



June 18, 2025

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Contract Change Orders for 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. Contract change orders are required for modifications to cranes at the maintenance and storage facility, additional fencing to minimize trespassing in the Pacific Electric Right-of-Way, additional work to connect pumps to the appropriate systems in the maintenance and storage facility, and for additional work to install alternative anchorage equipment to support various systems housed on the roof of the maintenance and storage facility.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 93.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$97,000, for modifications to cranes at the maintenance and storage facility.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 175.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$200,000, for additional work for fencing to minimize trespassing in the Pacific Electric Right-of-Way.
- C. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 250.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$50,000, for additional work to connect pumps to the appropriate systems in the maintenance and storage facility.

- D. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 268.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$70,000, for additional work to install alternative anchorage equipment to support various systems housed on the roof of the maintenance and storage facility.

Discussion

On September 24, 2018, the Orange County Transportation Authority (OCTA) Board of Directors (Board) awarded the 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. The construction of the Project is nearing 95 percent complete. The project alignment is referenced in Attachment A.

Staff is requesting Board authorization of the following contract change orders (CCO).

Modifications to Cranes at the Maintenance and Storage Facility

The maintenance and storage facility (MSF) utilizes jib cranes to load and unload streetcar wheelsets onto the wheel truing machine. During construction, it was determined that the wheel truing machine model specified in the contract was no longer available; therefore, CCO No. 93, in the amount of \$318,486, was issued for the updated model of the wheel truing machine. The updated model of the wheel truing machine requires jib cranes that have an increased weight capacity. As such, CCO No. 93.1, in the amount of \$97,000, is needed for modifications to the jib cranes required for the updated wheel truing machine.

Additional Fencing to Minimize Trespassing in Pacific Electric Right-of-Way (PEROW)

During the design process, it was difficult to anticipate the volume of pedestrians in the Santa Ana River trespassing in the PEROW during active construction. This volume of continued pedestrian use during streetcar operations could result in service interruptions and safety concerns. As a result, CCO No. 175 was issued for the installation of fencing, gates, and signage to minimize trespassing in the PEROW from the Santa Ana River. However, unforeseen obstructions were encountered during construction of the fencing at the Santa Ana River bridge abutments that required additional work to resolve. After completing the work per the revised contract drawings, gaps existed below the installed fencing and existing grade. Additionally, fence repairs are also needed for damage caused by vandalism. Proposed CCO No. 175.1, in the amount of \$200,000, is required for the additional work required to resolve fence conflicts, close fencing

gaps and repair damaged fencing caused by vandalism to minimize trespassing in the PEROW.

Additional Work to Connect Pumps to the Appropriate Systems in the MSF

The wheel truing machine at the MSF is located within a service and inspection pit (pit). The pit requires a network of pumps to properly drain. The original design called for the use of electric pumps. During review of the contractor's parts submittals, it was determined that the electric pumps were not Buy America-compliant as required by the Federal Transit Administration (FTA). It was determined that equivalent electric pumps that would meet Buy America requirements were not available. To mitigate potential delays to construction, the design was modified from electric to pneumatic pumps, as there were Buy America-compliant options that would have the appropriate capacity to perform pursuant to the original specification. CCO No. 250 was previously issued to modify the contract with the appropriate Buy America-compliant pneumatic pumps. Proposed CCO No. 250.1, in the amount of \$50,000, is required for additional work needed to connect the pneumatic pumps to the pneumatic system elsewhere in the MSF.

Additional Work to Install Alternative Anchorage Equipment to Support Various Systems Housed on the Roof of the MSF

Anchorage equipment related to the structural platforms that provide a level base for mounting heavy equipment on the roof of the MSF could not be installed as detailed in the contract documents. Alternative equipment anchorage and installation adjustments were required to support the overhead mechanical, electrical, plumbing, and fire suppression systems on the MSF roof; therefore, CCO No. 268 was issued to modify the contract with the alternative equipment anchorage and compensate for the work performed. Additional work and costs were recently identified to install the alternative equipment anchorage and proposed CCO No. 268.1, in the amount of \$70,000, is required to provide compensation to Walsh for this additional work.

The cost of the work associated with these CCOs will be funded from the project budget as previously approved by the Board on February 24, 2025.

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 \$220,538,649, for construction of the Project.

Proposed CCO nos. 93.1, 175.1, 250.1, and 268.1, in the cumulative amount of \$417,000, will increase the cumulative value of the contract to \$350,295,295, as shown in Attachment B. Board approval is required for CCO nos. 93.1, 175.1, 250.1, and 268.1 pursuant to the State of California Public Contracting Code Section 20142. The CCOs will be issued with a reservation of rights to advance the Project, pending resolution of disputes between OCTA and Walsh. The statements in this report are made in the context of, and subject to, OCTA's reservation of rights.

Fiscal Impact

Funding for these changes was included in the revised OC Streetcar FTA Full Funding Grant Agreement approved by the Board on February 24, 2025, and is included in OCTA's Proposed Fiscal Year 2025-26 Budget, Capital Programs Division, account nos. 0051-TS010-9017-Z32 (CCO nos. 93.1, 250.1, and 268.1) and 0051-TS010-9017-Z47 (CCO No. 175.1) and is funded with Federal Transit Administration Section 5309 New Starts grant funds and local Measure M2 funds.

Summary

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute CCO No. 93.1, in the amount of \$97,000, for the modifications to cranes at the MSF, CCO No. 175.1, in the amount of \$200,000, for additional fencing to minimize trespassing in the PEROW, CCO No. 250.1, in the amount of \$50,000, for additional work to connect pumps to the pneumatic system in the MSF, and CCO No. 268.1, in the amount of \$70,000, for additional work to install alternative anchorage equipment to support various systems housed on the roof of the MSF, to Agreement No. C-7-1904 between OCTA and Walsh for the construction of the Project.

Attachments

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

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