



# Quarterly Status Report

July 2021 through September 2021



PREPARED BY:



**COLORADO**  
Department of Transportation

IN CONSULTATION WITH:



**COLORADO**  
Department of Transportation  
Statewide Bridge Enterprise

**DATE:** October 26, 2021

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

### July 2021 through September 2021

- Finalized all bridge structures, including bridge finishes, staining, signage, and lighting between Colorado Boulevard and Quebec Street.
- Completed I-70 Viaduct demolition.
- Continue construction of the City and County of Denver (CCD) portion of the Cover Building.
- Began reconstruction of the Swansea parking lot and playground.
- Completed Recognized Hazardous Materials (RHM) mitigation for the old Swansea Elementary School.
- Completed Phase 5 portion of the Union Pacific Railroad (UPRR) bridge and began placing UPRR in final track configuration over the bridge.

- Continue construction of 46<sup>th</sup> Avenue North from Brighton to Colorado Boulevards, including completion of sidewalks and tree lawns.
- Completed final lifts of Hot Mix Asphalt (HMA) and Stone Matrix Asphalt (SMA) paving on I-70, East 44<sup>th</sup> and 45<sup>th</sup> Avenues, and other CCD local streets between Dahlia Street and Quebec Street.
- Final asphalt (top lift) on 46th Avenue North from Monroe Street to Colorado Boulevard, including various CCD local streets.
- Complete installation of the Intelligent Transportation Systems (ITS) devices east of Sand Creek and begin installing permanent fiber optic cabling from Node 1 to the Airport Road Node building.
- Began construction of drainage, walls, utilities, roadway, and paving for future eastbound (EB) I-70, with emphasis on the Cover, Colorado Boulevard and Steele off-ramps, and Monroe Street to Colorado Boulevard areas.
- Completed substructure construction for the Brighton Boulevard bridge.
- Began construction of East 46<sup>th</sup> Avenue South, including roadway, utilities, and drainage.
- Opened East 46<sup>th</sup> Avenue North to traffic from York to Brighton.
- Began construction of the intersection at York Street and East 47<sup>th</sup> Avenue, including the UPRR crossing.
- 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.
- 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.
- Achieved the following Milestones: 4A on September 26, 2021 and 2B and 4B on September 29, 2021.
- Continued water quality and detention pond excavation throughout project.

## UPCOMING MILESTONES

### October 2021 through December 2021

- Temporary ramp to Steele Street will be constructed and opened to traffic from EB I-70.
- Complete the concrete pour for the I-70 bridge deck over Brighton Boulevard. Continue work on bridge finishes.
- Finalize all punch list items and remaining incomplete work list in Milestone 1 and Milestone 2B.
- Finalize the construction of the box culvert from York Street to UPRR, completely tying it into the Brighton East pond.
- Continue construction of the CCD portion of the Cover Building.
- Continue reconstruction of the Swansea parking lot and playground.
- Complete Phase 6 portions of the UPRR bridge and place UPRR in final track configuration over the bridge.

- Begin replacing Stapleton Drive signage throughout the project limits in accordance with Transportation Commission directive.
- Continue 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.
- Continue construction of drainage, walls, utilities, roadway, and paving for future EB I-70, with emphasis on the Cover, Colorado Boulevard and Steele Street off-ramps.
- Continue construction of East 46<sup>th</sup> Avenue South, including roadway, utilities, and drainage.
- Continue construction of the intersection at York Street and East 47<sup>th</sup> Avenue, including the UPRR crossing.
- Completion of work in the Brighton East and West ponds.
- Begin soil cement and asphalt paving (RBL and S100) in the new EB mainline lanes from Colorado Boulevard to Brighton Boulevard.
- Begin and complete the placement of Cover girders over the future EB lanes.
- Begin placement of Mechanical, Electrical and Plumbing (MEP) systems at the cover
- Begin construction on the Fire Control Center (FCC) room for the EB lanes
- Begin soil mixing for EB lanes from Clayton Street to UPRR for drainage and Fixed Firefighting System (FFFS) system drainage.
- Continue the placement of wall panels from Colorado Boulevard to Brighton in EB lowered section as walls are completed.
- Complete various stormwater retention pond certifications from Brighton Boulevard to Peoria Street.
- Complete east end concrete panel and repairs from Peoria Street to Pena Boulevard.
- Begin construction on the far west end sign structures and roadway finishes.
- Complete repairs to the York Street over I-70 bridge.
- Complete drainage crossing under the Regional Transportation District (RTD) and UPRR tracks at Colorado Boulevard.
- Complete remaining work at Safeway property adjacent to the Colorado Boulevard on-ramp to EB I-70.

### 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 completed planting the trees within the neighborhoods in Summer of 2021.

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 settlement negotiations between the Enterprises and KMP regarding the UPRR Supervening Events (SE)s (see previous quarterly reports for additional information) were successfully resolved on September 14, 2021, with the execution of the 2021 Memorandum of Settlement and the associated Fourth Amendment to the Project Agreement, concurrent with KMP closing on the refinancing of the existing Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the Project. The Fourth Amendment to the Project Agreement redefined and added Milestones to the Project (Milestones 2, 3, 4, 5, and 6 became Milestones 2A, 2B, 3, 4A, 4B, 5A, 5B, and 6), including reallocating the Milestone Payments and revising the Milestone Completion dates. However, the total Enterprises’ Milestone Payments of \$319 million did not change. The 2021 Memorandum of Settlement also included an additional

payment by the Enterprises to KMP of up to \$15 million (\$12.5 million at Substantial Completion and a potential \$2.5 million incentive if KMP achieves Substantial Completion prior to January 1, 2023). For additional information on this topic, see the specific documents discussed in this paragraph.

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 minor elements remaining to complete. KMP continues to work on remaining Milestone 1 punch list items with an anticipated completion in fall 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 completed the Phase 5 UPRR bridge structure in September 2021 and UPRR crews are currently placing the UPRR tracks into final alignment. KMP continues to construct the remaining portions of the Phase 6 UPRR bridge structure and remaining drainage crossings and anticipates completing this work in 2022. The Enterprises and KMP continue working with UPRR on prioritizing construction submittals and resolving noncompliant construction work. However, the remaining UPRR Work is no longer driving the Project schedule.

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 over westbound (WB) I-70 commissioning in May 2021. The Enterprises and KMP are in the process of implementing lessons learned from the WB I-70 Cover commissioning process for the Cover over EB I-70 (scheduled for summer 2022).

The Enterprises also accepted the Revised Baseline Schedule 5 in September that reflects the updated Milestones and associated completion deadlines.

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 have increased in the community with new variants spreading. 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, but masks are encouraged. Both KMP and the Enterprises are requiring all staff to work remotely if they are feeling ill, regardless of symptoms. KMP has updated the Safety Management Plan for the project to address the current safety protocols. The Enterprises and KMP continue to use 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). However, large project meetings have returned to a virtual format to minimize the potential for COVID-19 transmission.

COVID-19 continues to be monitored by the Enterprises but has not impacted the project schedule at this time. KMP has indicated that some supply chain issues with raw materials for girders and other project elements exist, but KMP to date has been able to either identify alternate suppliers or accommodate extended procurement timeframes within the project schedule.

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
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	Closed. Included in 2021 Memorandum of Settlement
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	Closed. Included in 2021 Memorandum of Settlement
11	UPRR Underside Plate Welding	02/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
12	UPRR Drip Plates	02/22/2019	Comp and Relief Event	Withdrawn by KMP

SEN #	Description	Date Received from KMP	Type of SEN	Status
13	UPRR Bearings	02/22/2019	Comp and Relief Event	Withdrawn by KMP
14	UPRR Impact Loading	02/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
15	UPRR Rebar Detailing	02/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
16	Severe Weather Event - Bomb Cyclone	03/27/2019	Relief Event	Withdrawn by KMP
17	UPRR Shoring	03/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement
18	UPRR Shoring unexcused RR delay	03/28/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
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	Closed. Included in 2021 Memorandum of Settlement
22	UPRR Steel Notes Relief	05/02/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
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	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 8
25	UPRR Transverse Plate Welding	06/19/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 10
26	UPRR Underside Plate Welding	06/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 11.
27	Reserved			Not submitted to Enterprises
28	Reserved			Not submitted to Enterprises
29	UPRR Impact Loading	06/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 14.
30	UPRR Rebar Detailing	06/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 15.
31	UPRR Drainage Review	08/22/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement.



SEN #	Description	Date Received from KMP	Type of SEN	Status
32	UPRR Drainage Review	08/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 31.
33	UPRR Unreasonableness	08/22/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement.
34	UPRR Unreasonableness	08/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 33.
35	Fire Department Review	12/26/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement.
36	Fire Department Review	12/26/2019	Relief Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 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	Closed. Included in 2021 Memorandum of Settlement.
39	Swansea School Asbestos Containing Material – Phase 2	05/04/2020	Comp Event	Change Order was executed on 09/13/2021.
40	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Comp Event	Withdrawn by KMP
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 <sup>th</sup> & Jackson RHM	06/15/2020	Comp Event	Withdrawn by KMP
43	Discovery of Recognized Hazardous Material – 46 <sup>th</sup> & Pilot ACM	07/30/2020	Comp Event	Withdrawn by KMP

## SCHEDULE STATUS

KMP reported that the Project is 81.1% complete through September 2021. Design is 100% complete and construction is 79.2%.

As mentioned earlier, the Enterprises conditionally accepted Revised Baseline Schedule 5 (RBS5) in September 2021 which incorporated the new and revised Milestones into the project schedule. The schedule information below reflects RBS5 and incorporates the new Substantial Completion date of February 16, 2023 that was captured in the Fourth Amendment to the Project Agreement. This date is consistent with the previous schedule (RBS4) which forecast Substantial Completion occurring on the same date.

During the quarter, KMP achieved the milestone completion of Milestones 2B, 4A, and 4B. Milestone 2B encompassed the remaining work between Dahlia Street and the Sand Creek Bridge (consistent with the original Milestone 2 definition). Milestone 4A encompassed the completion of the UPRR Phase 5 work that allows UPRR to perform the Phase 5 track work. Milestone 4B encompassed the removal of the viaduct bridge deck and columns to existing finished grade. Milestone 4 (replaced by Milestone 4A and 4B) encompassed completion of the future WB I-70 lanes between Dahlia Street and Brighton Boulevard and demolition of the viaduct bridge structure.

Milestones 5A, 5B, 6, and Substantial Completion are all linked and make up the remainder of the critical path. With the demolition of the Viaduct complete, the critical path for the project begins with the construction and commissioning of the EB I-70 portion of the Cover, followed by the traffic switch where eastbound traffic is placed into the future I-70 eastbound lanes and the median barrier is completed.

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	N/A	Completed 09/29/2021
Payment Milestone 3* (UPRR Phase 4B, switch SY-112 to new bridge)	10/17/2020	N/A	Completed 10/17/2020
Payment Milestone 4A* (UPRR Phase 5)	09/26/2021	N/A	Completed 09/26/2021
Payment Milestone 4B* (Viaduct Demolition)	12/20/2021	N/A	Completed 09/29/2021
Payment Milestone 5A* (Cover Girders, EB Colorado Off-Ramp, EB I-70 Mass Excavation)	03/25/2022	03/25/2022	0 days

Payment Milestone 5B* (Eastbound I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6, WB I-70 SMA Paving)	10/28/2022	10/11/2022	17 days
Payment Milestone 6* (Cover Top, 46 <sup>th</sup> Avenue South)	11/23/2022	10/27/2022	27 days
Commence Intelligent Transportation System(s) (ITS)/Tolling Testing/Integration	02/15/2023	01/30/2023	16 days
Substantial Completion	02/16/2023	01/31/2023	16 days
Final Acceptance	07/29/2023	07/13/2023	16 days
Design/Build Phase Close-out**	01/29/2024	01/13/2024	16 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	<b>\$40.7M</b>
Procurement Phase	<b>\$81.9M</b>
Delivery Phase	<b>\$61.2M</b>
Miscellaneous Enterprise Reserve*	<b>\$9.1M</b>
ROW Phase	<b>\$117.0M</b>
Utility Phase	<b>\$34.8M</b>
Enterprises Construction Contingency	<b>\$45.9M</b>
<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.

While this table currently indicates a negative balance for the Project Contingency at Substantial Completion, the Enterprises are in the process of reallocating funds from cost underruns in the Utility and Delivery Phases of the Project to supplement the Project Contingency. The Utility Phase of the Project has realized cost savings due to the Burlington Northern Sante Fe (BNSF) and UPRR railroad agreement actual construction costs being lower than originally estimated. The Miscellaneous Enterprise Reserve from the Delivery Phase is also anticipated to remain unused based on actual costs to date. The Enterprises currently forecast these cost underruns in the Utility and Delivery Phases to be around \$21 Million total and will

be available prior to the Settlement Agreement payments to KMP being due at Substantial Completion. The Project has sufficient budget to cover all identified costs.

Contingency	Amount (in millions)
Enterprises Change Order/Supervening Event Initial Contingency	\$45.9M
Executed Change Orders – Previous	\$25.4M
Executed Change Orders – Current Quarter	\$1.3M
Settlement Agreement	\$7.6M
2021 Settlement Agreement (Base)	\$12.5M
2021 Settlement Agreement (Incentive)	\$2.5M
<b>Remaining Enterprises Change Order/Supervening Event Contingency Balance</b>	<b>(\$3.3M)</b>

## CONTRACT CHANGE NOTICES

As of September 30, 2021, the Enterprises have executed (105) Change Orders, issued (67) Enterprise Change Notices, received (35) 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 \$26.6 million to the Project.

No claims have been filed by KMP against the Project. In accordance with the 2021 Settlement Agreement, the Enterprises and KMP have terminated the process for the DRP to review the SEs related to the UPRR and withdrew the associated Notices of Reference.

## 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 September 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 July 2021 through September 2021, the Enterprises’ conducted 117 CVIs, yielding a 99 percent overall conformance percentage. For the entire project through September 2021, the Enterprises’ have conducted 2,298 CVIs, yielding a 95 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 in 2021. There was a short time in mid-August into early-September where Maintenance of Traffic nonconformances significantly increased. The Enterprises believes that KMP corrected the root cause of these issue by the end of September 2021. All nonconforming construction work identified by either KMP or the Enterprises has been properly addressed through the Nonconformance Reports (NCR) process.

**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 July 2021 through September 2021, the Enterprises’ conducted 30 process audits, yielding an 88 percent overall conformance percentage (excluding civil rights audits). For the entire Project through June 2021, the Enterprises’ conducted 652 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	Cover MEP Systems – Requirements Traceability Matrix (RTM)	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.	In August 2021, the Department Approved KMPs corrective action plan to address this issue. The Department feels that the RTM task force has put KMP back on track. To close the corrective action, KMP must demonstrate successful implementation of the plan by holding successful Pre-Activity Meetings for the upcoming Cover MEP work on the south bore. The Department expects that this will be closed in early 2022. <b>OPEN</b>

Element	Process	Issue	Status
Construction Quality Management	As-Built Verification for Invert Elevations of Drainage Structures	KMP found that multiple drainage structures along the Fixed Firefighting Suppression drainage system were out of tolerance, leading to negative flow. In September 2021, KMP notified the Department that they do not have records verifying the invert elevations of all the other drainage structures that they had placed on the Project.	In September 2021, the Department Approved KMPs corrective action plan to address this issue. KMP plans to go back and re-survey all invert elevations for previously placed structures. They will also revise the PC Drainage checklist to ensure that they document invert elevations before building on top of the structures. <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 July 2021 through September 2021, the Enterprises’ conducted 29 DVRs yielding a 98 percent overall conformance percentage. For the entire Project, the Enterprises conducted 1,207 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 flexible and rigid pavement patching, fence repair, vegetation control, litter control, sweeping cycle, traffic services inspections, guardrail repair, graffiti removal, single-post and multi-post sign 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 Maintenance of Traffic (MOT)/Method(s) of Handling Traffic (MHT) setups. Any issues are being communicated with and addressed by KMP.

### SAFETY ISSUES

KMP did not have any recordable events for this quarter, the total remains 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 1,311 events during this reporting period. This total includes 252 crash/incidents.

## CIVIL RIGHTS STATUS

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

Design Status through the 3<sup>rd</sup> Quarter 2021: KMP’s DBE goal for the design is 11.6% (\$7.03 million). KMP has commitments to DBE design firms of 12.69% (\$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% (\$5.56 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 3<sup>rd</sup> 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% (\$50 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. 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 685 local hires to date. This quarter, KMP met the Local Hire Goal by recording 850,205 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 250 On-the-Job Training (OJT) participants since inception. To date, 339,684 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 completed 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). Reevaluation #12 added one mitigation measure for impacts that may occur due to maintenance, emergency or other circumstances during the operations and maintenance period to the 4-acre recreation area on top of the lowered section.

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. The Public Information (PI) team has continued using various outreach tools to alert the public about upcoming traffic and construction impacts.

The PI team led the communications throughout the four-month demolition of the 57-year old viaduct. The outreach 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. In addition, the PI team worked with businesses along 46th South Avenue to create a coupon book to promote businesses directly impacted by the Project and help drive revenue. Nearly 100 coupon books offering \$5 off any product or service from the businesses along 46<sup>th</sup> South Avenue were distributed to nearby residents and community members. In exchange for \$5 off coupons, the Central 70 Project gave \$500 checks to each participating business.

Once the final cover park design was complete, the CDOT PI team supported Kiewit in sharing the final details of the future 4-acre cover park with the community. Outreach included presentations, tabling at various activity center and articles in local publications. This outreach will continue into next quarter.

The team continued 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.