



# Quarterly Status Report

January 2021 through March 2021



PREPARED BY:



**COLORADO**  
Department of Transportation

IN CONSULTATION WITH:



**COLORADO**  
Department of Transportation  
Statewide Bridge Enterprise

**DATE:** April 26, 2021

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

**FROM:** Robert Hays, 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

### January 2021

- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street, with emphasis on Milestone 2 structures (I-70 bridges over Quebec, Denver Rock Island Railroad (DRIR), Monaco, Holly, and Dahlia). This includes the demolition of the existing bridge structures.
- Continued work on Brighton Boulevard ramp tie-ins.
- Continued construction of the Concrete Box Culvert and 66" Pipe crossing the UPRR tracks south of the UPRR Bridge
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado Boulevards, including excavation, drainage, cement treated soil mixing, walls, barrier, and paving.

- Continued various construction work on Stapleton Drive North and South (including utilities, walls, and bridge reconstruction) requiring closures and lane restrictions.
- Within Milestone 1 limits, continued punch-list work setting permanent sign structures, SMA paving, and permanent striping, along with work on the cross-slope correction change order elements.
- Continued installation of electrical, Intelligent Transportation System(s) (ITS) and fire suppression system under the Cover over westbound (WB) I-70.
- Continued construction of the City and County of Denver (CCD)/CDOT Cover Building, with placement of systems equipment in the building continuing this period.
- Continued installation of the pump electrical service and supporting infrastructure at the pump station.
- Continued construction of the Phase 5 (east side) and Phase 6 (west side) substructure portions of the UPRR Bridge.
- Continued installation of the jet fans above the future westbound I-70 lanes of the Cover.
- Began demolition of the interior portions of the existing I-70 bridge structure over Quebec Street.
- Installed generator for Cover.

### February 2021

- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street, with emphasis on Milestone 2B structures (I-70 bridges over Quebec, Denver Rock Island Railroad (DRIR), Monaco, Holly, and Dahlia). Demolition of the remaining existing bridge structures was completed and girders were set on the interior portions of the Holly and Quebec structures.
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado Boulevards, including excavation, drainage, cement treated soil mixing, walls, barrier, and paving.
- Continued work on Brighton Boulevard ramp tie-ins.
- Continued construction of the Concrete Box Culvert and 66" Pipe crossing the UPRR tracks south of the UPRR Bridge.
- Continued various construction work on Stapleton Drive North and South (including utilities, walls, and bridge reconstruction) requiring closures and lane restrictions.
- Continued installation of electrical, ITS, and fire suppression system under the Cover over westbound I-70.
- Continued construction of CCD/CDOT Cover Building, with placement and integration of systems equipment in the building continuing this period.
- Continued installation of the pump electrical service and supporting infrastructure at the pump station.
- Continued construction of the Phase 5 (east side) and Phase 6 (west side) substructure portions of the UPRR Bridge.
- Began placement of the girders for spans 3 and 4 of the UPRR Bridge Phase 5.

- Continued installation of the jet fans over the future westbound I-70 lanes of the Cover.
- Continue median I-70 reconstruction work in the Center segment (Milestone 2B limits), including roadway subgrade work and slip-form barrier between Colorado Boulevard and Quebec Street.
- Continued work on Holly and Monaco Streets beneath I-70, including paving bottom lifts and opening the roadways to traffic.
- Installed generator for the Pump Station.
- Continued water quality and detention pond excavation throughout project.

### March 2021

- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street, with emphasis on Milestone 2B structures (I-70 bridges over Quebec, Denver Rock Island Railroad (DRIR), Monaco, Holly, and Dahlia).
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado Boulevards, including excavation, drainage, cement treated soil mixing, walls, barrier, and paving.
- Continued construction of the Concrete Box Culvert and 66" Pipe crossing the UPRR tracks south of the UPRR Bridge.
- Continued various construction work on Stapleton Drive North and South (including utilities, walls, and bridge reconstruction) requiring closures and lane restrictions.
- Continued installation of electrical, ITS, and fire suppression system under the Cover over westbound I-70.
- Continued construction of CCD/CDOT Cover Building, with placement and integration of systems equipment in the building continuing this period.
- Continued installation of the pump electrical service and supporting infrastructure at the pump station.
- Continued construction of the Phase 5 (east side) and Phase 6 (west side) substructure portions of the UPRR Bridge.
- Completed placement of the girders for spans 3 and 4 of the UPRR Bridge Phase 5.
- Completed installation of the jet fans over the future westbound I-70 lanes of the Cover.
- Continued median I-70 reconstruction work in the Center segment (Milestone 2B limits), including roadway subgrade work and slip-form barrier between Colorado Boulevard and Quebec Street.
- Continued work on Holly and Monaco Streets beneath I-70, including paving bottom lifts and opening the roadways to traffic.
- Continued water quality and detention pond excavation throughout project.

### **UPCOMING MILESTONES**

#### April 2021 through June 2021

- Finalize all bridge structures over the future WB I-70 lanes in the lowered section, including bridge finishes, staining, signage, and lighting.
- Place I-70 traffic into the lowered section from Colorado to Brighton.

- Begin working on false work/track protections over UPRR for the viaduct demolition over UPRR.
- Complete all deck pours from Colorado Boulevard to Quebec. Continue work on all bridge finishes, waterproofing, paving, and barrier.
- Activate/commission pump station including drainage system and Fixed Firefighting System (FFFS) systems in the Cover.
- Finish build-out and commissioning of the CCD/CDOT Cover building.
- Finish build-out and commissioning of the Cover over the future WB I-70 lanes.
- Finish work at Brighton Boulevard, including the tie in of the ramps. Complete removal of existing EB I-70 structure over Brighton.
- Begin demolition of existing I-70 viaduct.
- Complete the superstructure work for Phase 5 and Phase 6 of the UPRR bridge, with emphasis on the portions of the structures that cross over the future WB I-70 lanes.
- Continue construction of 46<sup>th</sup> Avenue North from Brighton to Colorado Boulevard, including completion of sidewalks and tree lawns.
- Finish intermediate lifts of Hot Mix Asphalt (HMA) paving between Brighton and Colorado Boulevards.
- Complete I-70 bridge over DRIR.
- Begin final asphalt (top lift) along East 44<sup>th</sup> and East 45<sup>th</sup> Avenues (formerly Stapleton North and South) and other CCD streets between Quebec and Colorado Boulevards.
- Begin replacing Stapleton signage throughout the project limits in accordance with Transportation Commission directive.
- Complete installation of the ITS devices east of Sand Creek and begin installing permanent fiber optic cabling from Node 1 to the Airport Road Node building.

## 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. The Nature Conservancy is in the process of planting the trees within the neighborhoods and is anticipated to complete in 2021 (planting was delayed due to COVID-19).

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 is invoicing CDOT for payment on a quarterly basis.

The Enterprises executed change orders 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 2A and 3 completion certificates to KMP on November 9, 2020 and October 17, 2020, respectively. In support of the ongoing settlement negotiations between the Enterprises and KMP regarding the UPRR Supervening Events (SE)s (see discussion below), the Enterprises issued a Change Order to add Milestone 2A and redefine Milestones 2 and 3 in the Project Agreement. Milestone 2A consists of the construction work to allow for WB I-70 traffic to be switched to the outside new pavement from just west of Monaco Street to the WB Colorado Boulevard off-ramp and all outside bridge structures with decks poured for the Quebec, Denver Rock Island Railroad, Monaco, Holly and Dahlia bridges over I-70. Milestone 2B consists of the work previous included in Milestone 2 (completion of all construction work between Dahlia Street and Sand Creek bridge). Milestone 3 consists of the construction work to switch the UPRR tracks (Phase 4B) onto the new UPRR over I-70 bridge structure.

Milestone 1 was previously achieved by KMP on December 9, 2019. The Enterprises issued a change order to KMP to correct drainage and cross slope issues on I-70 east of I-225 and this work is nearing completion, with only final paving and striping remaining to be completed in

the coming months. KMP continues to work on remaining Milestone 1 punch list items with an anticipated completion in summer 2021.

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 slowed the construction, but the Phase 4 bridge structure was completed in October 2020. In addition, the UPRR approved an alternative track phasing mitigation for the bridge in July 2020 that was completed by KMP in November 2020. This mitigation moved the UPRR tracks on to the new UPRR bridge structure and removed the existing track shoeflies, improving the Project schedule by approximately 5 months. KMP is currently constructing the Phase 5 and 6 UPRR bridge structures and anticipates completing the Phase 5 structure by September 2021. KMP also continues construction on the various drainage crossings within the UPRR right of way. The Enterprises and KMP continue working with UPRR on prioritizing construction submittals, resolving noncompliant construction work, and implementing schedule mitigation strategies.

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 and is the current construction focus. The Enterprises and KMP continue to meet weekly with Denver Fire Department representatives to work through the various permits, submittals, and tests required to complete the Cover commissioning.

The Enterprises have received numerous Supervening Events (SEs) (see SEs 8, 10-11, 14-15, 17-18, 21-22, 24-26, 29-34, and 38) related to the UPRR bridge based on design criteria interpretation differences between KMP and UPRR, and construction coordination. The Enterprises are currently negotiating a settlement agreement with KMP to resolve these SEs along with two additional SEs related to Denver Fire Department reviews of the Cover. The settlement agreement, involving a refinance of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the project, additional financial contributions by the Enterprises, and a redefinition of Milestones 4 and 5, will be presented to the Transportation Commission and HPTE/BE Boards in April 2021 for approval. The financial close associated with the TIFIA loan refinance is expected to occur in mid-June 2021. KMP and the Enterprises agreed to suspend the dispute process related to these SEs while the settlement negotiations were on-going.

KMP has agreed to withdraw SEs 40 and 41 (related to future impacts to the Project related to the COVID pandemic) that were rejected by the Enterprises. This will occur in early April 2021.

As mentioned previously, the Enterprises and KMP executed a Change Order to add Milestone 2A and redefine Milestones 2 and 3 as part of the settlement negotiations. In October 2020, the

Enterprises conditionally accepted Revised Baseline Schedule 4 (RBS4) which incorporated mitigation strategies into the Project, including the alternative track phasing. This schedule reduced the overall project delay by 5 months. KMP’s project schedule continues to indicate that completion of Milestones 4, 5 and 6 and Substantial Completion will occur after the associated completion deadlines (overall completion approximately 5 months late). During the quarter, KMP submitted RBS5 ‘For Information Only’. The purpose of this schedule submission is to demonstrate a plan to achieve the remaining Milestones for the projects in accordance with the terms of the Settlement Agreement. The primary difference between RBS4 and RBS5 is the fragmentation of Milestones 4 and 5 into Milestones 4A, 4B, 5A, and 5B in accordance with the Settlement Agreement. The Enterprises provided review comments on RBS5 that KMP will need to address and resubmit for review/acceptance prior to finalizing the Settlement Agreement in June 2021. Resubmission of RBS5 is anticipated in May 2021.

During the month of March 2020, 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 ensure 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 Spring 2020, which resulted in an acceleration of the construction. This issue continues to be monitored by the Enterprises, but has not impacted 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. As of this Quarter, the impacts of COVID-19 are decreasing in the community. Vaccinations are readily available, and all members of the project are encouraged to get vaccinated. The Enterprises and KMP plan to move back to more normal operations by the 3<sup>rd</sup> Quarter of the year. This issue continues to be monitored by the Enterprises, but has not impacted the schedule at this time.

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	Resolved with 2 <sup>nd</sup> Amendment to the Project Agreement
2	UPRR Phase 0 Work Delay	03/23/2018	Comp Event	Resolved with 2 <sup>nd</sup> Amendment to the Project Agreement
3	UPRR Work Performance Schedule	03/23/2018	Delay Relief Event	Withdrawn by KMP



SEN #	Description	Date Received from KMP	Type of SEN	Status
4	Section 232 Steel and Aluminum Tariffs	08/13/2018	Relief Event	Resolved with 2 <sup>nd</sup> Amendment to the Project 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.
8	UPRR Crossing Diaphragm Spacing	12/17/2018	Delay Relief Event	On Hold. Included in current settlement negotiations
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	On Hold. Included in current settlement negotiations
11	UPRR Underside Plate Welding	02/22/2019	Delay Relief Event	On Hold. Included in current settlement negotiations
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	On Hold. Included in current settlement negotiations
15	UPRR Rebar Detailing	02/22/2019	Delay Relief Event	On Hold. Included in current settlement negotiations
16	Severe Weather Event - Bomb Cyclone	03/27/2019	Relief Event	Withdrawn by KMP
17	UPRR Shoring	03/28/2019	Comp Event	On Hold. Included in current settlement negotiations
18	UPRR Shoring unexcused RR delay	03/28/2019	Delay Relief Event	On Hold. Included in current settlement negotiations
19	AP-102 Hazardous Material	03/27/2019	Comp Event	Withdrawn by KMP
20	Reserved			Not submitted to Enterprises
21	UPRR Steel Notes	05/02/2019	Comp Event	On Hold. Included in current settlement negotiations
22	UPRR Steel Notes Relief	05/02/2019	Delay Relief Event	On Hold. Included in current settlement negotiations
23	Recognized Hazardous Material (RHM) 46 <sup>th</sup> and Steele Southwest Gore Asbestos	05/29/2019	Comp Event	Waiting on detailed SE submission by KMP
24	UPRR Crossing Diaphragm Spacing	06/14/2019	Comp Event	On Hold. Included in current settlement negotiations. Related to SE Event 8.

SEN #	Description	Date Received from KMP	Type of SEN	Status
25	UPRR Transverse Plate Welding	06/19/2019	Comp Event	On Hold. Included in current settlement negotiations Related to SE Event 10.
26	UPRR Underside Plate Welding	06/28/2019	Comp Event	On Hold. Included in current settlement negotiations. Related to SE 11.
27	Reserved			Not submitted to Enterprises
28	Reserved			Not submitted to Enterprises
29	UPRR Impact Loading	06/28/2019	Comp Event	On Hold. Included in current settlement negotiations. Related to SE 14.
30	UPRR Rebar Detailing	06/28/2019	Comp Event	On Hold. Included in current settlement negotiations. Related to SE 15.
31	UPRR Drainage Review	08/22/2019	Comp Event	On Hold. Included in current settlement negotiations.
32	UPRR Drainage Review	08/22/2019	Delay Relief Event	On Hold. Included in current settlement negotiations. Related to SE 31.
33	UPRR Unreasonableness	08/22/2019	Comp Event	On Hold. Included in current settlement negotiations
34	UPRR Unreasonableness	08/22/2019	Delay Relief Event	On Hold. Included in current settlement negotiations. Related to SE 33.
35	Fire Department Review	12/26/2019	Delay Relief Event	On Hold. Included in current settlement negotiations.
36	Fire Department Review	12/26/2019	Relief Event	On Hold. Included in current settlement negotiations. Related to SE 35.
37	Discovery of Recognized Hazardous Material – Dahlia & Stapleton ACM	01/31/2020	Comp Event	Withdrawn by KMP
38	Enterprises’ Failure to Grant and Extension of Time	04/14/2020	Comp Event	On Hold. Included in current settlement negotiations.
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	Rejected by Enterprises
41	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Force Majeure, Delay and Relief Events,	Rejected by Enterprises. Related to SE 40.

SEN #	Description	Date Received from KMP	Type of SEN	Status
42	Discovery of Recognized Hazardous Material – 46 <sup>th</sup> & Jackson RHM	06/15/2020	Comp Event	Waiting on detailed SE submission by KMP
43	Discovery of Recognized Hazardous Material – 46 <sup>th</sup> & Pilot ACM	07/30/2020	Comp Event	Waiting on detailed SE submission by KMP

## SCHEDULE STATUS

KMP reported that the Project is 71.8% complete through March 2021. Design is 100% complete and construction is 68.8%.

The existing project schedule is based on the RBS4. RBS4 was conditionally accepted in October 2020 and shows a five (5) month delay to the completion of the project.

RBS4 includes the UPRR alternative track phasing plan, numerous refinements to the Cover Systems commissioning activities, additional refinement to the viaduct demo, and resequencing and rephasing of the work within the Milestone 2A/2B limits. Incorporating the UPRR alternative phasing and other schedule changes results in a Substantial Completion date of February 16, 2023 versus the Contract completion of September 21, 2022.

During the quarter, KMP continued to work toward completion of Milestone 2B, which reflects the remaining work between Dahlia Street and Sand Creek Bridge (consistent with the original Milestone 2 definition). The project is currently expected to complete the Milestone 2B work by the deadline date of September 29, 2021.

Milestones 4, 5, 6, and Substantial Completion are all linked and make up the remainder of the critical path. Delay associated with this work was 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 was 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. See discussion above for more information on these SEs. The current critical path includes the installation of the fire-life-safety elements for the Cover and the integrated systems testing. The integrated systems testing will cumulate with demonstration that these systems operate as planned for the Denver Fire Department, who is responsible for granting an occupancy permit that allows I-70 traffic to be moved to the lowered section. Although not an official Completion Milestone, I-70 traffic is planned to be switched underneath the WB I-70 portion of the Cover on or before June 14, 2021.

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
Milestone 2A* (WB I-70 between Monaco and Colorado; outside bridge decks complete)	11/10/2020	N/A	Completed 11/05/2020
Milestone 2B* (Sta 2091+00 (Dahlia Street) to Sand Creek Bridge)	09/29/2021	09/20/2021	0 days
Payment Milestone 3* (UPRR Phase 4B, switch SY-112 to new bridge)	10/17/2020	N/A	Completed 10/17/2020
Payment Milestone 4 (Westbound I-70 between Brighton Boulevard to Dahlia Street & Removal of Viaduct)	09/26/2021	12/20/2021	-85 days
Payment Milestone 5 (Eastbound I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6)	03/25/2022	10/28/2022	-217 days
Payment Milestone 6 (SMA paving & Cover top)	08/20/2022	11/23/2022	-95 days
Commence Intelligent Transportation System(s) (ITS)/Tolling Testing/Integration	09/22/2022	02/15/2023	-148 days
Substantial Completion	09/21/2022	02/16/2023	-149 days
Final Acceptance	12/20/2022	05/16/2023	-147 days
Design/Build Phase Close-out**	06/2023	11/2024	-149 days
*Modified as part of CO-090.			
** Completion of Final project documentation.			

## BUDGET STATUS

The project budget reflects the 2021 Annual Update to the Financial Plan that was approved by FHWA in March 2021.

Enterprises Costs Estimate	Amount
Environmental Phase	\$40.7M
Procurement Phase	\$81.9M
Delivery Phase	\$61.2M
Miscellaneous Enterprise Reserve*	\$9.1M
ROW Phase	\$117.0M
Utility Phase	\$34.8M
Enterprises Construction Contingency	\$45.9M
<b>Enterprises Construction Total</b>	<b>\$381.5M</b>

\*Included in Delivery Phase Amount

Included in the funds listed in the above table, the Enterprises have established an Enterprises 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	\$45.9M
Executed Change Orders – Previous	\$24.6M
Executed Change Orders – Current Quarter	\$0.2M
Settlement Agreement	\$7.6M
<b>Remaining Enterprises Change Order/Supervening Event Contingency Balance</b>	<b>\$13.5M</b>

## CONTRACT CHANGE NOTICES

As of March 31, 2021, the Enterprises have executed (95) Change Orders, issued (60) Enterprise Change Notices, received (34) KMP Change Notices, issued (26) Directive Letters, received (40) Supervening Event Notices, received (38) Preliminary Supervening Event Submissions, and received (23) Detailed Supervening Event Submissions. The change orders executed to date have had a net cost of \$24.8 million to the Project.

No claims have been filed by KMP against the Project. However, the Enterprises and KMP began the process for the DRP to review the SEs related to the UPRR. As mentioned earlier, this process has been suspended while the settlement negotiations are ongoing, which would eliminate the need for the DRP hearings. The Enterprises anticipate that these settlement negotiations will be finalized in June 2021, with KMP's financial close on a refinanced TIFIA loan for the project.

## 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 March 2021.

**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 January 2021 through March 2021, the Enterprises' conducted 219 CVIs, yielding a 98 percent overall conformance percentage. For the entire project through March 2021, the Enterprises' have conducted 1,989 CVIs, yielding a 94 percent overall conformance percentage. KMP continues to perform well for permanent construction work such as Electrical/ITS, Structures, Walls, Roadway, Earthwork, Cover, and Utilities. KMP has substantially improved their implementation of temporary work, as the Department has seen a notable reduction in Nonconformance Notices issued over the past year. All nonconforming construction work identified by either KMP or the Enterprises' has been properly addressed through the Nonconformance Reports (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 January 2021 through March 2021, the Enterprises' conducted 27 process audits, yielding a 97 percent overall conformance percentage (excluding civil rights audits). For the entire Project through March 2021, the Enterprises' conducted 579 process audits, yielding a 90 percent overall conformance percentage (excluding civil rights audit). Notable and outstanding process quality issues for this reporting period are presented below.

Element	Process	Issue	Status
Construction Quality Management	Protection of Finished Work - Girder Damage Incidents	KMP issued this Corrective Action to prevent recurrence of construction crews damaging newly constructed bridge girders with heavy equipment.	The Enterprises' Approved the corrective action plan on 01/21/2021. There have not been any repeat girder strikes since January 2021. The Enterprises' expects that KMP will close this Corrective Action in the spring of 2021. <b>OPEN</b>
Construction Quality Management	Training - Horizontal and Vertical Installation	This Corrective Action is the second iteration of CAR 016 – Horizontal and Vertical issues. The same issues from the first iteration of the CAR have been repeating on the project (i.e. high number of Nonconformance Reports for work elements placed out of horizontal or vertical alignment).	The Enterprises' Approved the corrective action plan on 03/19/2021. KMP must implement training to numerous crews on the Project. The Enterprises' expects that KMP will finish implementation of training and close this Corrective Action in the summer of 2021 <b>OPEN</b>
Construction Quality Management	Material Testing Frequency - 10K Asphalt Sampling	KMP issued this Corrective Action after the IQC team realized that they were not meeting the Materials Testing and Inspection Plan (MTIP) line item regarding 10,000-ton asphalt samples. KMP missed approximately fourteen samples. The corrective plan lays out the plan for accepting the quantities represented by the missed samples and ensuring that KMP takes all future samples.	The Enterprises' Approved the corrective action plan on 03/19/2021. KMP must correct course on the next 30,000 tons of Asphalt placed to close this corrective action. The Enterprises' expects that KMP will finish implementation and close this Corrective Action in the spring of 2021. <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 January 2021 through March 2021, the Enterprises' conducted 46 DVRs yielding a 95 percent overall conformance percentage. For the entire Project, the Enterprises conducted 1,149 reviews, yielding an 85 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 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, sweeping, guardrail repair, graffiti removal 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 Maintenance of Traffic (MOT)/Method(s) of Handling Traffic (MHT) setups. Any issues are being communicated with and addressed by KMP.

Due to the COVID-19 outbreak, KMP's Operations and Maintenance (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 did not have any recordable events for the quarter, keeping the total at 11 for the project. "Play of the Day" meetings are still held daily. KMP performs after-incident investigations and discusses root cause and preventative measures for each incident. KMP continues to perform "Safety Adventures" where a discipline goes and audits an operation daily and discusses their findings during the "Play of the Day" meeting. These include best practices, lessons learned and issues that were found.

Safety Patrol responded to 1,019 events during this reporting period. This total includes 112 crash/incidents.



## CIVIL RIGHTS STATUS

### Small Business Disadvantaged Business Enterprise (DBE)/ Emerging Small Business (ESB) Goals

Design Status through the 1<sup>st</sup> Quarter 2021: KMP's DBE goal for the design is 11.6% (\$7.03 million). KMP has commitments to DBE design firms of 12.31% (\$7.4 million) and payments to DBE design firms of 11.17% (\$6.7 million); the commitment amount exceeds the KMP DBE goal for the design period. KMP's ESB goal for the design period is 3.0% (\$1.8 million). KMP has commitments to ESB design firms of 8.89% (\$5.3 million) and payments to DBE design firms of 8.51% (\$5.1 million); the commitments and payments exceed the ESB goal for design for the Project.

Construction Status through the 1<sup>st</sup> Quarter 2021: KMP's DBE goal for the construction is 12.5% (\$92.9 million). KMP has commitments to DBE construction firms of 15.95% (\$118.6 million) and payments of 12.72% (\$94.6 million); this exceeds the KMP DBE goal for the construction period. KMP's ESB goal for the construction period is 3.0% (\$22.3 million). KMP has commitments to ESB construction firms of 9.28% (\$69.0 million) and payments of 6.3% (\$46.8 million); 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 2,207 members to date, with 195 enrolled this quarter. The Central 70 Project is a founding partner of WORKNOW. For further information on the WORKNOW Program please go to: <https://worknow.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. In partnership with WORKNOW, the Central 70 team developed a workforce presentation that has been shared during virtual Community Office Hours and other virtual hiring events

KMP and its subcontractors have enrolled local hires for both professional services and construction. They have enrolled 682 local hires to date. This quarter, KMP met the Local Hire Goal by recording 784,052 Local Hire hours with more than 50% of those hours completed by New Hires. KMP is now tracking additional New Hire hours to achieve the additional New Hire financial incentive.

KMP has enrolled 236 On-the-Job Training (OJT) participants since inception. To date, 252,800 OJT hours have been reported. Based on hours reported, the OJT Goal of 200,000 hours has been met.

## MITIGATION/COMMUNITY COMMITMENTS STATUS

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

The ROD included 146 mitigation commitments to be completed as part of the project. The mitigation commitments are being completed in conjunction with the construction work and are being tracked by the Enterprises and KMP in the Monthly Environmental Status Report (ESR).

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 at the Swansea Elementary School. The table below provides the status of the EJ 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	Pre-construction soil sampling on seven residential properties was completed in June 2018. During construction soil sampling on seven residential properties was completed in August 2020.
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.

Mitigation	Status	Notes
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	Design Complete	To be constructed by KMP along with the Cover. Anticipated to complete in 2022.

## 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 presentations and check-in calls. Due to COVID-19, the Public Information (PI) team transitioned to virtual outreach for commuters and residents. In addition, the PI team has continued using various outreach tools to alert the public about upcoming traffic and construction impacts.

The PI team is also preparing for major milestones in 2021. The traffic switch from the existing I-70 viaduct into the new lowered section has been branded as the “Mile High Shift”, and the viaduct demolition efforts named “Bye-a-Duct”. Planning the communication around these two milestones has been the main focus of this first quarter. The planning of a large public event, *“More Than an Interstate: Inside Colorado’s Largest Transportation Project”*, a museum-like exhibit that celebrates Central 70, has also been a major effort. Central 70 continues to plan virtual and in-person outreach with respect to current state and local COVID-19 guidelines