



March 23, 2017

To: Transit Committee

From: Darrell Johnson, Chief Executive Officer

Subject: Cooperative Agreement with the City of Garden Grove for the Construction Phase of the OC Streetcar Project

Overview

The Orange County Transportation Authority is the lead agency for the design, construction, operations, and maintenance of the OC Streetcar in the cities of Garden Grove and Santa Ana. A cooperative agreement with the City of Garden Grove is required to identify roles and responsibilities, including financial obligations for the construction phase of the OC Streetcar project.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-7-1556 between the Orange County Transportation Authority and the City of Garden Grove, in the amount of \$87,504, for construction inspection support, design change reviews, and project coordination for the OC Streetcar project.

Discussion

On September 15, 2015, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved Memorandum of Understanding (MOU) No. C-5-3418 with the City of Garden Grove (City) for roles and responsibilities for the implementation of the OC Streetcar project (Project). The Board directed staff to proceed with the development of agreements as listed in the MOU, including a construction agreement.

Consistent with the MOU approved by the Board, staff has been negotiating the specific terms and conditions for the construction phase of the Project with the City. Consensus has been reached with the City on the specific terms and conditions of the draft cooperative agreement, and a summary of the key provisions of the draft cooperative agreement is as follows:

- The term of the cooperative agreement is from the beginning of construction until one year past the beginning of revenue service.
- OCTA shall lead the construction of the Project.
- The Project shall be constructed consistent with the plans and specifications developed during the design phase.
- The cooperative agreement outlines key construction coordination activities including:
 - Project Management
 - Schedule
 - Reporting
 - Records Management
 - Construction Coordination
 - Business Access
 - Street Closures/Traffic Control
 - Water Service Shutdowns
 - Public Notification
 - Construction Access
 - Construction Inspection
 - Project Submittals
 - Construction Acceptance
 - Permits
 - Safety
 - Testing and Startup
 - Coordination with Other City Projects
 - Public Involvement
- The City will provide construction inspection support services and project submittal reviews on City-owned facilities, such as sidewalks, roadways, and traffic signals, as well as project coordination with OCTA staff.
- The City's participation ensures City inspection of City infrastructure, input on Project elements through meetings, design reviews, and collaboration overall.
- Consistent with OCTA's practice on major capital projects, OCTA agrees to compensate the City for its participation on the Project.
- A detailed work plan has been developed and serves as the budget estimate for City support reimbursement.
- The cost of the City's participation in the Project will be covered as a Project cost following federal guidelines.
- The amount is a maximum obligation; the specific amount reimbursed to the City will be based upon the level of City participation.
- The City shall only use indirect cost recovery rates that are compliant with federal regulations and approved by a cognizant agency that is able to audit overhead rates to meet federal guidelines.
- The City is required to submit monthly invoices to OCTA for review, which shall include signed timesheets and a summary of work performed during the month.
- The City is responsible for all betterment costs requested by the City. A betterment is an element added to the Project by the City that is not needed for the Project.
- Staff will return to the Board for approval of an operations and maintenance agreement with the City.

Next Steps

Pending Board approval, the draft cooperative agreement will be advanced to the City Council for review and approval.

The Project continues to advance through design with the 90 percent design milestone completion anticipated in April 2017, and the construction invitation for bid to be released in October 2017.

Fiscal Impact

The proposed OCTA Fiscal Year 2017-18 Budget, Capital Programs Division, includes funding for the cooperative agreement in Account 0051-7831-TS010-Z84. The cooperative agreement is funded with federal and local funds.

Summary

Staff requests Board of Directors' approval for the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-7-1556 between the Orange County Transportation Authority and the City of Garden Grove, in the amount of \$87,504, for construction inspection support, design change reviews, and project coordination for the OC Streetcar project.

Attachment

None.

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