


M E M O

Alameda Corridor Transportation Authority

Meeting Date: November 10, 2022

From: Michael C. Leue, Chief Executive Officer 

Subject: APPROVE FY22 Closeout Change Orders 77 and 59 to Agreement No. 27 with Alameda Corridor Engineering Team

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 FY22 as follows:

1. Change Order No. 77 for ACTA Support Work Order (ASA) CWO in the decreased amount of <\$183,408>
2. Change Order No. 59 for SR47 Project (SR47) CWO in the decreased amount of <\$44,647>

Final adjustments in the aggregate decreased amount of total contract value for FY22 in the amount of <\$228,055> from \$2,443,773 to \$2,215,718.

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 approve adjustment of the contract value accordingly.

The table below summarizes the proposed adjustments:

	FY22					Prior Period	Net FY22	
	FY22 Approved CWO	Transfer CWOs	FY22 New Approved Total	Actual FY22 Total Cost	CWO Remaining Balance	Audit Adjustments	Net FY22 Closeout Amount	Net FY22
ASA	\$2,008,089	\$200,000	\$2,208,089	\$2,045,496	\$ 162,593	\$20,815	<\$183,408>	\$2,024,681
SR47	435,684	<200,000>	235,864	190,188	45,496	<849>	<44,647>	\$191,037
Total	\$2,443,773	\$ -0-	\$2,443,773	\$2,235,684	\$208,089	\$19,966	<\$228,055>	\$2,215,718

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

ASA (Base) CWO – Proposed Change Order No. 77 (Transmittal 1)

FY22 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.

In June 2021, the Board approved a FY22 CWO amount of \$2,008,089 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 July 2022, \$200,000 was transferred from the SR47 CWO to the ASA CWO bringing the total FY22 CWO amount to \$2,208,089. The ASA CWO closeout for FY22 is a net decrease of \$183,408 (net includes the JV firms' overhead audit adjustments for the prior period). The final FY22 total requested to be approved is \$2,024,681. Note that the amount shown in Transmittal 1 is cumulative of this and all previous adjustments.

SR47 CWO – Proposed Change Order No. 59 (Transmittal 2)

FY22 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.

In June 2021, the Board approved a FY22 amount of \$435,684 for the SR47 CWO. In July 2022, \$200,000 was transferred to the ASA CWO reducing the total FY22 SR47 CWO amount to \$235,684. The SR47 CWO closeout for FY22 is a net decrease of \$44,647 (net includes the JV firms' overhead audit adjustments for the prior period). The final total for FY22 requested to be approved is \$191,037. Note that the amount shown in Transmittal 2 is cumulative of this and all previous adjustments.

Budget Impact:

There is a net decrease of \$228,055 to the total FY22 CWO value. There is no impact to FY23 Governing Board approved Budget. The final FY22 ACET CWO amount, if approved, is \$2,215,718. This final FY22 CWO amount does not include ACET work on the EPA oil release matter (Project R10).

Co-General Counsel Review:

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

Transmittals:

- Transmittal 1 - Proposed Change Order No. 77 to ASA CWO
- Transmittal 2 - Proposed Change Order No. 59 to SR-47 CWO
- Transmittal 3 - CWO FY22 ACET Cumulative Contract Values
- Transmittal 4 - June 2021 ACTA Board Memo