

STAFF REPORT

DATE: November 18, 2024
TO: Sacramento Regional Transit Board of Directors
FROM: Henry Ikwut-Ukwa, VP, Capital Programs
SUBJ: DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO APPROVE CONTRACT CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT FOR WATT/I-80 TRANSIT CENTER IMPROVEMENT PROJECT WITH THOMPSON BUILDERS CORPORATION

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

Delegating authority to the General Manager/CEO to approve Contract Change Order (CCO) No. 5 to the Contract for Watt/I-80 Transit Center Improvement Project with Thompson Builders Corporation (Thompson) will allow Thompson to be compensated for the additional overhead cost due to the need to re-sequence work as a result of a utility conflict, which will extend the Contract duration by 105 days.

FISCAL IMPACT

The cost for CCO No. 5 is not-to-exceed \$250,000.00 for a Contract time extension and compensable day reimbursement to re-sequence contract work due to unforeseen utility conflict. This CCO will be funded with a combination of FY 2020 Solutions for Congested Corridors Program (SCCP), FY22 Federal CMAQ, and FY22 Federal 5307.

DISCUSSION

The current Watt I-80 Transit Center (Transit Center) is one of the busiest transfer centers in the Sacramento region. It has been prone to safety and security issues because of the location and design of the Transit Center, which is situated both above and below a major freeway, with steep enclosed stairwells, and in a high-crime area. The scope of the construction contract includes reconstructing the Transit Center's bus stop waiting areas on Watt Avenue; replacing the stair structures; widening the sidewalks along the Watt Avenue overpass; incorporating improved bike access along the overpass; improving pedestrian access under Watt Avenue from the northbound bus stop to the light rail station; modifying the freeway off-ramps for improved pedestrian access; adding/updating lighting, signage, site furnishings, and fencing; and updating the operator restroom and breakroom.

The Board delegated authority for the GM/CEO to award a construction contract on October 23, 2023, and a construction contract was executed with Thompson Builders Corporation (Contractor) on January 26, 2024. Notice to Proceed was issued on May 9, 2024.

The table below includes all Contract Change Orders issued to date for the Contract:

CCO#	CCO Name	CCO Amount	CCO Total	Contract Total
1	Revised Drainage Plans	\$138,483.00	\$138,483.00	\$19,424,029.04
2	Utility Relocation at West Stair Foundation	\$149,000.00	\$287,483.00	\$19,573,029.04
3	Sewer Drain Relocation	\$23,000.00	\$310,483.00	\$19,596,029.04
4	Asbestos Removal and ADL Limits Clarification - <i>pending</i>	\$8,308.00	\$548,081.09	\$19,604,337.13

While the previously issued CCOs finally resolved the compensation aspect of the changes associated with the CCOs, they all left open the possibility of future schedule adjustments as a result of the changed work. The proposed CCO No. 5 will not resolve the schedule delays associated with the prior CCOs. The Contractor is still analyzing the impact of those changes, as well as the potential time it will take to actually complete the re-routing of the unforeseen fiber optic cable.

The Traffic Control Plans included in the Invitation for Bid divided the work that would affect vehicular traffic into multiple Stages (Stage 1 through Stage 6B) and defined the construction work expected to occur in each stage. Contractor developed its construction schedule and sequencing based on these stages and the identified Time for Completion (18 months) set out in the Contract.

Contractor has completed Stages 1 and 2 and commenced work on “Stage 3,” which includes replacing the median on Watt Avenue. During the preliminary investigation, Contractor found a County of Sacramento-owned fiber optic cable in the median that was not depicted or included in the Contract Documents. To address this differing site condition and allow for the construction of the permanent conduit to relocate the County fiber optic cable out of the median, Contractor must re-sequence the construction phases to proceed immediately to the next stage (Stage 4A) and later return to complete the Stage 3 work. While the Contractor has attempted to mitigate the impact of the resequencing to the extent possible, as required by the Contract, the Contractor analyzed the impact of the resequencing on the baseline schedule and submitted a Time Impact Evaluation, as required by the Contract. According to the Time Impact Evaluation, the sequence modification will add 105 days to the required Time for Completion of the work. Out of that total, Contractor has asserted that 65 days are solely attributable to the differing site condition and not other concurrent delays and that those 65 days should be compensable under the Contract, meaning the Contractor can charge for additional overhead cost that will result from an extended contract duration. Contractor presented an initial request for extended overhead rate of \$3,655 per day. Internal staff and SacRT’s

construction management team, is verifying that the cost and time request are reasonable.

While the Contractor must continue with the re-sequenced work regardless of whether CCO No. 5 is executed, moving forward with this CCO will expeditiously resolve any delay claims specifically associated with the resequencing, which provides both SacRT and Contractor with budget certainty.

However, the 105-day time extension is the minimum that will be required, and additional time (and compensation) could be requested in conjunction with the 4 prior CCOs and the actual relocation work based on a subsequent Time Impact Evaluation. CCO No. 5 will be for a not-to-exceed amount of \$250,000.00.

RESOLUTION NO. 2024-11-127

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

November 18, 2024

DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO APPROVE CONTRACT CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT FOR WATT/I-80 TRANSIT CENTER IMPROVEMENT PROJECT WITH THOMPSON BUILDERS CORPORATION

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, authority is hereby delegated to the General Manager/CEO to approve and execute Contract Change Order No. 5 to the Construction Contract for Watt/I-80 Transit Center Improvements Project between Sacramento Regional Transit District, therein referred to as "SacRT," and Thompson Builders Corporation, therein referred to as "Contractor," whereby the Contractor will be reimbursed for compensable overhead for delay due to an unforeseen utility conflict and the Total Consideration will be increased by not more than \$250,000.00.

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary