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Alameda Corridor Transportation Authority

December 10, 2020

To:	Governing Board
From:	Michael C. Leue, Chief Executive Officer 
Subject:	<i>FY20 Closeout Change Orders 71 and 53 to Agreement No. 27 with Alameda Corridor Engineering Team (APPROVAL)</i>

Recommendation:

Authorize the Chief Executive Officer or Chief Financial Officer to issue Change Orders to Contract Work Orders (CWO) with the Alameda Corridor Engineering Team (ACET) for FY20 final adjustments in the aggregate decreased amount of \$163,031 as follows:

1. Change Order No. 71 for ACTA Support Work Order (ASA) CWO in the decreased amount of <\$73,634>
2. Change Order No. 53 for SR47 Project (SR47) CWO in the decreased amount of <\$89,397>
3. Adjust total contract value for FY20 in the decreased amount of <\$163,031> from \$2,448,122 to \$2,285,091.

Discussion:

The annual ACET CWO process is comprised of three steps. First at the end of each fiscal year, the Governing Board approves CWOs for ACET for the next fiscal year beginning July 1 based on scope of work assumptions and corresponding cost estimates. The second step occurs during the fiscal year when amounts are shifted from one CWO to another as necessary to account for overruns and underruns, provided the aggregate annual Board-approved amount for both CWOs is not exceeded. If the aggregate amount will be exceeded, a separate item is brought to the Board for approval. The third and final step occurs after the end of the fiscal year when all actual costs have been compiled, including prior period audit adjustments, and the Board is asked to adjust the contract value accordingly.

The table below summarizes the proposed adjustments:

	FY20					Prior Period	Net FY20	
	FY20 Approved CWO	Transfer CWOs	FY20 New Approved Total	Actual FY20 Total Cost	CWO Remaining Balance	Audit Adjustments	Net FY20 Closeout Amounts	Net FY20
ASA	\$ 1,941,595	\$ 175,000	\$ 2,116,595	\$ 2,096,067	\$ 20,529	\$ 53,105	<\$ 73,634>	\$ 2,042,961
SR47	<u>506,527</u>	<175,000>	<u>331,527</u>	<u>265,105</u>	<u>66,422</u>	<u>22,975</u>	<89,397>	<u>242,130</u>
Total	\$ 2,448,122	\$ -0-	\$ 2,448,122	\$ 2,361,172	\$ 86,951	\$ 76,080	<\$163,031>	\$ 2,285,091



This memorandum and adjustment request involves the final step described above and is broken down as follows:

ASA CWO – Proposed Change Order No. 71 (Transmittal 1)

In June 2019, the Board approved a FY20 CWO amount of \$1,941,595 for the ASA CWO. At that time, approval was also given to allow ACTA to move monies between CWOs as needed during the fiscal year as long as the aggregate total amount is not exceeded. In August 2020, \$175,000 was transferred from the SR47 CWO to the ASA CWO bringing the total FY20 CWO amount to \$2,116,595. The ASA CWO closeout for FY20 is a net decrease of \$73,634 (net includes the JV firms’ overhead audit adjustments) for the prior period. The final FY20 total, if approved, would be \$2,042,961. Note that the amount shown in Transmittal 1 is cumulative of this and all previous adjustments.

FY20 efforts included involvement in the transfer of Corridor property to the ports and other jurisdictions, certain project closeout activity, maintenance and operations support, and certain ACTA administrative support.

SR47 CWO – Proposed Change Order No. 53 (Transmittal 2)

In June 2019, the Board approved a FY20 amount of \$506,527 for the SR47 CWO. In August 2020, \$175,000 was transferred to the ASA CWO reducing the total FY20 SR47 CWO amount to \$331,527. The SR47 CWO closeout for FY20 is a net decrease of \$89,397 (net includes the JV firms’ overhead audits adjustment); the final total for FY20, if approved, would be \$242,130. Note that the amount shown in Transmittal 1 is cumulative of this and all previous adjustments.

FY20 efforts included oversight of environmental mitigation measures, various right-of-way acquisition and utility relocation activities, and support of the construction efforts as required by the cooperative agreements with Caltrans.

Budget Impact

There is a net decrease of \$163,031 to the total FY20 CWO value. There is no impact to FY21 Governing Board approved Budget. The final FY20 ACET CWO amount, if approved, is \$2,285,091.

This final FY20 CWO amount does not include ACET work on the EPA oil release matter (Project R10).

Co-General Counsel:

ACTA’s Co-General Counsel has reviewed and approved the proposed change orders as to form.

Transmittals:

- Transmittal 1 - Proposed Change Order No. 71 to ASA CWO
- Transmittal 2 - Proposed Change Order No. 53 to SR-47 CWO
- Transmittal 3 - CWO FY21 ACET Cumulative Contract Values
- Transmittal 4 - June 2019 ACTA Board Memo