



Quarterly Status Report

April 2021 through June 2021



PREPARED BY:



COLORADO
Department of Transportation

IN CONSULTATION WITH:



COLORADO
Department of Transportation
Statewide Bridge Enterprise

DATE: July 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

April 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, ITS (intelligent transportation systems), and paving.

- Continued various construction work on East 45th North Drive, East 45th South Drive, East 44th Avenue, and East 45th Avenue (formally Stapleton North and South Drives), 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 and testing of electrical, ITS, ventilation, 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 CDOT portion of the building continuing this period.
- Continued installation of the pump electrical service and supporting infrastructure at the pump station.
- Completed construction of the Phase 5 (east side) and Phase 6 (west side) substructure portions of the UPRR Bridge.

May 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. 46th Avenue was open to traffic on May 17, 2021.
- Completed 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 East 45th and East 44th Avenues (including utilities, walls, and bridge reconstruction) requiring closures and lane restrictions.
- Completed installation and testing of electrical, ITS, ventilation and fire suppression system under the Cover over westbound I-70.
- Completed construction of the CDOT portion of the Cover Building, with placement and integration of systems equipment in the building.
- Continued construction of the CCD portion of the Cover Building.
- Completed installation of the pump electrical service and supporting infrastructure at the pump station.
- Installed small pumps at the Pump Station.
- Continued construction of the Phase 5 (east side) and Phase 6 (west side) of the UPRR Bridge, including setting girders for spans 3 and 4 (Phase 5 structure), deck plates, welding and waterproofing.
- 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 water quality and detention pond excavation throughout project.
- Cover commissioning approved by Denver Fire Department for temporary configuration in the future westbound (WB) I-70 lanes.
- Completed traffic switch moving I-70 from the Viaduct to the future WB I-70 lanes in the lowered section.
- Began demolition of the Viaduct, including the I-70 over Brighton Boulevard bridge structure.
- Held Mile High Shift public event.

June 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). Waterproofing and paving of structures completed except for the I-70 over Quebec and DRIR bridges.
- Continued construction of the Concrete Box Culvert and 66" Pipe crossing the UPRR tracks south of the UPRR Bridge.
- Continued various construction work on East 45th and East 44th Avenues, including utilities, walls, and paving requiring closures and lane restrictions.
- Continued construction of the CCD portion of the Cover building with placement of CMU block, and structural steel continuing this period.
- Continued construction of the Phase 5 (east side) and Phase 6 (west side) portions of the UPRR Bridge, including final welding, waterproofing, deck drains, and miscellaneous activities.
- Begin major excavation operations along I-70 eastbound (EB) lanes from Colorado Boulevard to Monroe Street.
- East 45th North Drive, East 45th Avenue, East 45th South Drive and East 44th Avenue final asphalt surface paving ongoing which will require closures and lane restrictions.
- Completed medium pump installation at pump station.
- Continued median I-70 reconstruction work in the Center segment (Milestone 2B limits), including paving work and slip-form barrier between Colorado Boulevard and Quebec Street.
- Continued water quality and detention pond excavation throughout project.
- Continued demolition of the existing I-70 Viaduct.
- Began construction of 46th Avenue South from Colorado Boulevard to Monroe Street, including drainage, utilities, and roadway grading.
- Complete removal of existing EB I-70 structure over Brighton.
- Completed Recognized Hazardous Materials (RHM) mitigation for the old Swansea Elementary School.

UPCOMING MILESTONES

July 2021 through Sept 2021

- Finalize all bridge structures, including bridge finishes, staining, signage, and lighting between Colorado Boulevard and Quebec Street.
- Complete I-70 Viaduct demolition.
- Continue construction of the CCD portion of the Cover Building.
- Begin reconstruction of the Swansea parking lot and playground.
- Complete Phase 5 and Phase 6 portions of the UPRR bridge and place UPRR in final track configuration over the bridge.
- Continue construction of 46th Avenue North from Brighton to Colorado Boulevards, including completion of sidewalks and tree lawns.
- Finish final lifts of Hot Mix Asphalt (HMA) and SMA paving on I-70, East 44th and 45th Avenues, and other CCD local streets between Colorado Boulevard and Quebec Street.
- Final asphalt (top lift) on 46th Avenue North from Monroe Street to Colorado Boulevard, including various CCD local streets.
- Begin replacing Stapleton Drive 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.
- Begin construction of drainage, walls, utilities, roadway, and paving for future eastbound I-70, with emphasis on the Cover, Colorado and Steele off-ramps, and Monroe Street to Colorado Boulevard areas.
- Begin remaining phases of construction for the Brighton Boulevard bridge, including substructure work.
- Begin construction of East 46th Avenue South, including roadway, utilities, and drainage.
- Open East 46th Avenue North to traffic from York to Brighton.
- Begin construction of the intersection at York Street and East 47th Avenue, including the UPRR crossing.
- Close all remaining Milestone 1 punch list items and complete final paving and striping on I-70 east of I-270.
- Achieve Milestones 4A, 2B and 4B completion.

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.
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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 this summer. 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 nearing completion. 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 have impacted the completion date, including work associated with the Cover. The Cover was been impacted by late completion of design packages, as well as construction work not progressing as quickly as planned. The Enterprises and KMP successfully worked with Denver Fire Department representatives to work through the various permits, submittals, and tests required to complete the Cover commissioning. The Cover was commissioned in the temporary configuration (all I-70 traffic traveling within the future I-70 WB lanes) in May 2021.

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, was approved by the Transportation Commission and HPTE/BE Boards in April 2021. The financial close associated with the TIFIA loan refinance is expected to occur in late-July 2021 (this remains a significant risk for the project as interest rates continue to fluctuate while the refinance awaits federal approval). KMP and the

Enterprises agreed to suspend the dispute process related to these SEs while the settlement negotiations were on-going.

KMP withdrew SEs 40 and 41 (related to future impacts to the Project related to the COVID pandemic) this period.

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 review. The purpose of this schedule submission is to demonstrate a plan to achieve the remaining Milestones for the project 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. KMP has incorporated the Enterprises’ review comments into the latest version of RBS5, with RBS5 anticipated to be conditionally accepted concurrent with finalizing the Settlement Agreement in July 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.

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. At the project level, safety precautions such as face masks and social distancing continue to be implemented for unvaccinated staff to ensure the safety of all workers. Vaccinated staff are no longer required to wear masks on the project. KMP has updated the Safety Management Plan for the project to address the revised safety protocols. COVID-19 continues to be monitored by the Enterprises, but has not impacted the project schedule at this time. The Enterprises and KMP have returned to a hybrid model of operations (KMP staff has returned to the project office full time, while CDOT staff are working from the project office 3 days a week and limiting capacity to 50% or less).

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 nd Amendment to the Project Agreement

SEN #	Description	Date Received from KMP	Type of SEN	Status
2	UPRR Phase 0 Work Delay	03/23/2018	Comp Event	Resolved with 2 nd Amendment to the Project 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	Resolved with 2 nd 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 th and Steele Southwest Gore Asbestos	05/29/2019	Comp Event	Waiting on detailed SE submission by KMP

SEN #	Description	Date Received from KMP	Type of SEN	Status
24	UPRR Crossing Diaphragm Spacing	06/14/2019	Comp Event	On Hold. Included in current settlement negotiations. Related to SE Event 8.
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	Mitigation is complete. Waiting on detailed SE submission by KMP
40	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Comp Event	Withdrawn by KMP

SEN #	Description	Date Received from KMP	Type of SEN	Status
41	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Force Majeure, Delay and Relief Events,	Withdrawn by KMP
42	Discovery of Recognized Hazardous Material – 46 th & Jackson RHM	06/15/2020	Comp Event	Waiting on detailed SE submission by KMP
43	Discovery of Recognized Hazardous Material – 46 th & Pilot ACM	07/30/2020	Comp Event	Waiting on detailed SE submission by KMP

SCHEDULE STATUS

KMP reported that the Project is 77.3% complete through June 2021. Design is 100% complete and construction is 75.4%.

The existing project schedule is based on RBS4. RBS4 was conditionally accepted in October 2020 and shows a five (5) month delay to the completion of the project. RBS5 was reviewed by the Enterprises and resubmitted by KMP for review June 25, 2021. The Enterprises intend to accept this schedule with conditions upon closing of the TIFIA loan refinance and execution of the Settlement Agreement related to the UPRR SEs. 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 the 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 on 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. With the switch of traffic to the future WB I-70 lanes through the WB portion of the Cover, the current critical path includes the demolition of the Viaduct and construction and commissioning of the EB I-70 portion of the Cover.

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	09/24/2021	5 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	10/13/2021	-17 days
Payment Milestone 5 (Eastbound I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6)	03/25/2022	09/06/2022	-165 days
Payment Milestone 6 (SMA paving & Cover top)	08/20/2022	09/30/2022	-41 days
Commence Intelligent Transportation System(s) (ITS)/Tolling Testing/Integration	09/22/2022	12/08/2022	-77 days
Substantial Completion	09/21/2022	12/22/2022	-92 days
Final Acceptance	12/02/2022	03/23/2023	-91 days
Design/Build Phase Close-out**	06/2023	09/2023	-91 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
Enterprises Construction Total	\$381.5M

*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	\$24.8M
Executed Change Orders – Current Quarter	\$0.6M
Settlement Agreement	\$7.6M
Remaining Enterprises Change Order/Supervening Event Contingency Balance	\$12.9M

CONTRACT CHANGE NOTICES

As of June 30, 2021, the Enterprises have executed (97) Change Orders, issued (64) Enterprise Change Notices, received (34) KMP Change Notices, issued (28) 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 \$25.4 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 July 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' 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 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 April 2021 through June 2021, the Enterprises' conducted 192 CVIs, yielding a 99 percent overall conformance percentage. For the entire project through June 2021, the Enterprises' have conducted 2,181 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 April 2021 through June 2021, the Enterprises' conducted 43 process audits, yielding a 87 percent overall conformance percentage (excluding civil rights audits). For the entire Project through June 2021, the Enterprises' conducted 622 process audits, yielding an 89 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 and KMP completed all training efforts. The Enterprises' approved closure of this corrective action on 06/10/2021. CLOSED
Construction Quality Management	Training Horizontal and Vertical Installation	This is the second iteration of Corrective Action 016 – horizontal and vertical alignment issues. KMP was repeating the same issues from the first iteration. In early 2021, KMP and the Enterprises' noticed a 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 implemented training to numerous crews on the Project and has committed to training all new employees through the onboarding process. The Enterprises' approved closure of this corrective action on 06/28/2021. CLOSED
Construction Quality Management	Material Testing Frequency 10K Asphalt Sampling	KMP issued this corrective action after the Independent Quality Control (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 corrected course on the next 30,000 tons of Asphalt placed. KMP has clearly defined roles and responsibilities moving forward. The Enterprises' approved closure of this corrective action on 05/58/2021. CLOSED
Construction Quality Management	Cover MEP Systems – Requirements Traceability Matrix	On 06/03/2021 the Enterprises' requested that KMP develop a corrective action plan to address systemic Nonconforming Work related to Schedule 10, Section 12.22 traceability and management of the Cover MEP System requirements.	KMP is currently developing a corrective action plan to address this issue. OPEN

Design Verification Reviews (DVR): The Enterprises' DVRs evaluate KMP compliance with PA requirements by assessing KMP's design plans and other deliverables. From April 2021 through

June 2021, the Enterprises' conducted 29 DVRs yielding a 93 percent overall conformance percentage. For the entire Project, the Enterprises conducted 1,178 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, rigid pavement patching, litter control, pavement repair, sweeping, traffic services inspections, 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, where safety topics are discussed with the crews.

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 988 events during this reporting period. This total includes 158 crash/incidents.

CIVIL RIGHTS STATUS

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

Design Status through the 2nd Quarter 2021: KMP’s DBE goal for the design is 11.6% (\$7.03 million). KMP has commitments to DBE design firms of 12.69% (\$7.69 million) and payments to DBE design firms of 11.62% (\$7.04 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 9.17% (\$5.6 million) and payments to DBE design firms of 8.76% (\$5.3 million); the commitments and payments exceed the ESB goal for design for the Project.

Construction Status through the 2nd Quarter 2021: KMP’s DBE goal for the construction is 12.5% (\$92.9 million). KMP has commitments to DBE construction firms of 16.40% (\$121.9 million) and payments of 13.94% (\$103.7 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 9.46% (\$70.3 million) and payments of 6.73% (\$46.5 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 693 local hires to date. This quarter, KMP met the Local Hire Goal by recording 876,866 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 237 On-the-Job Training (OJT) participants since inception. To date, 267,533 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). The project team is working on Reevaluation #12 to include the sign structures west of I-25, a Temporary Construction Easement (TCE) at the Safeway Property, and the Cover top Memorandum of Understanding (MOU).

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.

Mitigation	Status	Notes
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	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 led the communications and event planning for the Mile High Shift in May 2021. On May 15, approximately 3,000 people attended the *“More Than an Interstate: Inside Colorado’s Largest Transportation Project”* event, touring the new lowered section of highway while viewing the museum-like exhibits focused on the history of Colorado and the Central 70 Project.

One week later, the historic traffic shift took place moving traffic from the viaduct to the lowered section. Media and tour activity was frenzied leading up to the shift and for the next few weeks as demolition began and the public started to say “Bye-a-duct” to the 57-year old

viaduct. Since then, the PI team has focused on daily outreach to the residents and businesses under the viaduct as demolition continues. Outreach has included a new business spotlight for e-blasts and the website to promote support for local businesses impacted by the demolition and car wash vouchers to help with dust mitigation as well as continuous in-person check-ins.

The team began a hybrid of in-person and virtual community office hours in light of local organizations opening back up to the public, with Chips & Chat and Coffee & Chat remaining virtual due to the increased participation compared to when the meetings were held in person prior to COVID-19.