mechanism for further analysis and design of potential mitigations to address the BNSF operational impacts. Under this agreement, SBCTA will pay an estimated \$500,000 for BNSF to perform preliminary engineering to design mitigation for their operations and provide a better cost estimate and schedule to implement these measures. Potential implementation of the mitigation measures could significantly reduce overall construction time and cost. BNSF commits to providing a funding contribution to the overall project including an initial installment payment of \$3,500,000 coincident with the execution of this agreement. Upon completion of the BNSF preliminary engineering work, a better cost estimate, schedule and plan will be developed as to how best to address railroad operational impacts and execution of the demolition and bridge construction activities at this active site. BNSF's initial contribution will also provide local funding for the ongoing preliminary engineering activities of SBCTA's designer while an overall funding plan is being finalized. Staff recommends approval of this agreement.

Recommendation C: There was no anticipated funding from BNSF in the Fiscal Year 2017/2018, so a budget amendment is required to allow the use of this BNSF contribution to be used in funding some of the preliminary engineering work that is done by both SBCTA and BNSF. Staff recommends \$1,574,300.50 in BNSF funding be added to Task 0860 Arterial Projects, Sub-task 0827 Mt. Vernon Avenue Viaduct to utilize these BNSF funds for anticipated work in the remaining portion of the current fiscal year.

Financial Impact:

This item is not consistent with the Fiscal Year 2017/2018 budget under Task No. 0860 Arterial Projects, Sub-Task No. 0827 Mount Vernon Avenue Viaduct Project. A budget amendment is being requested as part of this agenda item to add in \$1,574,300.50 in BNSF funding for this fiscal year.

Reviewed By:

This item was reviewed and recommended for approval (17-0-0) with a quorum of the Board present at the Board of Directors Metro Valley Study Session on December 14, 2017. SBCTA General Counsel and Procurement Manager have reviewed this item and the draft agreements.

Responsible Staff:

Paula Beauchamp, Director of Project Delivery

Approved
Board of Directors
Date: January 4, 2018

Witnessed By: