



***April 6, 2020***

**To:** Regional Planning and Highways Committee

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

**Subject:** Supplemental Contract Change Order for the Interstate 405 Improvement Project from State Route 73 to Interstate 605 – Archaeological Treatment Plan

***Overview***

On November 14, 2016, the Orange County Transportation Authority Board of Directors approved Agreement No. C-5-3843 with OC 405 Partners, a joint venture, for the design and construction of the Interstate 405 Improvement Project from State Route 73 to Interstate 605. A supplemental contract change order is needed to develop, implement, and maintain an archaeological treatment plan, and continue archaeological monitoring for the project.

***Recommendation***

Authorize the Chief Executive Officer to negotiate and execute supplemental Contract Change Order No. 57.1 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$1,300,000, to develop, implement, and maintain an archaeological treatment plan, and continue archaeological monitoring for the Interstate 405 Improvement Project from State Route 73 to Interstate 605.

***Discussion***

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), is implementing the Interstate 405 (I-405) Improvement Project between State Route 73 (SR-73) and Interstate 605 (I-605) (Project). The Project will add one general purpose lane from Euclid Street to I-605, consistent with Measure M2 (M2) Project K, and will add an additional lane in each direction that would combine with the existing high-occupancy vehicle lane to provide dual express lanes in each direction on I-405 from SR-73 to I-605, otherwise known as the 405 Express Lanes.

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On November 14, 2016, the OCTA Board of Directors (Board) approved Agreement No. C-5-3843 with OC 405 Partners (OC405), a joint venture, for the design and construction of the Project. The contract was executed and Notice to Proceed (NTP) No. 1 was issued to OC405 on January 31, 2017. NTP No. 2, for the full design and construction of the Project, was issued to OC405 on July 27, 2017.

On September 25, 2019, an archaeological discovery was encountered within the Project site. OCTA has been following established state and federal procedures for this type of discovery and is working with the required parties to ensure appropriate and respectful procedures are followed. In accordance with Section 106 of the National Historic Preservation Act, an archaeological treatment plan (ATP) is required to guide cultural resource discoveries, including the identification, evaluation, and treatment of historic properties/archaeological resources within the Project site.

Contract Change Order (CCO) No. 57, in the amount of \$200,000, was previously issued to OC405 to initiate archaeological monitoring, prepare the ATP, and provide site security and erosion control measures to protect the discovery sites. Since then, OCTA staff has developed an independent cost estimate for the anticipated level of effort by OC405 to complete, implement, and maintain the ATP and continued archaeological monitoring, in the amount of \$1,300,000. Staff is now requesting OCTA Board approval of supplemental CCO No. 57.1, in the amount of \$1,300,000, which brings the total amount for CCO No. 57 to \$1,500,000. Costs and expenses to develop, implement, and maintain the ATP will be tracked, reviewed, and paid for on a time and materials basis.

***Procurement Approach***

The procurement was handled in accordance with the best-value selection process authorized by AB 401 (Chapter 586, Statutes of 2013) for design-build projects, and with OCTA's Board-approved procedures for public works projects, which conform to both federal and state requirements. On November 14, 2016, the OCTA Board approved Agreement No. C-5-3843 with OC405 for the design and construction of the Project through a design-build contract.

Proposed supplemental CCO No. 57.1, in the amount of \$1,300,000, in addition to the previous CCO No. 57, in the amount of \$200,000, approved by OCTA's Contracts Administration and Materials Management Department, will provide staff the ability to timely direct the development, implementation, and maintenance of an ATP, as well as continue archaeological monitoring. CCO 57.1 brings the total authorized amount of CCO No. 57 to \$1,500,000.

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Attachment A lists the CCOs that have been executed to date, and the CCOs that are pending execution with OC405.

**Fiscal Impact**

Funding for this work was approved in OCTA's Fiscal Year 2019-20 Budget, Capital Programs Division, accounts 0017-9084-FK101-0GM and 0037-9017-A9510-0GM, and is funded with a combination of federal, state, and local funds. M2 funds will be used for improvements specific to M2 Project K, and non-M2 funds will be used for improvements specific to the 405 Express Lanes. The cost for the development, implementation, and maintenance of the ATP and archaeological monitoring described in CCO No. 57.1 is funded from the Project contingency, and is not anticipated to increase the total Project estimate of \$1.9 billion.

**Summary**

Staff recommends Board authorization for the Chief Executive Officer to negotiate and execute CCO No. 57.1 to Agreement No. C-5-3843 with OC405, a joint venture, in the amount of \$1,300,000, to develop, implement, and maintain an ATP and continue archaeological monitoring for the Project.

**Attachment**

A.     OC405 Partners, Agreement No. C-5-3843, Contract Change Order Log

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