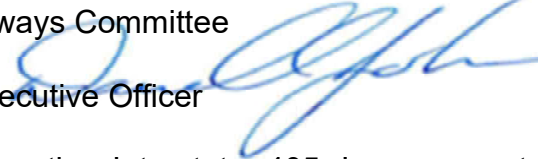




May 3, 2021

To: Regional Planning and Highways Committee

From: Darrell E. Johnson, Chief Executive Officer 

Subject: Contract Change Orders for the Interstate 405 Improvement Project from State Route 73 to Interstate 605

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. Contract change orders are needed at this time to compensate OC 405 Partners for additional design and construction efforts related to additional environmental monitoring services, lighting management system, the Bolsa Chica Road community wall, traffic signal equipment, and protection of a private property structure encroaching into the California Department of Transportation's right-of-way.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 68.2 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$75,000, to provide additional environmental monitoring services.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 89 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$578,348, to incorporate lighting management system specifications.
- C. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 90 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$867,349, to construct the Bolsa Chica Road community wall.

- D. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 91 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$418,620, to provide additional traffic signal equipment at multiple intersections.
- E. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 92 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$995,000, to mitigate a right-of-way encroachment.

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 from State Route 73 (SR-73) to 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.

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. On July 27, 2017, NTP No. 2 was issued to OC405 for the full design and construction of the Project.

The recommended contract change orders (CCO) are described in more detail below.

Environmental Monitoring

In accordance with the contract documents, OC405 is required to provide archaeological monitoring for its ground disturbing work along the southbound (SB) I-405 freeway adjacent to the Naval Weapons Station in the City of Seal Beach. In addition to OC405's work, the Southern California Gas Company (SCG) is required to relocate facilities in the same area, which also required archaeological monitoring. Coordinating independent qualified monitors for the SCG utility relocation created a significant schedule risk to the Project; therefore, in order to

minimize potential Project delays and to provide consistency with monitoring efforts, OC405 was directed to provide additional archaeological monitoring to also support the SCG utility relocation.

CCO Nos. 68 and 68.1, each in the amount of \$100,000, were previously issued for the archaeological monitoring work. Since then, costs for monitoring SCG relocation work has exceeded the original estimates. OCTA staff developed an independent cost estimate for the remaining work, in the amount of \$75,000, based on the level of extra effort to complete the SCG relocation. Therefore, staff is now requesting Board approval of supplemental CCO No. 68.2, in the amount of \$75,000, which brings the total for CCO No. 68 to \$275,000. Costs and expenses for archaeological monitoring will be tracked, reviewed, and paid on a time-and-materials basis.

Lighting Management System

In accordance with the contract documents, OC405 is required to design and construct an electrical and lighting management system in accordance with Caltrans specifications allowing adjustable control of the lighting from the Caltrans traffic management center. The specifications for this element were still being developed by Caltrans during OCTA's procurement of a design-builder and were not provided in the procurement documents prior to the proposals due date in 2016. The specifications were adopted by Caltrans in 2018. The improvements were anticipated in the original scope of work (SOW); however, the details were not finalized until 2018. A CCO is now needed, in the amount of \$578,348, for OC405 to comply with the contract requirement to include the lighting management system.

Bolsa Chica Road Community Wall

In accordance with the contract documents, OC405 is required to reconstruct the Bolsa Chica Road bridge overcrossing and realign the SB off-ramp from I-405. The Project removed existing landscaping and trees that shielded the homes along Bolsa Chica Road from noise and light, particularly from oncoming traffic on the realigned SB off-ramp. The planned Project improvements would not have replaced the shielding that residents had prior to the Project, and the City of Westminster requested construction of a community wall to protect the residents from noise and light resulting from the Project. OCTA agreed with the noted concerns and concurred with the request. OCTA directed OC405 to provide a community wall to protect the residences.

The additional community wall was not anticipated in the original SOW. A CCO is now needed, in the amount of \$867,349, for OC405 to comply with this directive.

Traffic Signal Equipment

In accordance with the contract documents, OC405 is required to furnish and install cabinets and controllers for intersection traffic signals. The contract documents mistakenly identified some City of Westminster and City of Huntington Beach (Cities) intersections to have cabinet and controller models compatible with Caltrans, but that did not comply with the Cities' standards. In addition, the Cities identified some additional elements needed, including electrical facilities, conduit, loop detectors, poles, and signal heads which required replacement. OCTA concurred with the Cities' requests and directed OC405 to provide the correct cabinets and controllers and the additional equipment.

The modified and additional equipment was not anticipated in the original SOW. A CCO is now needed, in the amount of \$418,620, for OC405 to comply with this directive.

Senior Center Right-of-Way (ROW) Encroachment

In accordance with the contract documents, OC405 is required to construct a soundwall on top of a retaining wall within Caltrans ROW to protect existing sensitive noise receptors, including a senior center at Sugar Avenue adjacent to the McFadden Avenue bridge overcrossing and I-405. The existing senior center facility was found to be encroaching into Caltrans ROW, preventing the construction of the wall without disturbing the structure. The Project team sent a letter to notify the property owner of the encroachment and demanding removal of the encroaching structure from Caltrans ROW; however, the removal of the encroaching structure presented significant risks to the Project schedule as potential litigation and relocation of senior citizens would likely take several years. The Project team and property owner were able to reach an agreement with the modification of the soundwall and retaining wall. OCTA directed OC405 to make these modifications.

The additional improvements were not anticipated in the original SOW. A CCO is now needed, in the amount of \$995,000, for OC405 to comply with this directive.

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 (DB) projects, and with OCTA's Board-approved procedures for public works projects, which conform to both federal and state requirements.

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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 DB contract.

Proposed supplemental CCO No. 68.2, in the amount of \$75,000, will give OCTA staff the ability to timely direct environmental monitoring work on an as-needed basis without impacting the Project schedule.

Proposed CCO No. 89, in the amount of \$578,348, will provide compensation to OC405 for the additional design and construction necessary to implement the highway lighting management system.

Proposed CCO No. 90, in the amount of \$867,349, will provide compensation to OC405 for the additional design and construction of the new Bolsa Chica Road community wall.

Proposed CCO No. 91, in the amount of \$418,620, will provide compensation to OC405 for the additional design and construction of additional traffic signal equipment at multiple intersections in the Cities.

Proposed CCO No. 92, in the amount of \$995,000, will provide compensation to OC405 for the additional design and construction necessary for a retaining wall to protect a senior center at the McFadden Avenue overcrossing.

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 2020-21 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 costs of CCO Nos. 68.2, 89, 90, 91, and 92 are funded from the Project contingency and are not anticipated to increase the total Project estimate of \$2.08 billion.

Summary

Staff recommends Board authorization for the Chief Executive Officer to negotiate and execute CCO No. 68.2 to Agreement No. C-5-3843 with OC405, in the amount of \$75,000; CCO No. 89 to Agreement No. C-5-3843 with OC405, in the amount of \$578,348; CCO No. 90 to Agreement No. C-5-3843 with OC405, in the amount of \$867,349; CCO No. 91 to Agreement No. C-5-3843 with OC405, in the amount of \$418,620; and CCO No. 92 to Agreement No. C-5-3843 with OC405, in the amount of \$995,000.

Attachment

- A. OC 405 Partners, Agreement No. C-5-3843, Contract Change Order Log

Prepared by:



Jeff Mills, P.E.
Senior Program Manager
(714) 560-5925



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

Approved by:



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