



COLORADO
Department of Transportation

MEMORANDUM

TO: The Transportation Commission of Colorado
FROM: Bob Hays, Central 70 Director
DATE: February 17, 2021
SUBJECT: Central 70 Quarterly Update

Purpose

To provide the commission with an update on the Central 70 Project

Attachments

Quarterly Report



Quarterly Status Report

October 2020 through December 2020



PREPARED BY:



IN CONSULTATION WITH:



DATE: January 26, 2020

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

October 2020

- 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).
- Continued permanent work on Brighton Boulevard.
- 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, and wall work.
- 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 and fire suppression system under the Cover over WB I-70.
- Continued construction of CCD/CDOT Cover Building.
- Completed substructure work for Phase 2 of Colorado Bridge (Northbound half) and set girders.
- Completed east and west bookends of the Cover over WB I-70 (north half of the Cover structure deck is now complete).
- Westbound traffic on I-70 switched to outside lanes from Monaco to Colorado Boulevard.
- Achieved the work associated with the redefined Milestone 3, which includes shifting of the UPRR mainline tracks onto the UPRR over I-70 Phase 4 Bridge.
- Completed the 54" concrete core for the pump station inflow pipe.
- Completed westbound I-70 over Brighton Boulevard bridge.
- Poured eastbound decks on the I-70 bridge over DRIR for the outside lanes.

November 2020

- 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).
- Continued permanent work on Brighton Boulevard.
- Continued construction of the Concrete Box Culvert and 66" Pipe crossing the UPRR tracks south of the UPRR Bridge.
- Completed the UPRR Phase 4 track work that placed all the tracks in service on 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, and wall work.
- Continued various construction work on Stapleton Drive North and South (including utilities, walls, and bridge reconstruction) requiring closures and lane restrictions.
- Continued installation of electrical and fire suppression system under the Cover over WB I-70.
- Continued construction of CCD/CDOT Cover Building, with the exterior shell of the CDOT side of the building now completed.
- Removed east shoofly at UPRR and excavated underneath the new UPRR Bridge for the westbound lanes of the I-70 lowered section.
- Set girders for the York Street Bridge over I-70.
- Fully demolished the Steele Street to westbound I-70 on-ramp.
- Progressed mass excavation to the point that construction vehicles can travel from Colorado to Brighton Boulevards in the future westbound I-70 lowered section.

- Placed the Phase II (east half) bridge deck for Colorado Boulevard over I-70.
- Achieved Milestone 2A, which includes the traffic switch to the outside for westbound I-70 in the center segment of the project.
- Placed deck on the Cook Street over I-70 bridge.
- Begin installation of the pump electrical service and supporting infrastructure at the pump station.
- Began demolition of the remaining half of the old UPRR bridge.

December 2020

- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street with emphasis on Milestone 2 structures (Quebec, Denver Rock Island Railroad (DRIR), Monaco, Holly, and Dahlia). This includes the demolition of the existing bridge structures.
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado Boulevards, including excavation, drainage, cement treated soil mixing, and wall work.
- Completed permanent work on Brighton Boulevard with exception of 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 and fire suppression system under the Cover over Westbound I-70.
- Continued construction of CCD/CDOT Cover Building and began placement of cover systems equipment.
- Continued installation of the pump electrical service and supporting infrastructure at the pump station.
- Completed demolition of the remaining half of the old UPRR bridge.
- Began construction of the UPRR Phase 5 (east side) and Phase 6 (service road) bridge structures.
- Began installation of the jet fans in the westbound I-70 lanes of the Cover.
- Completed full closure of I-70 to demolish existing northbound Colorado Boulevard bridge structure.
- Installed Traffic signals for Dahlia Street/S. Stapleton Street and Holly Street/N. Stapleton Street.
- Switched northbound traffic on Colorado Bridge to the inside lanes.
- Switched eastbound I-70 traffic to the outside lanes from Holly Street to Quebec Street.
- Demolished the westbound I-70 off-ramp to Brighton Boulevard.

UPCOMING MILESTONES

January 2021 through March 2021

- Place the bridge deck for the York Street bridge over I-70, which will finish all bridges over the lowered section.
- Complete structure excavation for the inside portions of the bridges between Colorado Boulevard and Quebec.
- Install generator for the Cover.
- Finish the Pump Station.
- Finish build-out and commissioning of the CCD/CDOT Cover building.
- Energize the power to the Cover building and Cover systems.
- Begin systems testing for Cover.
- Finish work at Brighton Boulevard, including the tie in of the ramps.
- Complete the substructure work for Phase 5 of the UPRR bridge and set first set of girders.
- Finish the installation for the jet fans for the westbound I-70 lanes under the Cover.
- Finish construction of 46th Avenue North between York Street and Colorado Boulevard.
- Finish bottom lifts of HMA paving between Brighton and Colorado Boulevards.
- Finish bridge over DRIR.
- Complete substructure work and begin setting girders for each of the I-70 bridges from Colorado Boulevard to Quebec Street.
- Complete installation of the ITS devices east of Sand Creek and begin installing fiber optic cabling from Node 1 to the Airport Road Node building.
- Begin setting the sign structures from Brighton to Sand Creek.

LAWSUIT UPDATE

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

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

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

Per the settlement agreement, an Agreement related to a proposed health study was executed between the Petitioners, CDOT, CDPHE and Denver on July 16, 2019. With the execution of the Agreement, CDOT provided \$550,000 to CDPHE for ultimate completion of the Health Study. CDPHE confirmed receipt on September 12, 2019. Independent Steering Committee Member (Melinda Laituri) was selected by the other three Steering Committee Members. Notice was provided to CDOT and the Purchase Order for \$25,000 was executed on May 7, 2020. Ms. Laituri will invoice CDOT for payment on a quarterly basis.

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

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

ISSUES

The Enterprises issued the Milestone 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 change order work to correct the drainage and cross slope issues on I-70 east of I-225 is nearing completion, with only some final paving and striping remaining to be completed in spring 2021 due to temperature restrictions. 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, saving the Project a significant amount of time. KMP also began construction on the Phase 5 bridge structure and excavating under the bridge structure for the future I-70 WB lanes in November 2020. KMP also continued construction on the drainage crossings (CBC and 66" pipe) just south of the UPRR bridge. 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. The Enterprises and KMP continue to meet weekly with Denver Fire Department representatives to work through the various permits and submittals 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 have previously rejected these SEs. KMP provided Detailed SE submissions for these SEs to the Enterprises on August 21, 2020, in order to continue negotiations in accordance with the dispute process in the Project Agreement. 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. A term sheet was executed by KMP and the Enterprises in October 2020 that established the parameters for a future settlement agreement involving a refinance of the TIFIA loan for the project, along with additional financial contributions by the Enterprises. KMP and the Enterprises agreed to suspend the dispute process related to these SEs while the settlement negotiations were on-going.

KMP has also submitted SEs 40 and 41 related to future impacts to the Project related to the COVID pandemic. The Enterprises rejected these SE's based on merit in August 2020.

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 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 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 the months of March, April and May, 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.

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

SEN #	Description	Date Received from KMP	Type of SEN	Status
1	UPRR Agreement Delay, Request for Extension to Detailed Supervening Event Submission	04/25/2018	Comp Event	Included in Settlement Agreement
2	UPRR Phase 0 Work Delay	03/23/2018	Comp Event	Included in Settlement Agreement
3	UPRR Work Performance Schedule	03/23/2018	Delay Relief Event	Withdrawn by KMP
4	Section 232 Steel and Aluminum Tariffs	08/13/2018	Relief Event	Included in Settlement Agreement
5	Swansea Asbestos Containing Material	07/07/2018	Comp Event	Change Order was executed on 09/03/2019
6	AP-83 Asbestos Containing Material	10/10/2018	Comp Event	Withdrawn by KMP
7	Sand Creek Bridge	11/20/2018	Comp Event	Change Order was executed on 05/06/2020. KMP plans to begin full repairs of the bridge in July 2020.
8	UPRR Crossing Diaphragm Spacing	12/17/2018	Delay Relief Event	On Hold. Included in current settlement negotiations
9	Structure E-17-FX Viaduct	12/17/2018	Comp Event	Withdrawn by KMP

SEN #	Description	Date Received from KMP	Type of SEN	Status
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			
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
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			
28	Reserved			
29	UPRR Impact Loading	06/28/2019	Comp Event	On Hold. Included in current settlement negotiations. Related to SE 14.

SEN #	Description	Date Received from KMP	Type of SEN	Status
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 32.
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.
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 64.9% complete through December 2020. Design is 99.9% complete and construction is 60.9%.

The existing project schedule is based on the Revised Baseline Schedule 4 (RBS-4). The RBS-4 was conditionally accepted in October 2020 and shows a five (5) month delay to the completion of the project.

RBS4 includes the 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 successfully completed Milestone 2A, which was a modification to the Milestone 2 definition. As stated above, this modification was a result of the executed Change Order 090. This modification also includes a new 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.

Similarly, Milestone 3 was modified with execution of Change Order 090. The definition for this milestone was modified to include the completion of UPRR Phase 4B and shifting the SY 112 track on to the new UPRR bridge. Previously Milestone 3 included completion of the UPRR work through Phase 5. This milestone was achieved on October 17, 2020.

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. Over the past Quarter, the critical path officially moved from UPRR to the Cover Commissioning. 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	9 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	-104 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 2020 Annual Update to the Financial Plan that was approved by FHWA in March 2020.

Enterprises Costs Estimate	Amount
Environmental Phase	\$40.9M
Procurement Phase	\$81.3M
Delivery Phase	\$60.0M
Miscellaneous Enterprise Reserve*	\$6.9M
ROW Phase	\$115.8M
Utility Phase	\$37.7M
Enterprises Construction Contingency	\$45.9M
Enterprises Construction Total	\$381.6M

*Included in Delivery Phase Amount

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

Contingency	Amount (in millions)
Enterprises Change Order/Supervening Event Initial Contingency	\$45.9M
Executed Change Orders – Previous	\$16.7M
Executed Change Orders – Current Quarter	\$7.9M
Settlement Agreement	\$7.6M
Remaining Enterprises Change Order/Supervening Event Contingency Balance	\$13.7M

CONTRACT CHANGE NOTICES

As of September 30, 2020, the Enterprises have executed (89) Change Orders, issued (59) Enterprise Change Notices, received (32) KMP Change Notices, issued (25) 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 \$24.6 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 March or April 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 December 2020.

Construction Verification Inspections (CVI): The Enterprises’ CVIs evaluate KMP compliance with Project Agreement (PA) requirements by assessing a risk-based percentage of their Construction Work. All non-conforming work identified by the Enterprise is resolved through KMP’s nonconformance report closure process. From October 2020 through December 2020, the Enterprises’ conducted 225 CVIs, yielding a 96 percent overall conformance percentage. For the entire project through December 2020, the Enterprises’ have conducted 1770 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. All nonconforming construction work identified by either KMP or the Enterprises’ has been properly addressed through the NCR process. Therefore, there are not any notable and/or unresolved construction product issues to report this quarter.

Project Management Process Audits: The Enterprises’ Project Management Process Audits evaluate KMP compliance with the PA and processes prescribed in KMP’s approved Management Plans. From October 2020 through December 2020, the Enterprises’ conducted 28 process audits, yielding a 92 percent overall conformance percentage (excluding civil rights audits). For the entire Project through December 2020, the Enterprises’ conducted 552 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	NCR Process prior to deck pour	KMP issued this Corrective Action to address process issues during the Fillmore Bridge Deck Placement. Kiewit presented construction quality issues to Design, but did not issue an NCR. They did not communicate the issues with KMP, Enterprises’, and PC team prior to the pour.	The Enterprises’ approved the Corrective Action Plan in May 2020. Kiewit has not repeated this issue since the Corrective Action Plan approval. The Enterprises and KMP closed this corrective action in October 2020 due to KMPs success during the deck pour for the Cook St. Bridge. CLOSED

Element	Process	Issue	Status
Construction Quality Management	Fiber Optic Utility Strikes (Zayo, CCD)	<p>The Enterprises urged that KMP issue this corrective action to address fiber optic cable damage to CCD and Zayo lines. There have been multiple instances of loss of network communications on existing utilities during Quarter 3 of 2020. This was partially due to a lack of a diligent process to ensure that KMP workers do not strike lines.</p>	<p>KMP worked closely with Zayo to develop the corrective plan and they began implementing this corrective action plan in late August 2020. There were not any repeated instances in September 2020. KMP and the Enterprises closed this CAR in November 2020. CLOSED</p>

Design Verification Reviews (DVR): The Enterprises’ DVRs evaluate KMP compliance with PA requirements by assessing KMP’s design plans and other deliverables. From October 2020 through December 2020, the Enterprises’ conducted 50 DVRs yielding a 95 percent overall conformance percentage. For the entire Project, the Enterprises conducted 1,103 reviews, yielding an 84 percent overall conformance percentage. All noncompliant design identified by the Enterprises is resolved prior to KMP releasing the plans for construction. Additionally, KMP and the Enterprises issue Nonconformance Reports (NCRs) for design issues that are identified during performance of construction work. The nonconforming design is then resolved prior to construction acceptance. Since there has not been any known noncompliant design incorporated into the permanent work there are not any notable design issues identified by the Enterprises and/or KMP for this reporting period.

MAINTENANCE/TRAFFIC ISSUES

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

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

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

- Safety Patrol Operators are most at-risk because they are in direct contact with the traveling public daily. Their risk to exposure is reduced while still providing contract services by implementing social distancing. For example, Operators instruct motorists in need of a tire change to remove the tire from their vehicle and then return to their vehicle so that the Operator can change the tire without being in direct contact with the motorist. This also minimizes the need for the Operator to touch the trunk of the motorist’s car or other potentially

contaminated touch points. Communication over the Safety Patrol’s PA speaker is another means of communicating without being in immediate proximity to the motorist.

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

SAFETY ISSUES

KMP had four recordable events for the quarter, bringing the total to 11 for the project. “Play of the Day” meetings are still held daily. They perform after-incident investigations and discuss root cause and preventative measures for each issue. They continue to perform “Safety Adventures” where a discipline goes and audits an operation daily and discusses their findings during the “Play of the Day”. These include best practices, lessons learned and issues that were found.

Safety Patrol responded to 809 events during this reporting period. This total includes 176 crash/incidents.

CIVIL RIGHTS STATUS

Small Business DBE/ESB Goals

Design Status: KMP’s Disadvantaged Business Enterprise (DBE) goal for the design is 11.6%. To date, KMP has commitments to DBE design firms of 12.00% (\$7.3 million in work); this exceeds the KMP DBE goal for the design period. KMP’s Emerging Small Business (ESB) goal for the design period is 3.0%. To date, KMP has commitments to ESB design firms of 8.65% (\$5.2 million in work); this exceeds the ESB goal for design for the Project.

Construction Status: KMP’s DBE goal for the construction is 12.5%. To date, KMP has commitments to DBE construction firms of 15.62% (\$116.2 million in work); this meets over 100% of KMP’s DBE goal for the construction period. KMP’s ESB goal for the construction period is 3.0%. To date, KMP has commitments to ESB construction firms of 9.14% (\$68.0 million in work); this exceeds KMP’s ESB goal for construction for the Project.

Workforce Development Program and Goals

The WORKNOW program combines construction workforce training and supportive service programs into one coordinated program. Total enrollment reached 2,012 members, with 167 enrolled this quarter. The Central 70 Project is a founding partner of WORKNOW. For further information on the WORKNOW Program please go to: <https://work-now.org/accomplishments-to-date/>

During the COVID-19 crisis, coordination with WORKNOW regarding virtual outreach increased. WORKNOW continued providing services to both employed and laid off construction workers, while enacting proper health mitigation measures. 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 672 local hires and 117 On-the-Job Training (OJT) participants. KMP has recorded 686,533 local hire hours and 202,058 OJT hours. The New Hire goal was met in July 2020 and is awaiting total hours to reach 760,000 for the Local-Hire Goal to be 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 148 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. The table below provides the status of these mitigations.

Mitigation	Status	Notes
Targeted assistance to crucial businesses to remain in the neighborhood.	Complete	Assistance was provided to all businesses that were displaced by the project per the Uniform Act. All impacted businesses have been completed and reestablished in their new location per the Uniform Act. KMP will continue the Community Outreach for businesses within the project area.
Provide funding to assist displacees with financial counseling and procurement of financing.	Complete	Funding has been provided through Community Resources and Housing Development Corporation (CRHDC)

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

COMMUNITY ENGAGEMENT

The Enterprises, supported by KMP, is responsible for communicating with citizens, the media, public officials, and other stakeholders regarding the Project. Public information efforts continue to take a two-pronged approach by focusing outreach on commuters and residents through various social media outlets, ongoing presentations and check-in calls. Due to the current safer-at-home order per the Governor of Colorado and COVID-19, the Public Information team has transitioned to virtual outreach for commuters and residents until at least March 2021. In addition, the PI team has continued using various outreach tools to alert the public about ongoing traffic and construction impacts on Central 70 with the reduced traffic volumes on the interstate. One-on-one meetings take place with residents and business if necessary, following COVID-19 precautions (including social distancing and use of masks).