



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Master Minute Order

File Number: 15-210d

Report ID: 15-210d

Type: Regular - Planning

Status: Continued

Agenda
Section:

Meeting Body: Board of Directors -
Regular Meeting

Report Created: 01/24/2020

Final Action: 05/27/2020

ded Action: Consider authorizing the General Manager to approve change orders and amend the O.C. Jones and Sons, Inc. contract as-needed up to 30% of the Board-approved contract value for the East Bay Bus Rapid Transit (BRT) Project Infrastructure and Station Platforms.

Per Rama (4/21), moved to 2nd meeting in May. LN

Per Rama, moved to 5/13 LN

Per Rama, moved to 3/25. (JH)

We have several pending change orders that will need Board approval to execute. The majority of these change orders are associated with extra work bills for unforeseen conditions. Copies can be presented at the Board's request. We have expended \$103,048,614.67 on the current contract with O.C. Jones including the Southern Layover at the San Leandro station. This approval would set a new contract value at potentially \$138 Million.

Moved to 4/22 per Rama. (JH)

Moved to 5/27 per Rama. (JH)

Sponsors:

Enactment Date:

Attachments: STAFF REPORT

Enactment Number:

Hearing Date:

Effective Date:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
Board of Directors - Regular Meeting	05/27/2020	Continued				Pass
Action Text: MOTION: PEEPLES/WALLACE to authorize the General Manager to pay for whatever work has already been done or will be done by the next Board meeting and direct staff bring back a more extensive report to the Board at the next meeting. The motion carried by the following vote:						
Notes: Director of East Bay Bus Rapid Transit David Wilkins presented the staff report.						

Director Peeples asked for clarification in regard to the 30% increase and whether

this meant a 30% increase in the total costs of contract or if it meant there was 30% of unspent contract value. Mr. Wilkins confirmed that this was a 30% increase of the original \$108 million contract value.

Director Harper commented that he had voted against the original request to increase the General Manager's contract authority to 18%, saying that the Board met every two weeks and there was nothing to prevent the General Manager from coming to the Board to explain why he did or didn't approve a particular contract change. Director Harper wanted to further understand how the dramatic increase in the cost had been arrived at, costing the District money than it had the ability to pay. He felt that it was the Board's responsibility to understand how decisions were being arrived at, saying that the Board needed this education and disagreed with the way staff was presenting information. He added that he would not support the staff's recommendation.

Vice President Ortiz inquired about work that was performed by O.C. Jones that should be paid for by other agencies. Mr. Wilkins advised that there were occasions during the project where AC Transit was asked by, for example, the East Bay Municipal Utility District, to perform a utility relocation. AC Transit would complete the work on their behalf, keeping a log of the work performed and the cost, and would submit and invoice for payment to EBMUD for the cost. Vice President Ortiz asked if these costs were included in the 30% increase of the contract to which Mr. Wilkins responded that they were. General Manager Michael Hursh advised that these construction activities would be part of a third-party claims process where the District hopes to recover much of the cost.

Vice President Ortiz asked about the line of credit initiated by the District and how much of it had been spent. Mr. Hursh advised that all or most of the line of credit would need to be accessed to complete the project. Due to the cost, he urged the Board not to do another project like this again.

Director Peeples explained that due to the money involved and limited information provided, he could not support the staff recommendation, but he also did not want delay payments to the contractor. Vice President Ortiz shared Director Peeples' concerns. Mr. Pochiraju advised that all costs were being tracked and that some of the work has already been done and the project is progressing.

Director Harper commented that paying through on the contract is not the problem, it is the change orders that are at issue.

Ayes: 7 President Wallace, Vice President Ortiz, Director Harper, Director Shaw,
Director Williams, Director Peeples, Director Young
