



**ITEM ID:** 2024-153-0

**TRANSMITTAL DATE:** 02/15/2024

**MEETING DATE:** February 23, 2024

**TO:** Board of Directors

**FROM:** Arnold Hackett, Chief Financial Officer  
Justin Fornelli, Chief, Program Delivery

**SUBJECT:** Ratification of Emergency Procurements for San Clemente #3 (MP 204.2) Project.

**Issue**

Staff is seeking Board ratification of Emergency Procurements for San Clemente #3 Project.

**Recommendation**

It is recommended that the Board:

- Ratify Chief Executive Officer action to:
  - Award of Contract No. C3156-24 to Condon-Johnson & Associates (CJA), entered under Chief Executive Officer’s emergency authorization authority, in the not-to-exceed amount of \$2,270,000, plus 40% contingency in the amount of \$908,000 for a total not to exceed amount of \$3,178,000.
  - Award of Contract Task Order No. 007 under Contract No. E746A-20 to HDR Engineering, in the amount of \$527,323.79, for emergency geotechnical engineering support.
  - Award of Work Directive No. 158 under Contract No. MS289-22 to Herzog Contracting Corp., in the amount of \$793,933.78.
  - Award of Work Order for emergency services by BNSF in the amount of \$200,000.
- Adopt an Amendment to the FY24 Budget to add the \$8.9M to recognize budget in the amount of \$8.9M to be provided by Orange County Transportation Authority for a non-recurring item denoted as “San Clemente #3”.

**Strategic Commitment**

**Safety is Foundational:** We will stay on the leading edge by deploying new technologies and

processes to enhance the safety and security of our riders, our fellow employees, and the communities we serve. The construction of the barrier wall will provide safe passage of trains through the landslide area.

## **Background**

The San Clemente coastline has history of earth movement along the corridor.

On January 24, 2024, another landslide occurred at Milepost 204.2 on the Orange Subdivision in the City of San Clemente at Mariposa Point in Orange County along the Orange Subdivision, resulting in significant slope movement which pushed the pedestrian bridge partially off the support, and debris fouling the tracks. Track protection measures must be constructed to maintain operation of the Orange Subdivision.

The Authority, in partnership with the Orange County Transportation Authority (OCTA), is proposing to protect the existing railroad track at Mile Post 204.2 (Project) by constructing a temporary barrier wall. The wall would retain the hillside slope and protect the tracks from the potential of falling debris, which would enable normal passenger and freight rail services to safely resume through the corridor. This is a temporary structure that would be in place until the City and private property owners complete construction of a permanent solution, which is expected to be complete in 5 years.

## **Discussion**

In the case of emergency, the Authority's Contracts and Procurement Procedures states that, "the Authority can enter into contracts without observance of competitive bids, advertisement, or notice. In the event of an emergency, the Board and CEO are authorized to initiate procurements without following competitive bidding requirements. Board ratification is required for any contract in excess of \$500,000 and must be obtained as soon as it is practicable to do so."

On February 1, 2024, the Director of the California Department of Transportation, declared a transportation emergency to exist at the slide location adjacent to and within the railroad right-of-way, in the vicinity of Mile Post 204.2 on the Orange Subdivision near Mariposa Point in Orange County.

On February 12, 2024, the Authority's CEO approved a Single Source Procurement for staff to negotiate a contract with CJA.

On February 13, 2024, Authority staff received the final proposal from CJA, which was reviewed and approved by Authority's Project Manager.

On February 16, 2024, the California Transportation Commission allocated \$7.2 million for construction efforts related to the landslide at Mariposa Point in San Clemente. Based on this

allocation, the Authority executed the design-build contract with CJA.

In addition, the CEO authorized Contract Task Order No. E746A-20-007, issued to HDR Engineering, in the amount of \$527,323.79, and Work Directive No. 158 under Contract No. MS289-22, issued to Herzog Contracting Corp., in the amount of \$793,933.78, and Work Order for BNSF in the amount of \$200,000.

**Budget Impact**

- The costs associated with this emergency are the sole responsibility of OCTA, who is providing these funding allocations to Metrolink to perform work as necessary.
- Orange County Transportation Authority (OCTA) has applied for and received confirmation of allocations of emergency funding from the California Transportation Commission under State Transportation Improvement Program totaling \$9.2 M. These allocations are awarded to cover Phases #1 and #2 costs for response to and mitigation of the emergency land movement at Mile Post 204.2 Mariposa Point in San Clemente.
- Budgeting of this funding will require an amendment to the FY24 Budget in the amount of \$8.9M for a non-recurring item denoted as “San Clemente #3”.
- Approval of this item will add \$8.9M to the FY24 Budget.

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Maria Leible, Senior Railroad Civil Engineer

Approved by: Arnold Hackett, Chief Financial Officer  
Justin Fornelli, Chief, Program Delivery

**Attachment(s)**

[C3156-24\\_Emergency MP204.2 Pile Wall\\_Presentation \(003\)](#)