

SEISMIC GOVERNANCE COMMITTEE (SGC) MEETING MINUTES BRIDGE IMPROVEMENT PROGRAM

March 25, 2021

SGC Members in Attendance:

Richard Llewellyn, City Administrative Officer, Chair (CAO)

Matias Farfan, Chief Legislative Analyst Office (CLA)

Jennifer McDowell, Office of the Mayor (Mayor)

The meeting was called to order at 9:00 a.m.

Public Comments:

- None

Agenda Item 1, Approval of Minutes

- The February 25, 2021 meeting minutes were approved.

Agenda Item 2, Verbal Report by the City Engineer on the Status of the Sixth Street Viaduct Replacement Project – Information Only

Julie Allen (BOE) for the Sixth Street Viaduct Replacement Project (SIX) provided the following report:

- The contractor, Skanska Stacy and Witbeck (SSW) completed a concrete pour of the Bent 5 jump span edge girder and floor beam on March 12, 2021 and the span that goes over the west bank of the railroad tracks. The first two arch ribs were being poured as the meeting was taking place. Julie Allen and Gary Lee Moore (BOE) will be going to the project site to check on the progress after the meeting. The pour started at 3:30 a.m. and is not expected to finish until later this afternoon. The concrete pour is done relatively slowly to construct the top forms as each lift is placed; it is a major milestone.
- Schedule – SSW submitted the January 2021 monthly update on March 4, 2021, reflecting a delay of 51 days. SSW assigned responsibility for the delay to BOE and the engineer of record, HNTB, indicating it was due to arch rib embed issues and COVID-19 impacts, but SSW did not provide any contractual basis for this. The update was rejected by the City on March 9, 2021, and SSW was reminded that the contract requires a recovery schedule that shows how SSW will make up for the delays. On March 10, 2021, SSW submitted a letter on the same topics, indicating that the City was responsible for the delays and the potential costs associated with the issues that they had identified in the schedule. The City responded to that letter denying the request on March 19, 2021. Also, on March 11, 2021, SSW submitted a time impact analysis related to these same

issues with the arch embed survey targets and time impact analysis, indicating a delay of 78 days. SSW included what they are calling an “acceleration” schedule and the terminology they used means that when the City delays an issue or delays the project, they will accelerate to make up the delays but intend to receive a time extension and compensation for all those acceleration efforts. However, the City reviewed the time impact analysis and did not feel SSW had any basis for their claims that the City or HNTB caused the delay, and the time impact analysis was rejected on March 22, 2021, for lack of merit. The City did review SSW’s acceleration schedule to ensure it was a valid recovery, that the completion based on the contractual milestones was achievable, and provided technical comments to SSW. Overall, the City agrees that SSW’s proposed methods to recover the delays are generally reasonable and can be achieved. SSW submitted an acceleration schedule for the February 2021 monthly update that demonstrates completion based on the contractual milestones, with the June bridge opening and July completion. The City is reviewing it and will provide comments. The City will reject the acceleration schedule and instead explain that the contract requires a recovery schedule, and the City is not responsible for any other costs associated with the recovery.

- Gary Lee Moore (BOE) clarified, for the record that the milestone dates Julie Allen referenced are for June and July 2022. Julie Allen (BOE) confirmed the dates are June 20, 2022 for bridge opening and July 30, 2022 for final completion.
- SSW performed a test mockup for using shotcrete to repair the remaining voids in the bridge concrete. Although the mockup showed good coverage, the concrete still has not achieved the required 6,000 PSI strength. The City is continuing to monitor to ensure the material SSW is using will achieve the 6,000 PSI requirement for the contract. SSW will have to do another mockup to demonstrate that the material is acceptable to use.
- The California Department of Transportation (Caltrans) contacted the City on March 1, 2021 regarding their review of the Supplemental Agreement Change Order (SACO). The Caltrans Local Assistance group had been performing the review of the merits of the SACO. This time the City was contacted by the Caltrans Construction Office, and the person indicated that she had been asked by the director at District 7 to perform a merit analysis outside of the Local Assistance review. The City team had extended discussion with the Caltrans representative and provided her the same information that was provided to the Local Assistance group. The City team explained in more detail the analysis the City did with the claims consultants and third party experts to analyze the claim and provide the City guidance and recommendations about resolving and settling the global agreement. The Caltrans representative indicated she would be getting back with the City after she spoke with her management, but to date, no further feedback has been provided.

- Caltrans and Federal Highway Administration (FHWA) approved the project's Financial Plan Annual Update and the Project Management Plan. Both are requirements for projects that are categorized by the FHWA as major projects. Both were executed by Caltrans' final signature on March 17, 2021.
- Matias Farfan (CLA/SGC) asked for clarification regarding the acceleration schedule and whether the City will make SSW adhere to the current schedule. Julie Allen (BOE) explained that the City continues to reject the title "acceleration" schedule but as long as it shows the completion to be timely then the City can still use the content of the schedule. Both the City and SSW can continue to work off the same schedule to build the project, but SSW may continue to dispute the terminology for the schedule and the cause of the delay. Gary Lee Moore (BOE) added that he expects SSW to withdraw their request after reading the City's response.
- Jennifer McDowell (Mayor/SGC) commented that she was glad the City believes SSW can recover the schedule and asked about the status and impact of the Caltrans review of the SACO. Julie Allen (BOE) stated that this review has been ongoing and that the Caltrans Construction Office indicated that there was some merit to the SACO. The Caltrans review will not impact the project schedule. However, the Caltrans approval on the merit of the SACO will enable the City to request for reimbursement for what the City has paid towards the SACO.
- Richard Llewellyn (CAO/SGC) asked if there was any concern with the shotcrete mockup not reaching the required 6,000 PSI and whether SSW has an alternative plan. Julie Allen (BOE) stated that the repair is not currently impacting the schedule. SSW will have to place the material in the next 6 weeks, which is when it could affect the schedule. The City will ensure the material SSW places on the bridge meets the concrete specifications or it will not be used.

Agenda Item 3, Verbal Report by the City Engineer on the Status of the Bridge Improvement Program – Information Only

Shirley Lau (BOE) for the Bridge Improvement Program (BIP) reported on the Soto Street Bridge Over Valley Boulevard and Union Pacific Railroad Widening and Rehabilitation Project.

- As mentioned in last month's report, Caltrans initially had indicated that the Advanced Construction (AC) conversion, which would allow the City to invoice approximately \$6.5 million of incurred expenditures, originally would be available in November 2020. However in early December 2020, the City was notified that the conversion will be delayed for two years because of the shortage of funds in the Highway Bridge Program.
- Subsequently, BOE submitted a letter to Caltrans to request for reconsideration. The AC conversion was discussed in late February at the Caltrans Highway Bridge Program Committee. On March 9, 2021, Caltrans provided written

confirmation that \$4 million in funding has been set aside for this project's AC conversion. BOE staff has submitted the necessary internal paperwork and are awaiting for final approvals to submit a \$4 million invoice for Caltrans reimbursement. Funds are anticipated to be reimbursed around mid to late April.

- On February 19, 2021, the project's General Contractor did demobilize from the jobsite, stating their concerns over the project's financial constraints. BOE issued a letter that their action is in violation of the contract and must resume performance of the work. The contractor has remobilized as of this past Monday, and BOE is working with them to get back on track to complete the project.
- Meeting adjourned at 9:14 a.m.