



**November 1, 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 providing additional environmental monitoring services, and fencing and landscaping in the City of Seal Beach.

### **Recommendations**

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 68.3 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$155,000, to provide additional environmental monitoring services.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 115 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$550,000, to provide additional fencing and landscaping between Interstate 405 and Lampson Avenue in the City of Seal Beach.

### **Discussion**

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation, 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 I-405 freeway adjacent to the Naval Weapons Station in the City of Seal Beach (City). In addition to OC405's work, the Southern California Gas Company (SCG) and Long Beach Energy Resources (LBER) are required to relocate facilities in the same area, which also required archaeological monitoring. Coordinating independent qualified monitors for the SCG and LBER utility relocations created a significant risk to the Project's schedule; 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 and LBER utility relocations.

CCO Nos. 68, and 68.1, each in the amount of \$100,000, and CCO No. 68.2, in the amount of \$75,000, were previously issued for the archaeological monitoring work. Since then, costs for monitoring SCG and LBER relocation work has exceeded the prior estimates. LBER relocation is complete and SCG has installed its new pipeline. The remaining SCG work includes removal of original pipeline. Staff has prepared an independent cost estimate, in the amount of \$155,000, for monitoring of the remaining work required to remove the SCG pipeline and complete the relocations. Therefore, staff is now requesting Board approval of supplemental CCO No. 68.3, in the amount of \$155,000. Costs and expenses for archaeological monitoring will continue to be tracked, reviewed, and paid on a time-and-materials basis.

### **Fencing and Landscaping**

In accordance with the contract documents, OC405 is required to widen I-405 and reconstruct the northbound I-405 off-ramp to Seal Beach Boulevard adjacent to Lampson Avenue. OC405 developed a design compliant with the contract that included a barrier with a chain link fence between the barrier and sidewalk along Lampson Avenue. The City raised concerns of reduced visual screening from the pre-construction condition due to a reduced barrier height and removal of vegetation, and requested mitigation to address these perceived safety concerns. OCTA staff reviewed the concern and concurred with the request to provide additional mitigation. Staff worked with the City to develop a cost-effective solution moving the six-foot tall fence from the ground to the top of concrete barrier, and providing larger and more mature landscaping in the narrow strip between the freeway and Lampson Avenue. OCTA issued a directive letter to modify the design and implement the changes. A CCO is now needed, in the amount of \$550,000, 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 Board authorized Agreement No. C-5-3843 with OC405, in the amount of \$1,217,065,000, for the design and construction of the Project through a DB contract.

Proposed CCO No. 68.3, in the amount of \$155,000, will provide compensation to OC405 for additional archaeological monitoring to support the SCG and LBER utility relocations.

Proposed CCO No. 115, in the amount of \$550,000, will provide compensation to OC405 for additional fencing and landscaping between I-405 and Lampson Avenue in the City.

The two CCOs will increase the cumulative value of the contract by a total of \$705,000. Attachment A lists the CCOs that have been executed to date, and the CCOs that are pending execution with OC405.

**Contract Change Orders for the Interstate 405 Improvement Project from State Route 73 to Interstate 605** **Page 4**

---

**Fiscal Impact**

Funding for this work was approved in OCTA's Fiscal Year 2021-22 Budget, Capital Programs Division, account nos. 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. 68.3 and 115 are funded from the Project contingency and are not anticipated to increase the total Project estimate of \$2.08 billion.

**Summary**

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute CCO No. 68.3 to Agreement No. C-5-3843 with OC405, in the amount of \$155,000, and CCO No. 115 to Agreement No. C-5-3843 with OC405, in the amount of \$550,000, for additional archaeological monitoring, and fencing and landscaping efforts in the City.

**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