



**October 10, 2019**

**To:** Transit Committee

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

**Subject:** Amendment to Agreement for the Design of the OC Streetcar Project

### **Overview**

On September 14, 2015, the Orange County Transportation Authority Board of Directors approved an agreement with HNTB Corporation for preparation of plans, specifications, and estimates for the OC Streetcar project. An amendment to the agreement is necessary for additional design support services.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-5-3337 between the Orange County Transportation Authority and HNTB Corporation, in the amount of \$1,500,000, and to extend the agreement term by 26 months through February 28, 2022, for continuation of OC Streetcar project design support services during construction. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$20,683,841.

### **Discussion**

On February 1, 2016, Orange County Transportation Authority (OCTA) entered into an agreement with HNTB Corporation (HNTB) for the design of the OC Streetcar (Project). HNTB produced final plans, specifications, and estimates for the release of an invitation for bids for construction of the Project on December 11, 2017.

Construction activities have been underway since issuance of the Notice to Proceed to Walsh Construction Company II, LLC on March 4, 2019. The initial efforts are focusing on the maintenance and storage facility (MSF), as well as storm drain, sewer, and water system utility relocations within City of Santa Ana streets. Installation of foundations for the new 350-foot long bridge across the Santa Ana River and the bridge over Westminster Avenue is also underway.

As the designer-of-record, HNTB has been providing design service support in the Project construction phase. The efforts include review and response to construction contractor requests for information (RFI) and review and acceptance of contract submittals required in drawings and specifications. As of September 6, 2019, the construction contractor has submitted 229 RFIs and 467 contract submittals. Additional support being provided by HNTB includes coordination with utility agencies to ensure its relocation designs align with the Project's design, providing certification efforts required by permitting agencies, and performing additional design services for Project modifications that are being implemented in the construction phase.

The proposed amendment will authorize additional design support services as follows:

- Review and acceptance of contract submittals addressing additional project elements, including special trackwork, traction power substations, communication systems, and architectural finishes;
- Review of deficiencies documented as non-conformance reports through the quality process and providing recommendations on the required repairs;
- Evaluation of value engineering proposals submitted by the contractor;
- Continued support for certification efforts required by permitting agencies, including geotechnical site inspections of excavations and retained fill locations at the MSF, Santa Ana River Bridge, and Westminster Bridge; and
- Preparing modifications to plans and specifications to address conditions discovered during construction and/or enhance system operations and safety.

The original contract included a budget of \$971,534 for design support during construction (DSDC). Amendment No. 7 increased that amount by \$124,606, bringing the total DSDC budget to \$1,196,140. Due to the revised Project construction schedule and Notice to Proceed issuance delays, construction is now scheduled to extend through February 2022 and, accordingly, additional funding for design support services and an agreement term extension are necessary.

An independent cost estimate in the amount of \$1,500,000 was prepared by the program management team. The cost of this additional work will be funded from the Project contingency and will not increase the Project cost of \$407,759,966, as defined in the Full Funding Grant Agreement with the Federal Transit Administration.

***Procurement Approach***

This procurement was handled in accordance with OCTA Board of Directors-approved procedures for architectural and engineering services, which conform to both federal and state laws. On September 14, 2015, the Board approved an agreement with HNTB, in the amount of \$16,434,022. The agreement was previously amended as shown in Attachment A. It has become necessary to amend the existing agreement to include additional design support services during construction and extend the term.

OCTA staff and HNTB agreed upon the required level of effort for the additional design support services. Staff found HNTB's proposal to be fair and reasonable relative to the negotiated level of effort and consistent with the independent cost estimate prepared by the Project management team.

Proposed Amendment No. 8 to Agreement No. C-5-3337, in the amount of \$1,500,000, will bring the total contract value to \$20,683,841.

**Fiscal Impact**

Funding for the Project is approved in OCTA's Fiscal Year 2019-20 Budget, Capital Programs Division, Account 0051-7519-TS010-Z84, and will be funded through Measure M2 and federal Congestion Mitigation and Air Quality funds.

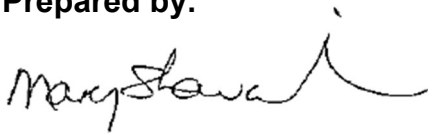
***Summary***

Staff requests Board of Directors' approval to authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-5-3337 with HNTB Corporation, in the amount of \$1,500,000, and to extend the agreement term for an additional 26 months through February 28, 2022, for continued design support services during construction.

***Attachment***

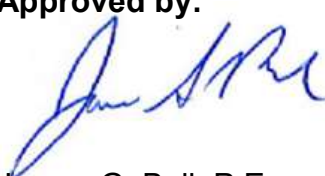
A. HNTB Corporation, Agreement No. C-5-3337 Fact Sheet

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