



**ITEM ID:** 2023-327-0

**TRANSMITTAL DATE:** December 1, 2023

**MEETING DATE:** December 8, 2023

**TO:** Board of Directors

**FROM:** Justin Fornelli, Chief, Program Delivery  
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**SUBJECT:** San Juan Creek Bridge Replacement - Amend OCTA Cooperative Funding Agreement, Amend Authority's Capital Budget, and Recommendation of Award Construction Contract No. C3153 to Flatiron West, Inc.

### **Issue**

Replacement of the San Juan Creek Bridge in South Orange County is required as the existing bridge has reached the end of its useful life. The new bridge will include increased structural capacity to withstand current and future demand loads.

### **Recommendation**

It is recommended that the Board authorize the Chief Executive Officer to:

1. Execute Amendment No. 1 to Cooperative Agreement No. C-0-2540 between the Authority and the OCTA, in the amount of \$22,578,258, for additional construction capital and construction support services for the San Juan Creek Bridge Replacement Project. This will increase the maximum cumulative obligation of the cooperative agreement to a total value of \$59,481,903; and
2. Amend the Southern California Regional Rail Authority's FY 2023-24 Budget by \$22,578,258 to accommodate the additional funding allocated by OCTA, subject to any required member agency approval, if necessary; and
3. Award Contract No. C3153, San Juan Creek Bridge Replacement project to Flatiron West, Inc., and approve contract funding authorization in the amount of \$41,980,490, plus 10% contingency of \$4,198,049, for a total not-to exceed amount of \$46,178,539.

The OCTA Board approved fully funding the additional \$22,578,258 during its November 27, 2023 Board meeting.

## **Strategic Commitment**

This report aligns with the Strategic Business Plan commitments of:

- **Safety is Foundational:** SCRRRA will ensure a safe operating environment by replacing the existing San Juan Creek Bridge build in 1917, with a new bridge that will continue serving the LOSSAN corridor.
- **Advancing Key Regional Goals:** Construction of a new San Juan Creek Bridge is critical State of Good Repair project that will serve Orange County and the LOSSAN Corridor, which includes serving existing Amtrak and Freight trains for the next 100 years.

## **Background**

The Authority, in cooperation with the Orange County Transportation Authority (OCTA) proposes to replace the existing San Juan Creek Bridge in the city of San Juan Capistrano with a new bridge on the LOSSAN corridor. The LOSSAN rail corridor serves Metrolink's Orange County and Inland Empire - Orange County Lines, Amtrak intercity trains, and BNSF Railway freight trains and is identified as the second most heavily traveled intercity passenger rail corridor in the nation. The proposed project would replace the existing bridge constructed in 1917, which has surpassed its life expectancy, and whose current load capacity is below expected future load demands.

San Juan Creek Bridge design, completed in 2020, includes the full replacement of the existing bridge with a new three span 347-foot thru-plate girder bridge built to the west of the existing bridge. The design also includes a new 38-foot steel girder bridge over the existing Vereda Bikeway.

Cooperative Agreement No. C-0-2540 between OCTA and the Authority, memorializes the funding being provided by OCTA to complete construction of the new bridge. This agreement was approved by the Board on February 28, 2021, but work was slowed as a result of the COVID pandemic.

## **Discussion**

On July 24, 2023, the Authority released an Invitation for Bids (IFB) for the San Juan Creek Bridge Replacement. The solicitation was published in five member counties and posted on the Authority's online procurement module. Notices were also emailed to firms registered on the Authority's online procurement module. A total of 113 firms downloaded the solicitation.

On August 2, 2023, the Pre-Bid Conference and site walk took place with 18 firms in attendance.

Bidders were provided a complete list of project drawings and specifications and were invited to seek further clarification via the Question & Answer (Q&A) period which ended August 30, 2023. Eighty-four questions were received and answered during the Q&A period.

Three bids were received on September 15, 2023, from Flatiron West, Inc., Herzog Contracting Corp. and Stacy and Witbeck, Inc.

| BIDDER                   | BID AMOUNT   | RESPONSIVENESS CHECK |
|--------------------------|--------------|----------------------|
| Flatiron West, Inc.      | \$41,980,490 | Responsive           |
| Herzog Contracting Corp. | \$41,237,270 | Non-Responsive       |
| Stacy and Witbeck, Inc.  | \$39,370,767 | Non-Responsive       |

Herzog Contracting Corp. and Stacy and Witbeck, Inc. were deemed non-responsive as documents were missing from their bids. Flatiron West, Inc. was determined to be the lowest responsive and responsible bidder.

A contract specific DBE goal of 12.71% has been established and Flatiron West, Inc. has committed to a DBE goal of 13.39%.

Unfortunately, due to construction cost escalation challenges facing public agencies nationwide, including the Authority, the lowest responsive and responsible bid was approximately 30% higher than staff's engineering estimate. The main drivers for the difference in estimates was due to material and construction labor cost escalations which have exceeded inflation by a large margin over the last few years. The bid prices are higher than the funding amount committed in Cooperative Agreement No. C-0-2540 with OCTA, and as a result, Amendment No. 1 to the Cooperative Agreement in an amount of \$22,568,489, for a new not-to-exceed amount of \$59,472,134 is necessary to cover the award of the construction contract with Flatiron.

### **Budget Impact**

The amounts for which contract authority is requested is included in Cooperative Agreement No. C-0-2540, between OCTA & the Authority, which fully funds the project through FTA grants and State funding sources and is included in the FY24 Capital Budget as amended.

### **Next Steps**

Upon Board Approval, the OCTA Cooperative Agreement will be amended, the FY24 Capital Budget will be amended to increase the San Juan Creek Bridge project by \$22,578,258, the construction contract with Flatiron West, Inc. will be executed, and staff will provide a Notice to Proceed to begin construction on the San Juan Bridge Replacement project.

Prepared by: Tammi Phillips, Contract & Compliance Administrator  
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Approved by: Justin Fornelli, Chief Program Delivery

### **Attachment(s)**

[Presentation - San Juan Creek Bridge Replacement](#)