



## Legislation Details (With Text)

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**Title:** Approve a Third Amendment to the Agreement with VSCE, Inc., for construction management services associated with the Bus Rapid Transit project, increasing the contract amount by \$172,885.40 and extending the completion date of the Agreement to December 31, 2018  
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## REPORT TO THE CITY COUNCIL

**November 15, 2018**

**FROM:** Gregory A. Barfield, Interim Director  
Department of Transportation

**BY:** Brian Barr, Assistant Director  
Department of Transportation

## SUBJECT

Approve a Third Amendment to the Agreement with VSCE, Inc., for construction management services associated with the Bus Rapid Transit project, increasing the contract amount by \$172,885.40 and extending the completion date of the Agreement to December 31, 2018

## RECOMMENDATION

Staff recommends Council approve a Third Amendment to the Agreement with VSCE, Inc. (VSCE): 1) increasing the scope of the Agreement with VSCE to allow for additional construction management services associated with technological components of the Department of Transportation/FAX Bus Rapid Transit (BRT) project, 2) increasing the amount of compensation by \$172,885.40 to a total amount of \$2,408,550.07, 3) extending the completion date of the Agreement to December 31, 2018, and 4) authorizing the Director of Transportation or designee to sign related documents on behalf of the City of Fresno.

## EXECUTIVE SUMMARY

BRT revenue service began on February 19, 2018, providing service at 10-minute frequencies along the Blackstone Avenue and Kings Canyon/Ventura Avenue corridors. BRT added modern technological improvements to the transit system on these corridors, including fiber optic network infrastructure, real time digital display signs, and off-board fare collection systems. Integration of these systems into the FAX information technology environment, resolution of software bugs and hardware testing is continuing beyond substantial completion of the BRT project, and preventing the construction contract from being closed out. VSCE is the technical expert on the outstanding items and is actively managing the resolution. FAX seeks to increase the scope of its construction management agreement with VSCE and correspondingly increase VSCE's period for performance and allow for additional compensation. The proposed amendment will allow VSCE to continue construction management services and resolve ongoing systems integration issues with the contractor. This is part of FAX's efforts to improve the service to its customers.

## BACKGROUND

On August 28, 2014, Council awarded a contract to VSCE to provide construction management services for the FAX BRT project with a budget in the amount of \$2,199,691. The BRT project includes 52 new bus stations supporting 10-minute frequencies along the Blackstone Avenue and Kings Canyon/Ventura Avenue corridors. Notable improvements included fiber optic network infrastructure, real time digital display signs, off-board fare collection systems, shelters, passenger amenities, and right-of-way improvements. Substantial completion of construction was achieved in December 2017, and revenue service launched on February 19, 2018.

The original construction management services contract was based upon 60 percent completed construction documents. As the plans developed, the Livability Project was added to the BRT project scope. This additional scope included right-of-way, pedestrian and traffic signal improvements at Van Ness and Mariposa Avenues in downtown Fresno and included a new pedestrian bridge connecting Fulton Mall and Courthouse Park. On November 17, 2016, Council approved an Amendment to the Agreement with VSCE to add material testing and special inspection services for the livability project. Construction management services for the additional work were absorbed into the contracted budget.

The construction contract experienced two significant delays to the critical path of the project schedule. Construction was challenged by inclement weather during the 2016 rainfall season, where the Fresno area received 129 percent of normal rainfall. A total of 42 working days were added to the construction contract to mitigate the delays due to inclement weather. Secondly, unforeseen conditions were encountered during construction, which resulted in additional work on a water main on Blackstone Avenue. This specific activity added 31 working days to the construction contract for this work. In total, 73 working days were added to the construction contract. Construction management services resulting from the delays were absorbed into the contracted budget.

Many of the technological improvements, such as off-board fare collection, real time displays, and communication infrastructure specific to BRT, are new to the City and complex in design. Integration of these systems into the FAX information technology environment, resolution of software bugs, and hardware testing by the contractor has continued beyond substantial completion, preventing the construction contract from being closed out.

VSCE is the technical expert on the outstanding items and is managing the resolution. Therefore,

FAX seeks to increase the available budget for construction management services and extend the completion of this contract to December 31, 2018. Through fiscal restraint, staff and VSCE were able to absorb the addition of the Livability Project and delays in construction; however, the ongoing systems integration will require additional budget through completion of the contract.

The City Attorney has reviewed the Third Amendment to the Agreement and has approved to form.

### **ENVIRONMENTAL FINDING**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 the Amendment of this Agreement does not qualify as a “project”; therefore, it is exempt from the California Environmental Quality Act requirements.

### **LOCAL PREFERENCE**

Local preference was not applied because this is not an award of a contract.

### **FISCAL IMPACT**

This project is funded by a Federal Transit Authority Small Starts grant for the design and construction of the BRT. No General Fund dollars shall be used.

Attachment:

Third Amendment to the Agreement