



September 26, 2022

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Amendment to Agreement for Program Management Consultant Services for Regional Rail Programs

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

Overview

On August 27, 2018, the Orange County Transportation Authority Board of Directors approved an agreement with HDR Engineering, Inc., to provide regional rail program management consultant services for the Rail Programs Department, for a term of five years, with one, two-year option term. An amendment to the existing agreement is needed to allow the firm to provide environmental and design services for the Mile Post 206.8 Track Stabilization Project.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 6 to Agreement No. C-8-1512 between the Orange County Transportation Authority and HDR Engineering, Inc., to provide environmental and design services for the Mile Post 206.8 Track Stabilization Project under the program management consultant services for the Rail Programs Department. This will not increase the maximum obligation or extend the term of the agreement.

Discussion

On September 16, 2021, the Southern California Regional Rail Authority (SCRRA) suspended passenger rail service for three weeks in south Orange County and began emergency work to stabilize the track with an enhanced revetment due to the failure of an adjacent slope in the City of San Clemente at Mile Post (MP) 206.8. Although passenger rail service resumed on October 4, 2021, additional emergency revetment placement was necessary to temporarily stabilize the track. During this emergency effort between late 2021 and early 2022, over 18,000 tons of riprap was placed along the beach adjacent to the track to halt the slope movement. As SCRRA continues with efforts to continuously monitor the stability of the slope and track infrastructure utilizing inclinometers, the situation remains dynamic and additional riprap was placed earlier this month due to high tide and storm surges that caused additional

coastal erosion and undermined two structures (pedestrian tunnel and drainage culvert). A speed restriction of ten miles per hour was implemented at this location to reduce vibration and allow trains to stop in case of track movement. The railroad right-of-way, including the tracks and infrastructure, is owned by the Orange County Transportation Authority (OCTA). SCRRA through agreement with OCTA is responsible for the operations and maintenance of the railroad within this railroad corridor. Given the significant importance of this rail corridor and the dynamic and uncertain nature of the changing track stability, OCTA needs to evaluate the long-term mitigation necessary to address the issue and protect OCTA's infrastructure.

On March 28, 2019, OCTA executed Agreement No. C-8-1512 with HDR Engineering, Inc., (HDR) to provide rail program management consultant (PMC) services for the Rail Programs Department. This agreement provides consultant support services for various rail capital projects that require supplemental technical assistance, program management, and capabilities to provide services for planning, environmental, design, and construction management to support the development of projects as needed. In order to address the on-going track instability as described above, staff has been working closely with HDR to understand the conditions and develop mitigation strategies. Specifically, a planning level study is currently being developed by HDR to identify potential options to address the slope failure that led to the instability of the track in this area. The study will provide engineering alternatives that will allow OCTA to make a sound investment decision to mitigate future instability in this area.

Following completion of the planning study, the continued advancement of the preferred engineering solution to the next phases of project development is necessary. Staff recommends that HDR perform the environmental clearance and the follow-on design services for the preferred solution, and also manage the design support during construction on a time-and-expense basis rather than a firm-fixed price that is the typical contract type for OCTA design contracts. This design scope and effort will be very dynamic as input from owners, stakeholders, permitting resource agencies, and support of right-of-way acquisition and legal counsel are coordinated over a relatively short time frame. An amendment is necessary to assign this specific work and associated indemnification and risk provisions for this effort.

The assignment of the scope of work to the PMC is justified due to the unusual compelling urgency to address the track instability and ensure continued safety delivery or rail service. Utilizing this PMC will eliminate the delay resulting from a competitive architecture and engineering (A&E) procurement which could potentially take up to nine months before the selected consultant would begin work as required by the Federal Transit Administration. Utilizing the PMC firm which has the necessary qualifications and technical capacity to perform this

work as well as current experience of having provided the engineering support under SCRRRA during the initial emergency will expedite solutions and ensure the continued safe operation of rail service.

With Board approval of the amendment, this work could begin immediately and will require no change to the contractual requirements for ongoing or new work that will continue under the PMC agreement.

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. On August 27, 2018, the Board authorized a time-and-expense agreement with HDR for a term of five years with one, two-year option term. The initial term expires on March 31, 2024. The contract was issued with a maximum obligation of \$7,500,000. This agreement has been previously amended as shown in Attachment A.

OCTA staff and HDR have reviewed and agreed to the estimated level of effort and supplemental contract terms specific to the scope of services for the MP 206.8 Track Stabilization Project. The proposed services are estimated to be \$743,799 which include project management, environmental clearance, design, bid support, and design services during construction. The contract has sufficient remaining funds; therefore, proposed Amendment No. 6 will not change the contract value. The costs were determined to be fair and reasonable relative to the proposed level of effort.

Fiscal Impact

Funding is included in OCTA's Fiscal Year 2022-23 Budget, Capital Programs Division, Account No. 0017-7519-TR212-06P, and is funded with a combination of federal, state, and local funds.

Summary

Staff recommends the Board of Directors' authorize the Chief Executive Officer to negotiate and execute Amendment No. 6 to Agreement No. C-8-1512, between the Orange County Transportation Authority and HDR Engineering, Inc., to provide environmental and design services for the Mile Post 206.8 Track Stabilization Project under the program management consultant services agreement for the Rail Programs Department.

Attachment

- A. HDR Engineering, Inc., Agreement No. C-8-1512 Fact Sheet

Prepared by:

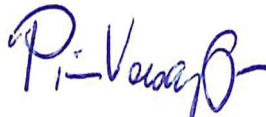


Jason Lee
Project Manager
(714) 560-5833

Approved by:



James G. Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646



Pia Veesapen
Director, Contracts Administration and
Materials Management
(714) 560-5619