



June 22, 2020

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

A handwritten signature in blue ink, appearing to read "Darrell E. Johnson", is written over the name in the "From:" field.

Subject: Contract Change Order for Hand Digging of Overhead Contact System, Traffic Signal, and Streetlight Pole Foundations for the Construction of the OC Streetcar Project

Overview

On September 24, 2018, the Orange County Transportation Authority Board of Directors authorized Agreement No. C-7-1904 with Walsh Construction Company II, LLC, for construction of the OC Streetcar project. A contract change order is required to undertake hand digging of the overhead contact system, traffic signal, and streetlight pole foundations.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 16.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$1,400,000, for hand digging of the overhead contact system, traffic signal, and streetlight pole foundations for the construction of the OC Streetcar project.

Discussion

On September 24, 2018, the Orange County Transportation Authority (OCTA) Board of Directors (Board) awarded a contract to construct the OC Streetcar project (Project) to Walsh Construction Company II, LLC (Walsh). The Notice to Proceed with construction was issued to Walsh on March 4, 2019. Construction activities are underway, with the focus on construction of the maintenance and storage facility and the underground storm drain, sewer, and water utility relocations within City of Santa Ana (City) streets. Installation of foundations and retained approaches for both the new 350-foot long bridge across the Santa Ana River and the bridge over Westminster Avenue is also underway.

One Project element in progress is the installation of foundations to support the overhead contact system (OCS), traffic signal, and streetlight poles. Within the street-running segment of the Project, between Raitt Street and Santa Ana Regional Transportation Center (SARTC), an estimated 250 OCS foundations are being installed. There are also 65 foundations to support new and relocated traffic signal poles. In addition, an estimated 105 foundations for new streetlights are scheduled to be installed commencing this summer.

The contract with Walsh requires OCS pole foundations that were identified as being within the vicinity of known utilities to be hand dug to prevent damage to utility lines, with the remaining foundations installed by drilling. As Walsh proceeded with drilling foundation holes not in the vicinity of the known utilities, an extensive number of undocumented underground utilities were encountered, including small conduits for irrigation, streetlights, traffic signals, and residential service laterals. These are primarily residential connections into the City's water and gas lines that are not mapped by the City and are not identified by Dig Alert, the legally-required utility identification for the Project.

It was determined that hand digging all pole foundations is the best approach for minimizing risks associated with damaging an undocumented utility. To keep work on the OCS and traffic signal pole foundations proceeding and minimize delays, an initial contract change order (CCO), in the amount of \$198,808, is being processed for 53 locations. The work includes hand digging the top of each pole foundation down to five feet, surveying the existing and revised pole location, and hauling and disposal of the rubble and dirt.

An independent cost estimate, which provides an order of magnitude cost for the continued work to hand dig OCS, traffic signal, and streetlight pole foundations, has been prepared by the construction management team. The cost of the additional work is estimated at \$1,400,000, and includes assumptions on the number of pole foundations that will require hand digging based upon what has been experienced to date with the OCS pole foundation excavations. The estimate uses negotiated unit prices for the specific work efforts of surveying, hand digging, hauling, and disposal. This is a not-to-exceed amount with actual costs dependent upon the number of pole foundations that require hand digging.

Payment will be made at the agreed-upon unit price amount for each foundation completed. The unit price incorporates a credit for the excavation work that was included in the base contract bid for all foundation types.

Walsh has also requested time-related overhead be paid as part of the CCO because the Project schedule may be impacted. It was agreed that this request would be deferred until the required time impact evaluation is provided and reviewed by OCTA. Staff will return to the Board for approval of any required

supplemental costs related to the change when the final impacts have been agreed to by both OCTA and Walsh.

The cost of the work will be funded from the Project contingency, because the work was unknown and not evident when the Project cost estimate was prepared. It will not increase the Project cost of \$407.7 million, as defined in the Full Funding Grant Agreement.

Procurement Approach

The initial 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 September 24, 2018, the Board authorized Agreement No. C-7-1904 with Walsh, in the amount of \$220,538,549, for construction of the Project.

Proposed CCO No. 16.1, in the amount of \$1,400,000, will increase the cumulative value of the contract to \$235,602,422, as shown in Attachment A. Board approval is required for CCO No. 16.1, pursuant to the State of California Public Contracting Code Section 20142.

Fiscal Impact

The additional work for this Project is included in OCTA's Fiscal Year 2019-20 Budget, Capital Programs Division, accounts 0051-9017-TS010-Z54, 0051-9017-TS010-Z52, and 0051-9017-TS010-Z42, and is funded with Federal Transit Administration Section 5309 New Starts and local Measure M2 funds.

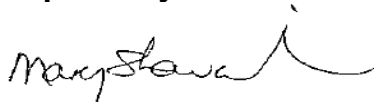
Summary

Staff recommends Board of Directors' authorization for the Chief Executive Officer to negotiate and execute Contract Change Order No. 16.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$1,400,000, for hand digging of the overhead contact system, traffic signal, and streetlight foundations for the construction of the OC Streetcar project.

Attachment

- A. Walsh Construction Company II, LLC, Agreement No. C-7-1904, Contract Change Order (CCO) Log

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