

Agenda Report

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SUBJECT:

INTERSTATE 405 WIDENING PROJECT IMPACTS ON OCSD SEWERS, PROJECT NO. 3-66

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve the First Amendment to Utility Agreement No. UK204650, between the Orange County Sanitation District and the Orange County Transportation Authority for Interstate 405 Widening Project Impacts on OCSD Sewers, Project No. 3-66; and
- B. Approve the First Amendment to Utility Agreement No. UK201113, between the Orange County Sanitation District and the Orange County Transportation Authority for Interstate 405 Widening Project Impacts on OCSD Sewers, Project No. 3-66.

BACKGROUND

The Orange County Transportation Authority (OCTA) is widening Interstate 405 (I-405) between State Route 73 and Interstate 605. This work has the potential to impact the Orange County Sanitation District's (OC San) sewers. In June 2017, OCTA and OC San approved Utility Agreements that arranged for OC San's review of OCTA's plans to verify facilities would be adequately protected, allowed OC San to inspect the relevant work, and set the basis for OCTA to compensate OC San for their costs. At OCTA's request, eight separate Utility Agreements were created to cover different segments of the I-405 widening.

OC San's costs for this project are charged to Interstate 405 Widening Project Impacts on OCSD Sewers, Project No. 3-66, for later billing to OCTA.

RELEVANT STANDARDS

- Protect OC San assets
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

In May 2021, OCTA's contractor damaged OC San sewers at two separate locations. At one of the locations, an upstream diversion prevented a spill. At the other location, OC San had to divert around the damaged section using pumper trucks for three days until the damage was repaired.

Responding to the damage, reviewing repair plans, and inspecting the repairs has required more staff time than anticipated for one of the eight utility agreements. Also, OCTA needs these costs itemized for them to obtain compensation from their contractor. The total costs incurred by OC San for these two breaks is approximately \$63,000.

PROPOSED SOLUTION

Approve amendments to two Utility Agreements that segregate the costs of addressing the damages from the rest of the costs associated with these agreements. This segregation allows OCTA to recover the costs from their contractor.

One of the two amendments also increases the maximum compensation from \$94,682 to \$148,805 to account for these costs. The other Utility Agreement has sufficient budget to address the costs.

TIMING CONCERNS

OC San staff is actively inspecting the on-going work by OCTA's contractor widening the freeway.

RAMIFICATIONS OF NOT TAKING ACTION

OC San would be unable to invoice OCTA for the full amount and OCTA would not have segregated costs to seek compensation for their contractor.

PRIOR COMMITTEE/BOARD ACTIONS

June 2017 - Approved eight Utility Agreements in conjunction with the Cooperative Agreement approved with the Orange County Transportation Authority agreeing to define specific terms, conditions, and funding obligations regarding the relocation, reconstruction, and protection of the regional sewers located along Interstate 405 Freeway to accommodate the Interstate 405 Improvement Project.

ADDITIONAL INFORMATION

N/A

CEQA

N/A

FINANCIAL CONSIDERATIONS

This request complies with authority levels of OC San's Purchasing Ordinance. This item has been budgeted (Budget Update, Fiscal Year 2021-2022, Appendix A, Page A-7, Interstate 405 Widening Project Impacts on OCSD Sewers, Project No. 3-66). Although the costs associated with the two breaks will require a project budget increase which staff intends to include in the proposed Budget for Fiscal Years 2022-23 and 2023-24, these additional costs will be covered by compensation from OCTA.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- First Amendment to Utility Agreement UK201113-2 OCSAN 1113
- First Amendment to Utility Agreement UK204650-2 OCSAN 1114
- Original Agreements

RL:jw