



March 13, 2025

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Contract Change Orders for Construction of the OC Streetcar Project

Overview

On September 24, 2018, the Orange County Transportation Authority Board of Directors authorized Agreement No. C-7-1904 with Walsh Construction Company II, LLC, for construction of the OC Streetcar project. Contract change orders are required for removal and disposal of contaminated materials, train-to-wayside loop installation in embedded track, pavement modifications and restoration, traffic signal pole foundation revisions, and overhead contact system pole modifications for the OC Streetcar project.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 3.4 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$657,000, for removal and disposal of contaminated materials.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 61.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$300,000, for the train-to-wayside control loop installed in embedded track.
- C. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 77.4 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$350,000, for pavement modifications and restoration.
- D. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 177.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$100,000, for the traffic signal pole foundation revisions.

- E. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 275 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$750,000, for overhead contact system pole modifications.

Discussion

On September 24, 2018, the Orange County Transportation Authority (OCTA) Board of Directors (Board) awarded the contract to construct the OC Streetcar project (Project) to Walsh Construction Company II, LLC (Walsh). The Notice to Proceed with construction was issued to Walsh on March 4, 2019. The construction of the Project is approximately 90 percent complete. The project alignment is referenced in Attachment A.

Staff is requesting Board authorization of the following contract change orders (CCO).

Removal and Disposal of Contaminated Materials

During construction, contaminated soils were found in the Pacific Electric Right-of-Way (PEROW) as well as various locations along the Project.

The Project required deeper excavations than originally anticipated in the PEROW for several elements, such as retaining walls, bridge abutments, storm drains and ditches, utility duct banks, foundations, and track beds. Contaminated soils were found during these excavations, as well as during excavations within the City of Santa Ana (City) streets for the relocation of storm drains and sewers and water lines. Walsh also encountered buried railroad ties during the excavations. State regulations require the ties be taken to designated disposal facilities, resulting in higher transportation and disposal costs. During excavation for track beds and platform stations, additional contaminated materials were encountered that required additional removal and disposal at an approved landfill. A large amount of contaminated soil was also encountered during excavations at the Santa Ana Regional Transportation Center.

The amount for removal and disposal of contaminated soils has been greater than anticipated and exceeded the allowance provided in the contract. Costs and expenses for work related to contaminated materials are tracked, reviewed and paid on a time-and-materials basis. Staff has reviewed extra work bills and supporting information recently provided by Walsh and found merit to those costs. Proposed CCO No. 3.4, in the amount of \$657,000, is required to provide compensation for removal and disposal of contaminated material for the Project.

Train-to-Wayside Communications Loop Installation in Embedded Track

The train-to-wayside (TWC) loops provide communication between the street embedded tracks and various equipment adjacent to the tracks needed for streetcar operations. The contract did not specify details for the installation of the TWC loop detectors within the embedded track areas. To mitigate construction delays while the project's designer developed the installation detail, a temporary workaround which includes block outs for the TWC loop equipment was implemented. The new installation detail required the contractor to procure and install glass fiber reinforced polymer supports in lieu of steel reinforcement at the TWC loop detector locations.

CCO No. 61 was previously executed, in the amount of \$80,000, to provide compensation to implement the temporary work around. The proposed CCO No. 61.1, in the amount of \$300,000, will provide compensation for implementing the new installation detail for the TWC loop detectors within the embedded track areas.

Pavement Modifications and Restoration

Pavement modifications and restoration were required at various locations of the Project. Additional pavement modifications and restoration are needed beyond the original design at Fourth Street, Fifth Street, and Mortimer Street. These changes were required to meet City requirements.

The proposed CCO No. 77.4, in the amount of \$350,000, will provide compensation for the additional pavement modifications and restoration as required by the City.

Traffic Signal Pole Revisions

New traffic signal poles are required at various locations throughout the Project. Due to space limitations in the field, temporary traffic signal poles will need to be installed in the same foundation as the new traffic signal poles. To accomplish this, the design of new traffic signals was revised utilizing an alternate bolt pattern configuration in the new foundations in accordance with City requirements.

CCO No. 177 was previously executed, in the amount of \$208,000, to provide compensation to implement the new traffic signal design. However, it was determined that the work required is above the original estimate. Proposed CCO No. 177.1, in the amount of \$100,000, is required to fully compensate Walsh to implement the traffic signal revisions.

Overhead Contact System Pole Modifications

The overhead contact system (OCS) consists of contact wire that is installed on steel pole structures. The pole structures include cantilever support arm assemblies. During installation of the contact wire on the cantilever arms, it was observed that the diagonal pipe of the arms and OCS pole structure deformed due to the forces applied from the wire. A revised design was issued for the contractor to install larger support bracing, shift cantilever arms, and complete associated installations and adjustments. The revised design will be implemented on seven cantilever arms on five pole structures. In anticipation of maintenance efforts, the contractor will provide three additional cantilever arm assemblies to OCTA as spare parts.

The proposed CCO No. 275, in the amount of \$750,000, will provide compensation for implementing the revised design and provide spare OCS cantilever arm assemblies.

The cost of the work associated with these CCOs will be funded from the project budget as previously approved by the Board on February 24, 2025.

Procurement Approach

The initial procurement was handled in accordance with OCTA's Board-approved procedures for public works projects. These procedures, which conform to both federal and state requirements, require that contracts are awarded to the lowest responsive, responsible bidder after a sealed bidding process. On September 24, 2018, the Board authorized Agreement No. C-7-1904 with Walsh, in the amount of \$220,538,649, for construction of the Project.

Proposed CCO nos. 3.4, 61.1, 77.4, 177.1, and 275 in the cumulative amount of \$2,157,000, will increase the cumulative value of the contract to \$346,818,280, as shown in Attachment B. Board approval is required for CCO nos. 3.4, 61.1, 77.4, 177.1, and 275 pursuant to the State of California Public Contracting Code Section 20142. The CCOs will be issued with a reservation of rights to advance the Project, pending resolution of disputes between OCTA and Walsh. The statements in this report are made in the context of, and subject to, OCTA's reservation of rights.

Fiscal Impact

Funding for these changes was included in the revised OC Streetcar Federal Transit Administration Full Funding Grant Agreement approved by the Board on February 24, 2025, and is included in OCTA's Fiscal Year 2024-25 Budget, Capital Programs Division, account nos. 0051-TS010-9017-Z43 (CCO No. 3.4), 0051-TS010-9017-Z51 (CCO nos. 61.1 and 177.1), 0051-TS010-9017-Z47 (CCO No. 77.4), and 0051-TS010-9017-Z54 (CCO No. 275) and is funded with Federal Transit Administration Section 5309 New Starts grant funds and local Measure M2 funds.

Summary

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute CCO No. 3.4, in the amount of \$657,000, for removal and disposal of contaminated materials, CCO No. 61.1, in the amount of \$300,000, for TWC control loop installation in embedded track, CCO No. 77.4, in the amount of \$350,000, for pavement modifications and restoration, CCO No. 177.1, in the amount of \$100,000, for traffic signal pole foundation revisions, and CCO No. 275, in the amount of \$750,000, for OCS pole modifications, to Agreement No. C-7-1904 between OCTA and Walsh for the construction of the Project.

Attachments

- A. Project Alignment – Status of Track Installation
- B. Walsh Construction Company II, LLC, Agreement No. C-7-1904, Contract Change Order (CCO) Log

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