



(Board Copy)
Washington Metropolitan Area Transit Authority
**METRO ELECTRONIC ACTION
DOCUMENT**

IDENTIFICATION			
MEAD ID:	98573	ACTION:	N/A
AWARD VALUE:	(Not yet awarded)	CONTRACT: (Proposed)	
FUND SOURCES: (View)		CONTRACTOR:	
LAST MODIFIED:	02/10/2006		

DESCRIPTION	
SUBJECT:	Close-out of the New York Avenue Station Project
PURPOSE:	To obtain approval from the Board of Directors to: (1) issue a contract modification in the amount not to exceed \$5,295,395 for the closeout of the New York Avenue Station Design/Build Contract 1B0035; (2) award Contract GP5177 in an amount not to exceed \$700,000 for the completion and commissioning of the New York Avenue Station double crossover; (3) increase the contract value by \$25,000 for contract FA3008 for design of the replacement materials for the station artwork. Relatedly, approval is sought to issue and award a contract for the replacement material in an amount not to exceed \$60,000, and (4) issue a task to P2d in an amount not to exceed \$25,000 for the design of a set of stairs for the Metropolitan Branch Trail.

ORIGINATION					
INITIATOR			DEPARTMENTAL APPROVAL		
JOHN THOMAS on 01/02/2006			Approved by SALPEAS , PANAGIOTIS 01/09/2006		
PHONE:	202-962-2493	OFFICE:	CONS	DEPT:	Capital Projects Manageme

COORDINATION (ROUTING)		
OFFICE	NAME	ACTION/DATE
(4110)	SALPEAS, PANAGIOTIS	Approved 01/09/2006
CONS (4210)	HAGGINS, JAMES	Approved 01/03/2006
AUDT (7210)	STEWART, JAMES	Approved 01/31/2006
PRMT (7410)	JACKSON, LUCY	Approved w/ Comments 02/01/2006
PRMT (7410)	JACKSON, LUCY	Re-assigned 01/31/2006
PRMT (7410)	JACKSON, LUCY	Re-assigned 01/31/2006
CFO1 (2110)	WOODRUFF, HARRY	Approved 02/06/2006
CFO1 (2110)	WOODRUFF, HARRY	Approved 02/06/2006
COUN (1410)	O'KEEFFE, CAROL	Approved w/ Comments 02/10/2006
OPAS (3161)	HUGHES, JAMES	Approved 02/10/2006

FINAL APPROVALS	
OFFICE	NAME/ACTION
PLN_DEV_CMTE	Approved for by PANAGIOTIS SALPEAS on 01/09/2006
OPER_CMTE	Approved for OPAS by JAMES HUGHES on 02/10/2006
BEMR	Approved for by HAROLD BARTLETT on 02/10/2006
GM	Approved for GMGR by GMGR CEO on 02/10/2006
BOARD	BOARD WMATA (Not Yet Approved)



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NARRATIVE

DISCUSSION:

The Board of Directors approved the award of the New York Avenue Station Design/Build Contract, 1B0035, on May 16, 2002 to Slattery Skanska/Lane Construction, JV in the amount of \$65,270,000. The contract provided for all labor, materials, equipment and engineering to design and construct the New York Avenue Station including the Metropolitan Branch Trail (MBT). During the course of the contract, the Contractor notified WMATA of 73 items deemed to be work outside of the scope of the contract. WMATA acknowledged merit and issued Change Orders (PCO's) for 40 of the 73 notices. Four of the PCO's were later cancelled and WMATA issued 21 modifications with a value of \$8,628,605 for 22 of the remaining 36 PCO's. One of these modifications, for \$8,100,000, was approved by the Board on May 15, 2003 for the design and construction of a new double crossover and the MBT Elevator/Stair Tower. The 21 modifications increase the contract value to its current amount of \$73,898,605. Close-out discussions with the Contractor for the 14 unresolved PCO's and 32 claim notices began in April of 2005. The Contractor's cost proposal for the open items was approximately \$10 million whereas WMATA's estimate was \$2.9 million. After 7 months of discussions, a settlement was reached which would increase the contract amount to an amount not to exceed \$79,194,000. The conditions of the close-out agreement include:

- approval from the District of Columbia;
- receipt of additional funds from the District of Columbia;
- completion of all punch list items by April 2006;
- completion of the commissioning of the double cross-over would be removed from contract 1B0035; and
- completion of the audit report(s).

A meeting was held with the Director of the District Department of Transportation (DDOT), Mr. Dan Tangherlini, on December 28, 2005 to discuss the proposed close-out agreement. Mr. Tangherlini agreed to the contract close-out and will provide the additional funds required for project close-out which is consistent to the Project Funding Agreement.

When the station opened on November 20, 2004 the commissioning of the new double cross-over had not been completed. Various problems during the ensuing months prevented the commissioning work from being completed as of this date. As noted, the close-out agreement requires the completion of the commissioning outside of contract 1B0035. The remaining work is associated with the train control and signaling aspects of the double cross-over. The completion and commissioning of the double crossover is proposed to be accomplished by Alstom Transport Signaling, a specialist in train control and signaling under a new contract. Staff recommends that a sole source contract, GP5177, be awarded to Alstom in an amount not to exceed \$0.7 million for the commissioning activities.

When the project was going through the approval stages, the Commission of Fine Arts gave its approval conditionally. The facade of the station included a grill that was to be the means of separation of the public area from the station. The Commission granted its approval on the condition that the grill be modified by the artist who would be responsible for the Arts-in-Transit components of the station. Said artist, Barbara Grygutis, was pleased to offer an artistic solution to the original mundane design which included 4 glass leaves integral with the bars of the grill. At an unknown time and for reasons undetermined, the glass broke. A replacement has been designed using metal in lieu of the glass to avoid future maintenance issues with the artwork. To effect the replacement, a modification is required in an amount not to exceed \$25,000 for contract number FA3008, so Ms. Grygutis and WMATA can proceed with the design for the replacement material.

After the design is complete, WMATA will issue a contract for bids and will award if within budget, in an amount not to exceed \$60,000, for supply and installation of the replacement material.

The station project included the design and construction of a portion of the Metropolitan Branch Trail. The funding agreement for the station project includes language that requires WMATA to operate and maintain the bike trail until connecting segments at each end of the section built with the station are built. The segment at the south end of the station requires a set of stairs to connect the last paved section with the street network to complete one of the two end pieces. The project needs to issue a task to P2d in an amount not to exceed \$25,000 to design the stairs for this segment of the trail.

PRIOR APPROVALS:

On May 16, 2002 the Board approved the award of the New York Avenue Station Design/ Build Contract 1B0035 to Slattery Skanska/Lane Construction, JV and approved an increase to the project budget to \$91,200,000.

On May 15, 2003 the Board approved a modification in the amount of \$8,100,000 for contract 1B0035 and approved an increase to the project budget to \$103,700,000.

On June 16, 2005 the Board approved an increase to the project budget to \$106,150,000.

On January 19, 2006 the Board approved an increase to the project budget to \$109,950,000.

ALTERNATIVES:

The Board could choose to disapprove the closeout of the project. This action is not recommended because it will result in the station contract not being closed and several items of project related work will not be completed.

**IMPACT ON FUNDING:
BUDGET AND CONTRACT ACTION**

Budget: FY 06 System Expansion Program

Line: New York Avenue Station

Project Title: New York Avenue Station

Project Description page: 208

BUDGET INFORMATION

Current budget	\$109,950,000
This action	\$6,105,395
Obligations to date	\$103,462,795
Subtotal	\$109,568,190
Available budget	\$381,810.

AFFIRMATIVE ACTION REQUIREMENTS:

Equal Employment Opportunity Requirements:

The contractor will be required to comply with Executive Order No. 11246.

Disadvantaged Business Enterprise (DBE) Requirements:

Appendix B requirements apply to the close-out of the station contract.

RECOMMENDATIONS:

That the Board of Directors approve:

- (1) issuance of a contract modification in an amount not to exceed \$5,295,395 for the closeout of the New York Avenue Station Design/Build Contract 1B0035;
- (2) awarding Contract GP5177 in an amount not to exceed \$700,000 for the completion and commissioning of the New York Avenue Station double crossover;
- (3) increasing the contract value by \$25,000 for contract FA3008 for design of the replacement materials for the station artwork. Relatedly, approval is sought to issue and award a contract for the replacement material in an amount not to exceed \$60,000, and
- (4) issuance of a task to P2d in an amount not to exceed \$25,000 for the design of a set of stairs for the Metropolitan Branch Trail.