



**August 5, 2024**

**To:** Regional Transportation Planning Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Amendment to Agreement for Construction Management Support Services for the Interstate 5 Improvement Project Between Alicia Parkway and El Toro Road

**Overview**

On April 13, 2020, the Orange County Transportation Authority Board of Directors approved a contract with Jacobs Project Management Co., to provide construction management support services for the Interstate 5 Improvement Project between Alicia Parkway and El Toro Road as part of the Interstate 5 Improvement Project between State Route 73 and El Toro Road. An amendment to the existing agreement is needed to provide additional funding for construction management support services.

**Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-9-1605 between the Orange County Transportation Authority and Jacobs Project Management Co., in the amount of \$3,699,869, for additional construction management support services for the Interstate 5 Improvement Project between Alicia Parkway and El Toro Road. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$15,781,634.

**Discussion**

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), is implementing the Interstate 5 (I-5) Improvement Project between State Route 73 (SR-73) and El Toro Road (Project). The Project is part of projects C and D in the Measure M2 (M2) freeway program and is being advanced through the updated Next 10 Delivery Plan approved by the OCTA Board of Directors (Board) in November 2022.

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The Project adds improvements in each direction on I-5 between Avery Parkway and Alicia Parkway, extends the second high-occupancy vehicle lane from El Toro Road to Alicia Parkway, re-establishes auxiliary lanes, and constructs new auxiliary lanes at various locations. In addition, the Project will reconstruct the Avery Parkway and La Paz Road interchanges, reconstruct the Los Alisos Boulevard overcrossing, improve several existing on- and off-ramps, and convert existing and proposed carpool lanes to continuous access.

Construction is underway for the Project in three segments with the following limits:

- Segment 1 extends from SR-73 to south of Oso Parkway
- Segment 2 extends from south of Oso Parkway to south of Alicia Parkway
- Segment 3 extends from south of Alicia Parkway to El Toro Road

On April 13, 2020, the Board authorized Agreement No. C-9-1605 with Jacobs Project Management Co., (Jacobs) to provide construction management (CM) support services for Segment 3, between Alicia Parkway and El Toro Road.

Additional CM support services are required at this time due to a variety of issues that have been encountered within the limits of Segment 3 of the Project, including delays caused by differing site conditions in the freeway median, pavement redesign of the I-5 median, additional construction work, and negotiations to implement the revised scope of work, which have caused delays to the transition to the second stage of the Project and have also required increased inspections for this work. There are also increased delay costs associated with disposal of excavated soil, which has required additional administration to process these costs, increased support and inspection costs associated with the design modifications along Avenida de La Carlota to accommodate the existing site conditions which were modified post-award of the construction contract, increases in the scope of electrical work, and ongoing processing and negotiations of contractor submitted Time Impact Analyses and Project Claim Reports. These issues have impacted and delayed the construction contractor's progress and are being monitored and managed with the intent to minimize further delays to the construction completion date.

The level of construction management support services needed has also risen due to an increase in the construction scope of work. The additional work associated with delays due to the increased work in the location of the median barrier has increased CM work and extended the duration of the construction contract by 103 working days. Additional CM support services include the associated collection, processing, and maintenance of project communications

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and records, management of contractor progress payments, and processing of contract change orders and claims.

***Procurement Approach***

The original procurement was handled in accordance with OCTA's Board-approved procedures for architectural and engineering services which conform to both state and federal laws. The original firm-fixed price agreement was issued on October 19, 2020, in the amount of \$8,352,394. This agreement has been previously amended as shown in Attachment A.

OCTA staff negotiated the required level of effort with Jacobs to provide the additional CM support services. Staff found Jacob's cost proposal, in the amount of \$3,699,869, to be fair and reasonable relative to the negotiated level of effort. Proposed Amendment No. 8 to Agreement No. C-9-1605, in the amount of \$3,699,869, will increase the total contract value to \$15,781,634.

**Fiscal Impact**

The additional funding for the Project is included in OCTA's Fiscal Year 2024-25 Budget, Capital Programs Division, Account No. 0017-9085-FC106-103. The source of additional funding is M2.

***Summary***

Staff requests Board of Directors' approval to authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-9-1605 between the Orange County Transportation Authority and Jacobs Project Management Co., in the amount of \$3,699,869, for additional construction management support services for the Interstate 5 Improvement Project, Segment 3 between Alicia Parkway and El Toro Road. This will increase the maximum obligation of the contract to \$15,781,634.

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***Attachment***

- A. Jacobs Project Management Co., Agreement No. C-9-1605 Fact Sheet

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