



**December 2, 2024**

**To:** Regional Transportation Planning Committee

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

**Subject:** Amendment to Agreement for Additional Design Services for State Route 91 Improvement Project Between La Palma Avenue and State Route 55

A handwritten signature in blue ink, appearing to read "Darrell E. Johnson", is written over the "To:" and "From:" fields of the memo.

**Overview**

On February 10, 2020, the Orange County Transportation Authority Board of Directors authorized an agreement with WKE, Inc., for the preparation of plans, specifications, and estimates for the State Route 91 Improvement Project between La Palma Avenue and State Route 55. An amendment to the existing agreement is required for additional design services.

**Recommendation**

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-9-1557 between the Orange County Transportation Authority and WKE, Inc., in the amount of \$860,051, for additional design services for the State Route 91 Improvement Project between La Palma Avenue and State Route 55. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$17,348,935.

**Discussion**

The State Route 91 (SR-91) Improvement Project between La Palma Avenue and State Route 55 (SR-55) (Project) is part of Project I in the Measure M2 (M2) freeway program. This Project is being advanced through the updated Next 10 Delivery Plan that was approved in November 2023 by the Orange County Transportation Authority (OCTA) Board of Directors (Board).

The Project includes the addition of a general purpose lane in the eastbound (EB) direction between La Palma Avenue and SR-55, bridge widening over the Santa Ana River and the reconstruction of the Glassell Street/ Kraemer Boulevard and Tustin Avenue interchanges. The plans, specifications, and estimates (PS&E) for the Project are currently being prepared by WKE, Inc. (WKE).

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Additional project scope has been identified, which requires further effort from WKE to complete the design on schedule. An amendment to this agreement is recommended for the following additional services:

Roadway Design

- The California Department of Transportation (Caltrans) requested additional design changes to ramp designs at the Glassell Avenue EB off-ramp, Kraemer Boulevard westbound (WB) on-ramp, Tustin Avenue EB off-ramp, and EB SR-91 to southbound (SB) SR-55 connector. Caltrans has a new approach to geometric design parameters on vertical curves that require redesigning several ramps.
- Additional effort is needed to redesign the Tustin Avenue WB on-ramp to remove an existing non-standard ramp feature.
- Caltrans and the City of Anaheim requested curb ramp upgrades at all corners of a specific intersection to meet current Americans with Disabilities Act requirements.
- Caltrans has developed the PS&E for a multi-asset project (MAP) within the same project limits, which includes pavement rehabilitation, safety device upgrades, census stations, updated smart street lighting, and electrical conduit replacements. A MAP is a construction project, typically undertaken by Caltrans, that involves simultaneously improving multiple infrastructure elements on the highway. Due to a delay in the project schedule, combining the Project and the MAP as one design package will no longer meet the MAP funding requirements, or schedule to complete the design package, and be ready for construction. Therefore, Caltrans requested to separate the MAP from the Project. Since project construction will begin after the MAP, the lighting installation by Caltrans will need to be removed by the Project to accommodate the project improvements. To minimize construction conflicts and throwaway costs, Caltrans requested some of the MAP lighting components be included in the Project.
- Caltrans updates their standard plans and standard specifications every year, and roadway and structure designs need to conform to the new Caltrans standards. Design plans and specifications need to be updated and reviewed by various departments at Caltrans to obtain approval.
- Additional effort is needed to update the supplemental design standard decision document to document additional design exceptions due to updates from design changes.

### Right-of-Way (ROW) Engineering Services

A bat colony is roosting in the existing Santa Ana River bridge which requires mitigation during the widening of the bridge. Caltrans requires an additional temporary construction easement (TCE) near the Tustin Avenue bridge, over the Santa Ana River, to allow for the installation and removal of temporary bat housing as mitigation during construction. WKE needs to update and provide additional ROW maps and the Hazardous Materials Disclosure Document for the TCE area.

### Environmental Services

- Due to bat mitigation at the Tustin Avenue bridge over the Santa Ana River during construction, Caltrans requested additional environmental technical memos to document changes since the environmental project approval.
- The cost of environmental permits fees for construction issued by regulatory agencies has increased since the previous amendment. Fees are required by the regulatory agencies to process the environmental permits for construction.

### ***Procurement Approach***

The original procurement was handled in accordance with OCTA's Board-approved policies and procedures for architectural and engineering services, which conform to both state and federal laws. The original firm-fixed price agreement was issued on June 17, 2020, in the amount of \$13,867,796, for the preparation of the PS&E. This agreement has been previously amended as shown in Attachment A. It is necessary to amend the existing agreement to include additional design services.

OCTA staff negotiated the required level of effort with WKE to provide the additional design services described above. OCTA found WKE's price proposal, in the amount of \$860,051, to be fair and reasonable relative to the negotiated level of effort and the independent cost estimate prepared by the OCTA project manager. Proposed Amendment No. 5 to Agreement No. C-9-1557 will increase the total contract value to \$17,348,935.

### Fiscal Impact

The additional funding for the Project is included in OCTA's Fiscal Year 2024-25 Budget, Capital Programs Division, Account No. 0017-7519-F1105-NA6, and will be funded through the net SR-91 Express Lanes excess revenues.

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***Summary***

Staff requests Board of Directors' approval to authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-9-1557 between the Orange County Transportation Authority and WKE, Inc., in the amount of \$860,051, for additional design services for the State Route 91 Improvement Project between La Palma Avenue and State Route 55.

***Attachment***

- A. WKE, Inc., Agreement No. C-9-1557 Fact Sheet

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