

# M E M O

## Alameda Corridor Transportation Authority

To: Governing Board  
 Meeting Date: December 12, 2024  
 From: Michael C. Leue, Chief Executive Officer *Michael Leue*  
 Subject: APPROVE FY24 Closeout Change Orders 82 and 63 to Agreement No. 27 with Alameda Corridor Engineering Team, decreasing contract compensation amount \$322,069 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 FY24 as follows:

1. Change Order No. 82 for ACTA Support Work Order (ASA) CWO in the decreased amount of <\$234,471>
2. Change Order No. 63 for SR47 Project (SR47) CWO in the decreased amount of <\$87,598>

Final adjustments in the aggregate decreased the total contract value for FY24 in the amount of <\$322,069> from \$2,734,568 to \$2,412,499.

### 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 is exceeded, a separate item will be 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:

	FY24			Prior Period	Net FY24	
	FY24 Approved CWO	Actual FY24 Total Cost	CWO Remaining Balance	Audit Adjustments	Net FY24 Closeout Amount	Net FY24
ASA	\$2,558,568	\$2,320,712	\$237,856	\$3,385	<\$234,471>	\$2,324,097
SR47	<u>176,000</u>	<u>88,610</u>	<u>87,390</u>	<u>&lt; 207&gt;</u>	<u>&lt; 87,598&gt;</u>	<u>88,402</u>
<b>Total</b>	\$2,734,568	\$2,409,322	\$325,246	\$3,178	<\$322,069>	\$2,412,499

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

***ASA (Base) CWO – Proposed Change Order No. 82 (Transmittal 1)***

FY24 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 Corridor operations, certain project closeout activities, continued support of third-party work requests in the ACTA ROW, continued to attend the coordination and progress meetings for projects affecting Corridor operations, maintaining the various signal, alarm and surveillance security systems within the Corridor, maintenance and operations support, and ACTA administrative support.

In June 2023, the Board approved a FY24 CWO amount of \$2,558,568 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. The ASA CWO closeout for FY24 is a net decrease of \$234,471 (net includes the JV firm’s overhead audit adjustments for the prior period). The final FY24 total requested to be approved is \$2,324,097. Note that the amount shown in Transmittal 1 is cumulative of this and all previous adjustments.

***SR47 CWO – Proposed Change Order No. 63 (Transmittal 2)***

FY24 efforts included finalizing environmental mitigation measures, various right-of-way acquisitions and finalizing payment of two utility relocation as required by the cooperative agreements with Caltrans.

In June 2023, the Board approved a FY24 amount of \$176,000 for the SR47 CWO. The SR47 CWO closeout for FY24 is a net decrease of \$87,598 (net includes the JV firm’s overhead audit adjustments for the prior period). The final total for FY24 requested to be approved is \$88,402. Note that the amount shown in Transmittal 2 is cumulative of this and all previous adjustments.

**Budget Impact:**

There is a net decrease of \$322,069 to the total FY24 CWO value. The final FY24 ACET CWO amount, if approved, is \$2,412,499. This final FY24 CWO amount does not include ACET work on the EPA oil release matter (Project R10). This decrease has no impact on the FY25 Governing Board approved Budget. However, per the Agreement, ACTA has up to three (3) years after final payment to complete audits. Over the past few years, audit results have ranged between \$90,000 being reimbursed to ACTA for overbillings and \$2,500 owed to the consultant. Final audits are scheduled to be completed during FY25. To cover potential findings, funds in the amount of \$50,000 may be adjusted from Professional Services and the M&O budget, if needed.

**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. 82 to ASA CWO
- Transmittal 2 - Proposed Change Order No. 63 to SR-47 CWO
- Transmittal 3 - CWO FY24 ACET Cumulative Contract Values
- Transmittal 4 - June 2023 ACTA Board Memo