



Board Report

File #: 2017-0095, File Type: Contract

Agenda Number: 8.

AD HOC CONGESTION, HIGHWAY AND ROADS COMMITTEE

APRIL 19, 2017

CONSTRUCTION COMMITTEE

APRIL 20, 2017

SUBJECT: I-5 SOUTH CARMENITA ROAD INTERCHANGE IMPROVEMENT (FUNDING AGREEMENT NO. MOU.P0006376A-03)

ACTION: AUTHORIZE CONTRACT MODIFICATIONS

**RECOMMENDATION**

AUTHORIZE Contract Modifications No. 56-1 & No. 112 (CCO 56-1 & CCO 112) by Caltrans for the **construction contract of I-5 South Carmenita Road Interchange Improvements Project** (the Project) under the Funding Agreement No. MOU.P0006376A-03, in the total amount of \$4,300,000 within the LOP budget.

**ISSUE**

The Project was designed by Caltrans, and construction management is administered by Caltrans. The grand opening of Carmenita Interchange was held on July 18, 2016. The remaining construction activities are being completed, followed by a one year period of plant establishment. CCO 56-1 and CCO 112 are for the full resolution of the remaining entitlement for the utility conflicts and the remediation of contaminated soil and groundwater encountered within the Project limits.

The total amount of Contract Modifications No. 56-1 & No.112 includes \$2,291,409.60 in CCO 56-1 and \$2,008,590.40 in CCO 112. Contract modifications exceeding \$500,000 require Board authorization per the Staff Delegations.

**DISCUSSION**

CCO 56-1 Resolution of the Utility Conflict Entitlement:

Caltrans had approved compensation to the Contractor for 120 Time-Related Overhead (TRO) days caused by the relocation of various unforeseen utilities under Contract Change Order No. 56 (CCO #56). The Contractor agreed with the time extension, but asked for additional compensation associated with labor and material cost escalation, traffic control, additional temporary railing, falsework and mitigation of drainage & sewer systems impacts due to multiple disruptions to the construction of the Project. Caltrans has reviewed the additional cost request documents along with

---

the project records, and has approved the Contractor's request for additional funds at maximum reimbursement of \$2,291,409.60. This amount was accepted by the Contractor as full compensation.

CCO 112 Resolution of NOPC No. 1 Handling of Contaminated Soil & Water Claim:

The Contractor's claim for reimbursement of expenses incurred for unforeseen remediation of contaminated soil and water was referred to the Disputes Review Board (DRB). On 11/5/2013, the DRB ruled in favor of the Contractor.

A final agreement for the entitlement amount of \$2,008,590.40 was reached by and between Caltrans and the Contractor as full and final compensation of this claim.

Findings

Authorization of Contract Modifications No. 56-1 and No. 112 in the amount of \$4,300,000 will allow Caltrans to close out these two remaining claims before closing the Project without any further delay.

**DETERMINATION OF SAFETY IMPACT**

There is no impact to public safety by approving this action.

**FINANCIAL IMPACT**

The current Project budget of I-5 South Carmenita Road Interchange Improvement is \$419,881,000 of which \$99,460,000 is Federal funds (TEA-21 and CMAQ), \$247,370,000 is State funds (TCRP, RIP, IIP and SLPP), \$470,000 is JPA local fund and \$72,581,000 is local Prop C and Measure R funds.

The total \$4.3 million cost of the Contract Modifications No. 56-1 and No. 112 is within the overall LOP budget and will be paid from the Project State and Federal funds.

Impact to Budget

As the Contract Modifications will be funded by state and federal funds allocated to this project by Caltrans, there is no impact to Metro budget.

**ALTERNATIVES CONSIDERED**

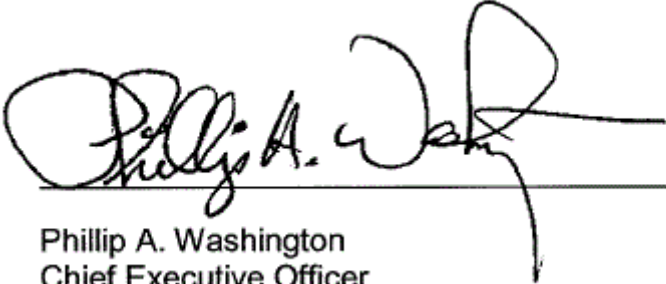
The Board may choose not to approve the staff's recommendation. However, this disapproval would result in further legal complications, contract dispute, and possible cost increase and schedule delay.

**NEXT STEPS**

Upon Board's approval of the recommended action, Metro staff will coordinate with Caltrans to pay the Contractor.

Prepared by: Victor Gau, Director of Engineering, Highway Program (213) 922-3031  
Abdollah Ansari, Senior Executive Officer, Highway Program (213) 922-4781  
Bryan Pennington, Deputy Chief Program Management Officer (213) 922-7449

Reviewed by: Richard F. Clarke, Chief Program Management Officer (213) 922-7557



Phillip A. Washington  
Chief Executive Officer