


M E M O

Alameda Corridor Transportation Authority

To: Governing Board

Meeting Date: December 14, 2023

From: Michael C. Leue, Chief Executive Officer 

Subject: APPROVE FY23 Closeout Change Orders 81 and 62 to Agreement No. 27 with Alameda Corridor Engineering Team, decreasing contract compensation amount \$141,908 in aggregate

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 FY23 as follows:

1. Change Order No. 81 for ACTA Support Work Order (ASA) CWO in the decreased amount of <\$21,231>
2. Change Order No. 62 for SR47 Project (SR47) CWO in the decreased amount of <\$120,677>

Final adjustments in the aggregate decreased amount of total contract value for FY23 in the amount of <\$141,908> from \$2,519,985 to \$2,331,077. Note that the total contract value was previously decreased by \$47,000 in the First Amendment to ACTA Operating Budget for FY23/24 approved by the Governing Board on Jan 5, 2023.

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:

	FY23					Prior Period	Net FY23	
	FY23 Approved CWO	Reduce & Transfer*	FY23 New Approved Total	Actual FY23 Total Cost	CWO Remaining Balance	Audit Adjustments	Net FY23 Closeout Amount	Net FY23
ASA	\$2,238,977	<\$22,000>	\$2,216,977	\$2,202,106	\$ 14,871	\$6,360	<\$ 21,231>	\$2,195,746
SR47	<u>281,008</u>	<u><25,000></u>	<u>256,008</u>	<u>137,369</u>	<u>118,639</u>	<u>2,038</u>	<u><120,677></u>	<u>135,331</u>
Total	\$2,519,985	<\$47,000>	\$2,472,985	\$2,339,475	\$133,510	\$8,398	<\$141,908>	\$2,331,077

*Note - ASA previously reduced by \$47K and then increased by \$25K transferred from SR47.

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

ASA (Base) CWO – Proposed Change Order No. 81 (Transmittal 1)

FY23 efforts included involvement in the transfer of Corridor property to the ports and other jurisdictions, compliance with environmental obligations to the various governmental agencies regarding reporting, testing and monitoring of air water and soils generated by the operation of the Corridor, certain project closeout activity, maintaining the various security signal, alarm and surveillance systems within the Corridor, maintenance and operations support, and certain ACTA administrative support.

In June 2022, the Board approved a FY23 CWO amount of \$2,238,977 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 January 2023, the Board approved the First Amended ACTA FY2023 Budget, which included a \$47,000 reduction for ACET Administrative Support which brought the total FY23 CWO amount to \$2,191,977. In August 2023, \$25,000 was transferred from the SR47 CWO to the ASA CWO bringing the total FY23 CWO amount to \$2,216,977. The ASA CWO closeout for FY23 is a net decrease of \$21,231 (net includes the JV firms' overhead audit adjustments for the prior period). The final FY23 total requested to be approved is \$2,195,746. Note that the amount shown in Transmittal 1 is cumulative of this and all previous adjustments.

SR47 CWO – Proposed Change Order No. 62 (Transmittal 2)

FY23 efforts included finalizing environmental mitigation measures, various right-of-way acquisitions and finalizing payment of one utility relocation as required by the cooperative agreements with Caltrans.

In June 2022, the Board approved a FY23 amount of \$281,008 for the SR47 CWO. In August 2023, \$25,000 was transferred to the ASA CWO reducing the total FY23 SR47 CWO amount to \$256,008. The SR47 CWO closeout for FY23 is a net decrease of \$120,677 (net includes the JV firms' overhead audit adjustments for the prior period). The final total for FY23 requested to be approved is \$135,331. Note that the amount shown in Transmittal 2 is cumulative of this and all previous adjustments.

Budget Impact:

There is a net decrease of \$141,908 to the total FY23 CWO value. There is no impact to FY24 Governing Board approved Budget. The final FY23 ACET CWO amount, if approved, is \$2,331,077. This final FY23 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. 81 to ASA CWO
- Transmittal 2 - Proposed Change Order No. 62 to SR-47 CWO
- Transmittal 3 - CWO FY23 ACET Cumulative Contract Values
- Transmittal 4 - June 2022 ACTA Board Memo