



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

IDENTIFICATION			
MEAD ID:	99282	ACTION:	N/A
AWARD VALUE:	(Not yet awarded)	CONTRACT: (Proposed)	
FUND SOURCES: (View)		CONTRACTOR:	
LAST MODIFIED:	02/23/2006		

DESCRIPTION	
SUBJECT:	Modification of Ballston-MU Station East End Elevators and Passageway Contract 1K0045
PURPOSE:	To obtain Board approval to modify contract 1K0045 Ballston-MU Station East End Elevators and Passageway in the negotiated amount of \$570,134.

ORIGINATION					
INITIATOR			DEPARTMENTAL APPROVAL		
DANIEL KORZYM on 01/31/2006			Approved by SALPEAS , PANAGIOTIS 02/10/2006		
PHONE:	202-962-	OFFICE:	CONS	DEPT:	Capital Projects Manageme

COORDINATION (ROUTING)		
OFFICE	NAME	ACTION/DATE
(4110)	SALPEAS, PANAGIOTIS	Approved 02/10/2006
CONS (4210)	HAGGINS, JAMES	Approved w/ Comments 02/01/2006
CFO1 (2110)	WOODRUFF, HARRY	Approved 02/23/2006
PRMT (7410)	JACKSON, LUCY	Approved 02/23/2006
COUN (1410)	O'KEEFFE, CAROL	Approved 02/24/2006
OPAS (3161)	HUGHES, JAMES	Approved 02/24/2006

FINAL APPROVALS	
OFFICE	NAME/ACTION
PLN_DEV_CMTE	Approved for by PANAGIOTIS SALPEAS on 02/10/2006
SAFETY_CMTE	Approved for by FRED GOODINE on 02/23/2006
HR_CMTE	Approved for AGMW by WILLIAM SCOTT II on 02/24/2006
OPER_CMTE	Approved for OPAS by JAMES HUGHES on 02/24/2006
GM	Approved for GMGR by GMGR CEO on 03/07/2006
BOARD	BOARD WMATA (Not Yet Approved)



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NARRATIVE

BACKGROUND

On June 19, 2003, the Board approved the initiation and award, if within budget, of a design-build contract for the addition of three elevators and a connecting underground passageway at the east end of the Ballston-MU Station.

On June 1, 2004, contract 1K0045 was awarded to Clark Design Build, LLC in the amount of \$9,165,000.

During field verification of existing conditions to commence design, the contractor Clark Design Build, LLC, (Clark) discovered underground electrical utilities not shown on the Request for Proposal (RFP) documents or on public records and whose location conflicted with the planned location of the south side elevator hoist ways.

Relocating these utilities was estimated to cost in excess of \$2M which was unaffordable and would have delayed completion of the contract up to a year. After several meetings with the sponsoring partner, Arlington County and Clark there were only two options: (1) Relocating the utilities for the cost of more than \$2M, or (2) Relocate the elevator north of its proposed location by bumping out on to the sidewalk to avoid the conflict with the existing utilities. Option 2 was offered by the County and was deemed to be the less expensive of the two options. Clark submitted its proposal, dated December 20, 2004 the amount of \$153,695 for the re-design of the elevator and changes to contract documents.

At the direction of the Contracting Officer, Clark was directed to proceed with the design portion for Option 2, which was estimated to be less than \$200,000. The design was developed and coordinated with Arlington County and Virginia Department of Transportation (VDOT), and was subsequently approved.

The Contractor, upon completion of the design for Option 2, elected to continue the work, and constructed the relocated elevator hoistway. The Contractor took this risk knowing that the work being undertaken reflected the preferred solution of Arlington County, that had been endorsed by VDOT. Furthermore, the work was necessary for the completion of the project, and was the only feasible solution within the available funding. On the basis of the above, it can be concluded that the Contractor had a reasonable degree of confidence that it would be reimbursed for the work.

The Authority has received the benefit of the aforementioned actions, the project is on schedule and now the contractor must be compensated. The change work was negotiated for a final amount of \$570,134.

ALTERNATIVES

There is no alternative. The contractor has incurred additional costs as a result of implementing the less costly alternative design and should be compensated accordingly.

IMPACT ON FUNDING

Budget: FY2006 System Access/Capacity Program

Line: Ballston Station Improvements

Budget Information:

Project \$16,000,000
Budget
This Action\$ 570,134

Prior \$14,086,847
Obligations
Subtotal \$14,656,981

Remaining \$ 1,343,019
Project
Budget

AFFIRMATIVE ACTION REQUIREMENTS:

Equal Employment Opportunity (EEO):

The prime contractor is required to comply with Executive Order 11246, Revised Order No. 4

Disadvantaged Business Enterprise (DBE):

The DBE goal for this project has been established as twenty-one%.

RECOMMENDATION:

That the Board approve modification of contract 1K0045 Ballston-MU Station East End Elevators and Passageway in the negotiated amount of \$570,134.