



**July 1, 2021**

**To:** Regional Planning and Highways Committee

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

**Subject:** Contract Change Order 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. A contract change order is needed at this time to compensate OC 405 Partners for additional design and construction efforts related to intersection and sidewalk improvements at Garden Grove Boulevard.

**Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 99 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$470,000, to design and construct intersection and sidewalk improvements at the intersection of Garden Grove Boulevard and the Interstate 405 northbound off-ramp.

**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.

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

The recommended contract change order (CCO) is described in more detail below.

### **Intersection and Sidewalk Improvements at Garden Grove Boulevard**

In accordance with the contract documents, OC405 is required to reconstruct the northbound I-405 off-ramp to Garden Grove Boulevard. The planned Project improvements would not have connected the new intersection improvements with the existing sidewalks on Garden Grove Boulevard, or provided an accessible crossing to the opposite side of Garden Grove Boulevard. The City of Westminster requested construction of these improvements to provide pedestrian access and continuity, and OCTA agreed with the access/continuity concerns and concurred with the request. OCTA directed OC405 to design and construct the intersection and sidewalk improvements to provide the noted access. The additional intersection and sidewalk improvements were not anticipated in the original scope of work. A CCO is now needed, in the amount of \$470,000, 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.

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 CCO No. 99, in the amount of \$470,000, will provide compensation to OC405 for the additional design and construction efforts necessary to implement the intersection and sidewalk improvements at Garden Grove Boulevard.

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

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**Fiscal Impact**

Funding for this work was approved in OCTA's Fiscal Year 2021-22 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 of CCO No. 99 is funded from the Project contingency and is 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. 99 to Agreement No. C-5-3843 with OC405, in the amount of \$470,000.

**Attachment**

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

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