



# Quarterly Status Report

April 2020 through June 2020



PREPARED BY:



**COLORADO**  
Department of Transportation

IN CONSULTATION WITH:



**COLORADO**  
Department of Transportation  
Statewide Bridge Enterprise

**DATE:** August 7, 2020

**TO:** Colorado Transportation Commission (TC)  
Colorado High Performance Transportation (HPTE) Board of Directors  
Colorado Bridge Enterprise (BE) Board of Directors

**FROM:** Keith Stefanik, Project Director, Central 70 Project

**SUBJECT:** Quarterly Update

## PROJECT PROGRESS

This memo summarizes the status of the Central 70 Project across the following areas:

- Status of Design and Construction
- Status of Pre-Development Budget
- Status of Community Commitments

## ACTION

No actions are requested at this time. This memo is for information purposes only.

## BACKGROUND

Per the Central 70 Project Intra-Agency Agreement (IAA) dated August 22, 2017, (as amended by the First Amendment to the IAA, dated November 15, 2017, and the Second Amendment to the IAA, dated April 3, 2019), the Central 70 Project Director shall provide quarterly updates to the Transportation Commission, Bridge Enterprise (BE) Board of Directors, and the High Performance Transportation Enterprise (HPTE) Board of Directors through Final Acceptance.

## MATTERS REQUIRING POLICY INPUT

None at this time.

## COMPLETED MILESTONES THIS QUARTER

### April 2020

- Continued BNSF Bridge work at the BNSF Market Lead tracks in order to meet the 9-month train service shut down deadline.
- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street.
- Continued substructure work on the first phase of UPRR Bridge over I-70.
- Continued substructure work at the I-70 over Denver Rock Island Railroad (DRIR) bridge.
- KMP and Enterprises addressed UPRR comments on the 100% UPRR Drainage package. These were resubmitted to UPRR on April 27, 2020.
- Continued Milestone 1 punch-list work, including setting permanent sign structures and paving.

- KMP resubmitted License Agreements to UPRR for the 66" pipe & CBC storm crossings on April 29, 2020.
- Continued design of the 100% UPRR alternate track phasing.
- Continued to receive and place UPRR girders at the project site.
- Continued permanent work on Brighton Boulevard.
- Completed waterline work on Fillmore Street.
- Began placement of full height wall panels in the lowered section.
- Completed utility work at Josephine Street and 46<sup>th</sup> Avenue.
- Began soil mixing (Cement treated) in the lowered section.

### May 2020

- Continued BNSF Bridge work at the BNSF Market Lead tracks in order to meet the 9-month train service shut down deadline.
- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street.
- Continued receiving and placing UPRR girders at the project site.
- Continued substructure work at the I-70 over Denver Rock Island Railroad (DRIR) bridge.
- Completed Pier 2 for the westbound direction of I-70 at Brighton Boulevard
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado boulevards, including excavation and wall work.
- Place deck at Steele/Vazquez over I-70 bridge.
- Continued punch-list work setting permanent sign structures and paving in the Milestone 1 limits.
- 100% UPRR alternate track phasing plans submitted on May 15, 2020 to UPRR for approval.
- Placed deck for Fillmore Street over I-70 bridge.
- Continued soil mixing (cement treated) in the lowered section.
- Opened the new Monroe Street over I-70 bridge.
- Completed storm drainage crossing at Steele Street.
- Began construction of CCD/CDOT Cover Building and completed the foundation work.
- Continued placement of full height wall panels in the lowered section.

### June 2020

- Completed BNSF Bridge work at the BNSF Market Lead tracks in order to meet the 9-month train service shut down deadline (signalization and spur track reconstruction remain).
- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street with emphasis on Milestone 2 structures (Quebec, Monaco, Holly, and Dahlia).

- Continued receiving and placing UPRR girders and deck plates at the project site and began welding at the UPRR bridge.
- Continued substructure work at the I-70 over Denver Rock Island Railroad (DRIR) bridge.
- Continued permanent work on Brighton Boulevard.
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado Boulevards, including excavation and wall work.
- Continued various construction work on Stapleton Drive North and South (including utilities, walls, and bridge reconstruction) requiring closures and lane restrictions.
- Continued punch-list work setting permanent sign structures and SMA paving in the Milestone 1 limits.
- KMP and the Enterprises addressed UPRR comments on the 100% UPRR Trackwork package (UPRR alternate track phasing plans were incorporated into this package) with anticipated re-submittal in early July 2020 to UPRR for approval.
- Continued soil mixing (cement treated) in the lowered section.
- Demolished the southbound Colorado Boulevard bridge over I-70 and moved traffic to the new structure.
- Completed placing girders and continued placing the deck at the Cover.
- Began installing electrical and fire suppression system under the Cover.
- Continued construction of CCD/CDOT Cover Building.
- Continued placement of full height wall panels in the lowered section.

## UPCOMING MILESTONES

### July 2020 through September 2020

- Open the BNSF over I-70 bridge and restore rail service to Manna Pro and RLW by August.
- Close Jackson Street at 46<sup>th</sup> Avenue for utility work.
- Complete girder erection on the I-70 over Brighton Boulevard bridge. KMP is requesting a variance to close the Brighton Boulevard on-ramp to eastbound I-70 for roadway work for one month.
- Close Ivy Street at Stapleton Drive North for utility and paving work.
- Finalize substructure work with completion of Abutment 1 at UPRR and begin girder erection for span 1.
- Continue welding of cross members and deck plates at UPRR bridge.
- Place remaining girders for the cover and continue installation of the fire suppression system and other systems elements underneath the Cover.
- Begin second half of Colorado Boulevard over I-70 bridge construction.
- Begin construction of the lowered section near the newly closed westbound I-70 off-ramp to Steele Street.
- Demolition of the westbound off-ramp to Steele/Vasquez, switching traffic to 46<sup>th</sup> Avenue northbound between Colorado Boulevard and Steele Street.
- Switch traffic onto the new Steele/Vasquez over I-70 bridge.

- Complete RHM mitigation at Swansea Elementary (pending issuance of CDPHE permit – if not received by early August, this work will shift to Summer 2021).
- Begin second half of Colorado Boulevard bridge construction.
- Begin construction on the CBC and 66” drainage crossings at the UPRR.
- Begin final striping on I-70 from I-270 to I-225.
- UPRR crews to arrive in August 2020 to begin constructing track on the first half of the new UPRR bridge.
- Receive UPRR approval on the 100% UPRR Trackwork package (including the alternate track phasing plans).

### LAWSUIT UPDATE

Lawsuit/Complaint	Status
Lawsuit filed against Environmental Protection Agency (EPA) regarding Air Quality standards	Ruling in EPA’s favor
Title VI complaint filed against the Federal Highway Administration (FHWA) regarding Environmental Justice	Administrative decision in the Colorado Department of Transportation’s (CDOT) favor
Drainage lawsuit against City of Denver	Ruling in City of Denver’s favor
National Environmental Policy Act (NEPA) Lawsuit filed against FHWA regarding connected action	Lawsuit dismissed with prejudice
NEPA lawsuit filed against FHWA regarding environmental issues	Plaintiffs and State reached settlement agreement in December 2018. State in process of implementing settlement mitigations including funding health study, air quality monitoring, and additional landscaping.

All lawsuits associated with the Project to date have been resolved. The State (CDOT) reached a settlement agreement with the petitioners (Sierra Club, Elyria and Swansea Neighborhood Association, Chaffee Park Neighborhood Association, and Colorado Latino Forum) in the civil action lawsuit (D. Colo. No. 17-1679) in December 2018.

As part of this settlement agreement, CDOT agreed to a variety of mitigations including funding a community health study, air quality monitoring, and landscaping. CDOT received the petitioners’ proposal and identification of nonprofit organization (The Nature Conservancy) on March 29, 2019 related to the acquisition and planting of trees throughout Elyria, Swansea and Globeville. CDOT reviewed and accepted the proposal and then issued payment to The Nature Conservancy in the amount of \$25,000. The Nature Conservancy confirmed receipt on April 25, 2019.

Per the settlement agreement, an Agreement related to a proposed health study was executed between the Petitioners, CDOT, CDPHE and Denver on July 16, 2019. With the execution of the Agreement, CDOT provided \$550,000 to CDPHE for ultimate completion of the Health Study. CDPHE confirmed receipt on September 12, 2019. Independent Steering Committee Member

(Melinda Laituri) was selected by the other three Steering Committee Members. Notice was provided to CDOT and the Purchase Order for \$25,000 was executed on May 7, 2020. Ms. Laituri will invoice CDOT for payment on a quarterly basis.

The Enterprises executed a change with KMP to add the vines to the sound walls between Brighton Boulevard and High Street and add additional trees within small remnant parcels between Brighton Boulevard and Fillmore Street. Both additions are to fulfill one of the commitments in the settlement agreement.

The overall status of all settlement agreement items will be tracked monthly by the Enterprises to conclusion.

## ISSUES

The Enterprises issued the Milestone 1 completion certificate to KMP on December 9, 2019. KMP is resolving punch list items for Milestone 1. Some punch list items, such as the sign structure installation and the final lift of paving (Stone Matrix Asphalt or “SMA”) within the Milestone 1 limits, will not be completed until summer 2020.

UPRR approved the 100% UPRR bridge plans October 4, 2019 and the associated Public Utilities Commission (PUC) permit amendment was issued October 9, 2019. This allowed KMP to commence construction of the UPRR bridge. Construction of the UPRR bridge began in November 2019 and is advancing. Timely submittal of construction documents to UPRR by KMP has slowed the construction, but girder erection and deck plate installation and welding on the bridge are continuing. The Enterprises and KMP continue working with UPRR on prioritizing construction submittals, resolving noncompliant construction work and identifying schedule mitigation strategies.

The Enterprises continue to perform reviews of KMP’s UPRR submittals prior to submission to UPRR (instead of concurrently with the UPRR review per the Project Agreement) to identify and correct any errors or missing documents in the submittals and minimize UPRR rejections. The Enterprises and KMP continue to address UPRR comments on the drainage and alternate track phasing plans and anticipate an RFC submittal to UPRR in July 2020. KMP continues to address UPRR comments on the UPRR drainage license agreements with an anticipated approval in July 2020. Approval of the packages are critical for UPRR crews to begin track construction on the first half of the new UPRR bridge in August 2020.

Aside from the UPRR work, there are concurrent delays on the project that are impacting the completion date, including work associated with the Cover. The Cover has been impacted by late completion of design packages as well as construction work not progressing as quickly as planned. Additionally, the Enterprises continue to raise concerns about KMP’s progress on developing the testing and commissioning plans for the Cover. These plans are critical to the Project’s efforts to shift traffic into the lowered section.



The Enterprises have received numerous Supervening Events (SEs) (see SEs 8, 10-15, 17-18, 21-22, 24-26, 29-30, 31 -34, and 38) related to the UPRR bridge based on design criteria interpretation differences between KMP and UPRR, and construction coordination. The Enterprises have previously rejected these SEs. KMP did provide draft Detailed SE submissions for these SEs to the Enterprises on February 14, 2020, in order to begin negotiations in accordance with dispute process in the Project Agreement. The Enterprises extended the deadline for the Detailed SE submissions until July 17, 2020 while these negotiations are on-going. During the quarter, KMP has also submitted SEs 40 and 41 related to the COVID pandemic. The Enterprises are awaiting additional information from KMP to fully evaluate these SE's.

KMP's project schedule continues to indicate that completion of Milestones 2, 3, 4, 5 and 6 and Substantial Completion will occur after the associated completion deadlines (overall completion approximately 10 months late). In May 2020, the Enterprises conditionally accepted Revised Baseline Schedule 3 which incorporated some mitigation strategies into the Project. The Enterprises and KMP are meeting regularly to identify and implement mitigation strategies to get the overall project back on schedule, including the interim completion milestones. If approved by UPRR, the alternate track phasing for the UPRR bridge will be incorporated into Revised Baseline Schedule 4 which will further reduce the current delays in the Project schedule.

During the month of March, a global pandemic (COVID-19) was declared by the World Health Organization (WHO). Federal, State, and Local leaders have all implemented mitigation measures to reduce the spread of COVID-19. These measures have ultimately reduced physical contact and person to person interactions.

At the project level, additional safety precautions such as face masks and social distancing continue to be implemented to insure the safety of all workers. KMP has updated the Safety Management Plan for the project to address the revised safety protocols. Construction is considered an essential function and has continued under these conditions. The Project was able to take advantage of the lowered traffic volumes associated with the pandemic by accommodating additional day time lane closures during the months of March, April and May, which has resulted in an acceleration of the construction. This issue continues to be monitored by the Enterprises, but is not expected to negatively impact the schedule at this time. As mentioned earlier, KMP did submit SEs 40 and 41 related to COVID impacts, but has not identified any specific impacts due to the pandemic.

Supervening events are summarized in the table below (shading indicates the SE is closed).

SEN #	Description	Date Received from KMP	Type of SEN	Status
1	UPRR Agreement Delay, Request for Extension to Detailed Supervening Event Submission	04/25/2018	Comp Event	Included in Settlement Agreement

SEN #	Description	Date Received from KMP	Type of SEN	Status
2	UPRR Phase 0 Work Delay	03/23/2018	Comp Event	Included in Settlement Agreement
3	UPRR Work Performance Schedule	03/23/2018	Delay Relief Event	Withdrawn by KMP
4	Section 232 Steel and Aluminum Tariffs	08/13/2018	Relief Event	Included in Settlement Agreement
5	Swansea Asbestos Containing Material	07/07/2018	Comp Event	Change Order was executed on 09/03/2019
6	AP-83 Asbestos Containing Material	10/10/2018	Comp Event	Withdrawn by KMP
7	Sand Creek Bridge	11/20/2018	Comp Event	Change Order was executed on 05/06/2020. KMP plans to begin full repairs of the bridge in July 2020.
8	UPRR Crossing Diaphragm Spacing	12/17/2018	Delay Relief Event	Rejected by the Enterprises on 09/30/2019
9	Structure E-17-FX Viaduct	12/17/2018	Comp Event	Withdrawn by KMP
10	UPRR Transverse Plate Welding	02/22/2019	Delay Relief Event	Rejected by Enterprises on 08/29/2019
11	UPRR Underside Plate Welding	02/22/2019	Delay Relief Event	Rejected by Enterprises on 08/31/2019
12	UPRR Drip Plates	02/22/2019	Comp and Relief Event	Withdrawn by KMP
13	UPRR Bearings	02/22/2019	Comp and Relief Event	Withdrawn by KMP
14	UPRR Impact Loading	02/22/2019	Delay Relief Event	Rejected by Enterprises on 09/23/2019
15	UPRR Rebar Detailing	02/22/2019	Delay Relief Event	Rejected by Enterprises on 09/23/2019
16	Severe Weather Event - Bomb Cyclone	03/27/2019	Relief Event	Withdrawn by KMP
17	UPRR Shoring	03/28/2019	Comp Event	Rejected by Enterprises on 08/29/2019
18	UPRR Shoring unexcused RR delay	03/28/2019	Delay Relief Event	Rejected by Enterprises on 08/29/2019
19	AP-102 Hazardous Material	03/27/2019	Comp Event	Withdrawn by KMP
20	Reserved			
21	UPRR Steel Notes	05/02/2019	Comp Event	Rejected by Enterprises on 07/10/2019.
22	UPRR Steel Notes Relief	05/02/2019	Delay Relief Event	Rejected by Enterprises on 07/10/2019.
23	Recognized Hazardous Material (RHM) 46 <sup>th</sup> and	05/29/2019	Comp Event	Waiting on detailed SE submission by KMP



SEN #	Description	Date Received from KMP	Type of SEN	Status
	Steele Southwest Gore Asbestos			
24	UPRR Crossing Diaphragm Spacing	06/14/2019	Comp Event	Rejected by Enterprises on 09/30/2019. Related to SE Event 8.
25	UPRR Transverse Plate Welding	06/19/2019	Comp Event	Rejected by Enterprises on 08/31/2019. Related to SE Event 10.
26	UPRR Underside Plate Welding	06/28/2019	Comp Event	Rejected by Enterprises on 08/31/2019. Related to SE 11.
27	Reserved			
28	Reserved			
29	UPRR Impact Loading	06/28/2019	Comp Event	Rejected by Enterprises on 09/23/2019. Related to SE 14.
30	UPRR Rebar Detailing	06/28/2019	Comp Event	Rejected by Enterprises on 09/23/2019. Related to SE 15.
31	UPRR Drainage Review	08/22/2019	Comp Event	Rejected by Enterprises on 12/17/2019.
32	UPRR Drainage Review	08/22/2019	Delay Relief Event	Rejected by Enterprises on 12/17/2019.
33	UPRR Unreasonableness	08/22/2019	Comp Event	Rejected by Enterprises on 12/18/2019.
34	UPRR Unreasonableness	08/22/2019	Delay Relief Event	Rejected by Enterprises on 12/18/2019.
35	Fire Department Review	12/26/2019	Delay Relief Event	Rejected by Enterprises on 03/06/2020
36	Fire Department Review	12/26/2019	Relief Event	Rejected by Enterprises on 03/06/2020
37	Discovery of Recognized Hazardous Material – Dahlia & Stapleton ACM	01/31/2020	Comp Event	Waiting on detailed SE submission by KMP
38	Enterprises' Failure to Grant and Extension of Time	04/14/2020	Comp Event	Rejected by Enterprises on 05/15/2020
39	Swansea School Asbestos Containing Material – Phase 2	05/04/2020	Comp Event	Waiting on detailed SE submission by KMP
40	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Comp Event	Waiting on preliminary SE submission by KMP
41	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Force Majeure, Delay and Relief Events,	Waiting on preliminary SE submission by KMP
42	Discovery of Recognized Hazardous Material – 46 <sup>th</sup> & Jackson RHM	06/15/2020	Comp Event	Waiting on detailed SE submission by KMP

## SCHEDULE STATUS

KMP reported that the Project is 50.8% complete through June 2020. Design is 98.9% complete and construction is 42.9%.

The existing project schedule is based on the Revised Baseline Schedule 3. The Revised Baseline Schedule 3 was conditionally accepted in May. This schedule shows a 10-11 month delay to the completion of the project. It is anticipated that UPRR will formally approve the alternative track phasing plan in July 2020. This plan allows for the tracks to be placed on the Phase 4 bridge and eliminates a shoofly, allowing KMP to advance work that would have otherwise waiting until Phase 5 of the UPRR bridge concluded. This mitigation is expected to save several additional months and will be captured in Revised Baseline Schedule 4, which will be submitted in early August.

Milestones 2 is currently behind schedule. This delay has several underlying causes including longer than anticipated design duration, construction productivity issues, and resolution of quality issues. Revised Baseline Schedule 3 makes significant revisions to the construction sequence for this work within the Milestone 2 limits. This includes a different construction approach around Quebec Street. KMP is not attributing any of the causes of these delays to the Enterprises at this time. Since acceptance of Revised Baseline Schedule 3 in May, the work driving Milestone 2 has incurred additional delays.

Milestones 3, 4, 5, 6, and Substantial Completion are all linked. Delay associated with this work is tied to approval of the UPRR 100% bridge design by UPRR as well as progress of the Cover construction. The UPRR bridge design was approved October 4, 2019, which is much later than what was planned by KMP in previous baseline schedules. KMP believes this delay is compensable and the basis of this position is detailed in the outstanding Supervening Events associated with UPRR. As mentioned earlier, the validity of many of KMP’s claims will be analyzed and any associated impacts determined. Over the past Quarter, the critically of the Cover Commissioning has received additional attention from KMP. The pending submission of Revised Baseline 4 is anticipated to include additional refinement to the commissioning requirements.

The table below provides a summary of the current status of the project Completion Milestones.

Event	Baseline Date	Forecast Date	Status*
Commercial Close	11/21/2017	NA	Completed - 11/21/2017
Financial Close	12/21/2017	NA	Completed - 12/21/2017
NTP1	02/09/2018	NA	Completed - 02/09/2018

NTP2	06/01/2018	NA	Completed - 07/10/2018
NTP3 (Snow and Ice Control Services)	07/01/2018	NA	Completed - 07/18/2018
Payment Milestone 1 (Sand Creek Bridge to Chambers Road)	12/09/2019	NA	Completed 12/09/2019
Payment Milestone 2 (Dahlia Street to Sand Creek Bridge)	11/10/2020	08/20/2021	-283 days
Payment Milestone 3 (Phases 1-5 of the UPRR Crossing)	10/17/2020	06/28/2021	-254 days
Payment Milestone 4 (Westbound I-70 between Brighton Boulevard to Dahlia Street & Removal of Viaduct)	09/26/2021	12/23/2021	-88 days
Payment Milestone 5 (Eastbound I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6)	03/25/2022	11/03/2022	-223 days
Payment Milestone 6 (SMA paving & Cover top)	08/20/2022	06/16/2023	-300 days
Commence Intelligent Transportation System(s) (ITS)/Tolling Testing/Integration	09/22/2022	07/28/2023	-310 days
Substantial Completion	09/21/2022	07/29/2023	-311 days
Final Acceptance	12/20/2022	10/27/2023	-309 days
Design/Build Phase Close-out	06/2023	04/2024	-300 days

*\*see Schedule Status narrative for additional information regarding the status*

The forecast dates for Milestones 3, 4, 5, 6, Substantial Completion, and Final Acceptance will be delayed by construction elements that are now in the 100% UPRR Bridge plans as well as the Cover design. KMP has quantified these impacts and included them in the Revised Baseline Schedule 3, which was conditionally accepted by the Enterprises in May 2020.

## BUDGET STATUS

The project budget reflects the 2020 Annual Update to the Financial Plan that was approved by FHWA in March 2020.

Enterprises Costs Estimate	Amount
Environmental Phase	\$40.9M
Procurement Phase	\$81.3M
Delivery Phase	\$60.0M
Miscellaneous Enterprise Reserve*	\$6.9M
ROW Phase	\$115.8M
Utility Phase	\$37.7M
<b>Enterprises Construction Total</b>	<b>\$335.7M</b>

\*Included in Delivery Phase Amount

In addition to the funds listed in the above table, the Enterprises have established a construction contingency (funded by the Department and Colorado Bridge Enterprise) to cover additional costs due to Supervening Events and Change Orders during the construction phase of the Project. Per the Project Agreement, the Enterprises have the option of paying KMP for changes via a lump sum payment or by adjusting the annual availability payment. The current balance of this contingency fund is provided in the table below.

Contingency	Amount (in millions)
Enterprises Change Order/Supervening Event Initial Contingency	\$45.9
Executed Change Orders – Previous	\$4.6
Executed Change Orders – Current Period	\$1.0
Settlement Agreement	\$7.6
<b>Remaining Enterprises Change Order/Supervening Event Contingency Balance</b>	<b>\$32.7</b>

## CONTRACT CHANGE NOTICES

As of June 30, 2020, the Enterprises have executed (73) Change Orders, issued (53) Enterprise Change Notices, received (31) KMP Change Notices, issued (20) Directive Letters, received (39) Supervening Event Notices, received (35) Preliminary Supervening Event Submissions, and received (5) Detailed Supervening Event Submissions. The change orders executed to date have had a net cost of \$5.6 million to the Project.

No claims have been filed by KMP against the Project and neither party has referred a dispute to the Dispute Resolution Panel (DRP) at this time.

## QUALITY

KMP is responsible for implementation and maintenance of an effective quality program to manage, control, document and ensure KMP compliance with all obligations and requirements in the Central 70 Project Agreement. The Enterprises implement the quality oversight program to monitor KMP’s quality program, but are not responsible for implementation of KMP’s quality program. However, the Enterprises retain the responsibility for acceptance of the work based on the assessment and test results of the quality oversight program summarized below.

**Owner Verification Testing:** Other than as detailed in the Enterprises’ Quarterly Quality Report to the Federal Highway Administration (FHWA), the Enterprises’ Owner Verification Testing (OVT) program has statistically verified and validated that all materials placed by KMP are in full conformance with Project Agreement requirements.

**Independent Assurance Testing (IAT):** The Enterprises’ IAT program tests each OVT and Independent Quality Control (IQC) tester for each test procedure at least once per year. The Enterprises have determined that all Owner Verification and KMP IQC testers are qualified to test on the Project through June 2020.

**Construction Verification Inspections (CVI):** The Enterprises’ CVIs evaluate KMP compliance with Project Agreement (PA) requirements by assessing a risk-based percentage of their Construction Work. All non-conforming work identified by the Enterprise is resolved through KMP’s nonconformance report closure process. From April 2020 through June 2020, the Enterprises’ conducted 391 CVIs, yielding a 99 percent overall conformance percentage. For the entire project through June 2020, the Enterprises’ have conducted 1341 CVIs, yielding a 93 percent overall conformance percentage. KMP continues to perform well for permanent construction work such as Electrical/ITS, Structures, Walls, Roadway, Earthwork, Cover, and Utilities. All nonconforming construction work identified by either KMP or the Enterprises’ has been properly addressed through the NCR process. Therefore, there are not any notable and/or unresolved construction product issues to report this quarter.

**Project Management Process Audits:** The Enterprises’ Project Management Process Audits evaluate KMP compliance with the PA and processes prescribed in KMP’s approved Management Plans. From April 2020 through June 2020, the Enterprises’ conducted 59 process audits, yielding a 75 percent overall conformance percentage. For the entire Project, the Enterprises’ conducted 582 process audits, yielding an 84 percent overall conformance percentage. Notable and outstanding process quality issues for this reporting period are presented below.

Element	Process	Issue	Status
Construction Quality Management	Horizontal and Vertical Grade Control	KMP self-identified the issue. KMP has identified a lot of work that is out of vertical and horizontal alignment which has caused significant rework.	The Enterprises’ and KMP agreed to close this corrective action in April 2020 due to multiple months of improvement. <b>CLOSED</b>
Construction Safety Management	UPRR Safety Management Plan and the UPRR Controlled Access Plan	The Enterprises’ requested KMP to develop a corrective action plan for systemic issues regarding enforcement of the UPRR Safety Management Plan and the UPRR Controlled Access Plan	In late April 2020, KMP and the Enterprises determined that this Corrective Action can be closed due to no new issues for a month. KMP finalized the paperwork in May 2020 to officially close the CAR. <b>CLOSED</b>
Construction Quality Management	Fabrication, MRR, Shop Drawing, and Submittal Process for Drainage Structures	KMP’s Subcontractors have fabricated drainage structures with incorrect dimensions that do not comply with CDOT or CCD Standards. As a prime example, KMP needed to remove and replace numerous Type 13 and Type 16 inlets that were already received and installed.	The Enterprises’ and KMP agreed to close this corrective action in May 2020 due to multiple months of improvement. <b>CLOSED</b>

Element	Process	Issue	Status
Construction Quality Management	NCR Process prior to deck pour	KMP issued this Corrective Action to address process issues during the Fillmore Bridge Deck Placement. Construction issues were communicated to Design, but an NCR was not issued and KMP and PC team were not notified/looped in prior to the pour.	The Enterprises' approved the Corrective Action Plan in May 2020. The Enterprises' and KMP expect this corrective action to be closed by end of summer 2020. <b>OPEN</b>
Construction Quality Management	Flatwork pre-pour Quality Checks	KMP self-identified issue that their subcontractor was repetitively performing nonconforming flatwork that required removal and replacement.	KMP submitted the Corrective Action plan to the Enterprises' for review at the end of June 2020. <b>OPEN</b>

**Design Verification Reviews (DVR):** The Enterprises' DVRs evaluate KMP compliance with PA requirements by assessing KMP's design plans and other deliverables. From April 2020 through June 2020, the Enterprises' conducted 103 DVRs yielding an 87 percent overall conformance percentage. For the entire Project, the Enterprises conducted 958 reviews, yielding an 84 percent overall conformance percentage. All noncompliant design identified by the Enterprises is resolved prior to KMP releasing the plans for construction. Additionally, KMP and the Enterprises issue Nonconformance Reports (NCRs) for design issues that are identified during performance of construction work. The nonconforming design is then resolved prior to construction acceptance. Since there has not been any known noncompliant design incorporated into the permanent work there are not any notable design issues identified by the Enterprises and/or KMP for this reporting period.

### MAINTENANCE/TRAFFIC ISSUES

The focus of routine maintenance work for this reporting period included snow removal, litter removal, flexible pavement patching, and resolution of any safety critical or hazardous defects which occurred during the reporting period.

The construction assessment team has been performing weekly assessments of the MOT/MHT setups. Any issues are being communicated with and addressed by KMP.

Due to the COVID-19 outbreak, KMP's O&M staff has implemented several changes in accordance with CDC guidelines to ensure the continued and sustained execution of essential services (summarized below).

- Safety Patrol Operators are most at-risk because they are in direct contact with the traveling public daily. Their risk to exposure is reduced while still providing contract services by implementing social distancing. For example, Operators



instruct motorists in need of a tire change to remove the tire from their vehicle and then return to their vehicle so that the Operator can change the tire without being in direct contact with the motorist. This also minimizes the need for the Operator to touch the trunk of the motorist's car or other potentially contaminated touch points. Communication over the Safety Patrol's PA speaker is another means of communicating without being in immediate proximity to the motorist.

- The maintenance crews typically do not work with other parties during the execution of their assigned tasks. Therefore, maintenance crews are at less risk to exposure than their Safety Patrol counterparts. CDC guidelines are being followed, where applicable.
- Supervisors encourage frequent hand washing and enforce disinfecting of shared equipment at every shift change. Employees have their temperature taken at shift start and are sent home if they have a fever.

## SAFETY ISSUES

KMP had zero recordable events for the quarter, keeping the total at 5 for the project. KMP discusses all safety incidents on the project during their "Play of the Day" meeting. They perform after-incident investigations and discuss root cause and preventative measures for each issue. They continue to perform "Safety Adventures" where a discipline goes and audits an operation daily and discusses their findings during the "Play of the Day". These include best practices, lessons learned and issues that were found.

Safety Patrol has responded to 827 events during this reporting period. This total includes 166 crash/incidents. 49 percent of these events were self-identified by Safety Patrol.

## CIVIL RIGHTS STATUS

### Small Business DBE/ESB Goals

Design Status: KMP's Disadvantaged Business Enterprise (DBE) goal for the design is 11.6%. To date, KMP has commitments to DBE design firms of 11.18% (\$6.3 million in work); this is shy of 100% of KMP's DBE goal for the design period. KMP's Emerging Small Business (ESB) goal for the design period is 3.0%. To date, KMP has commitments to ESB design firms of 8.64% (\$4.9 million in work); this exceeds the ESB goal for design for the Project.

Construction Status: KMP's DBE goal for the construction is 12.5%. To date, KMP has commitments to DBE construction firms of 13.44% (\$100.6 million in work); this meets over 100% of KMP's DBE goal for the construction period. KMP's ESB goal for the construction period is 3.0%. To date, KMP has commitments to ESB construction firms of 7.7% (\$58.1 million in work); this exceeds KMP's ESB goal for construction for the Project.

## Workforce Development Program and Goals

The WORKNOW program combines construction workforce training and supportive service programs into one coordinated program. Total enrollment reached 1,731 members, with 135 enrolled this quarter. The Central 70 Project is a founding partner of WORKNOW. For further information on the WORKNOW Program please go to: <https://work-now.org/accomplishments-to-date/>

During the COVID-19 crisis, coordination with WORKNOW regarding virtual outreach increased. WORKNOW continued providing services to both employed and laid off construction workers, while enacting proper health mitigation measures.

One key event occurred this quarter:

- In June 2020, in partnership with WORKNOW, Central 70 hosted a virtual hiring fair, streamed live on Facebook. The event highlighted jobs with local contractors and unions. More than 50 individuals RSVP's and the recorded event was viewed more than 1,500 times after the live viewing.

KMP and its subcontractors have enrolled local hires for both professional services and construction. They have enrolled 612 local hires and 188 On-the-Job Training (OJT) participants. KMP has recorded 506,168 local hire hours and 139,857 OJT hours.

## MITIGATION/COMMUNITY COMMITMENTS STATUS

As of the date of this report, all of the identified Record of Decision (ROD) mitigation measures are either in progress or completed.

The Enterprises and KMP have completed ten ROD re-evaluations to date. Re-evaluation 10 was approved on June 9, 2020. It expands the construction limits to allow temporary access to replace the existing sign bridges just west of the Coliseum.

This Project is unique in that the core feature of the project—lowering the highway and constructing a cover/park that will link the two sides of the community back together—was developed to address Environmental Justice (EJ) concerns that arose from original highway construction back in the 1960s. In addition to the cover and park, the Central 70 Project includes other unique EJ mitigations such as the recognition of the importance of the Swansea Elementary School as a community center. These mitigations include two new early childhood education classrooms, a new heating and air conditioning (HVAC) system, new exterior windows and doors, a relocated and renovated main entrance and administration offices, and a new playground. The table below provides the status of these mitigations.

Mitigation	Status	Notes
Targeted assistance to crucial businesses to remain in the neighborhood.	Complete	Assistance was provided to all businesses that were displaced by the project per the Uniform Act. All impacted businesses have been completed and reestablished in their new location per the Uniform Act. KMP will continue the Community Outreach for businesses within the project area.
Provide funding to assist displacees with financial counseling and procurement of financing.	Complete	Funding has been provided through Community Resources and Housing Development Corporation (CRHDC)
Provide before, during, and after environmental sampling to assure the project has not caused re-contamination of residential properties.	Complete	Soil sampling on seven residential properties was completed in June 2018
Mitigate noise and dust impacts by providing residents living adjacent to the project new storm windows, furnace filters, and air conditioning units.	Complete	Assessments and installations of improvements were completed on 03/14/2019. Ongoing warranty work and energy credits will continue through the Construction Period.
Fresh Food Access – Provide \$100,000 to Denver Office of Economic Developments Globeville Elyria-Swansea (GES) Healthy Food Challenge.	Complete	The Enterprises transferred funds to the City and County of Denver in early November 2018; an initial report was received by the Enterprises in July 2019.
Provide \$2M in funding to support affordable housing in Elyria and Swansea neighborhoods.	Complete	The Enterprises transferred funds to Brothers Redevelopment in late November 2018; quarterly reports began in 2019.
Monetary Incentive for Managed Lanes	Deferred	Deferred until the new managed lanes are operational.
Swansea Elementary Phase 1	Complete	Retrofit school building with new classrooms, windows, doors, and HVAC system
Swansea Elementary Phase 2	Complete	Modify outdoor areas around school to provide playground, parking, and access roads during construction period.
Swansea Elementary Phase 3	Complete	Construct temporary outdoor features including playground, parking, and access roads.
Swansea Elementary Phase 4	In Design	To be constructed by KMP along with the Cover.

## COMMUNITY ENGAGEMENT

The Enterprises, supported by KMP, is responsible for communicating with citizens, the media, public officials, and other stakeholders regarding the Project. Public information efforts

continue to take a two-pronged approach by focusing outreach on commuters and residents through various social media outlets, ongoing face-to-face presentations and check-in calls. Due to the current safer-at-home order per the Governor of Colorado and COVID-19, the Public Information team has transitioned to virtual outreach for commuters and residents until at least September. In addition, the PI team has continued using various outreach tools to alert the public about ongoing traffic and construction impacts on Central 70 with the reduced traffic volumes on the interstate.