



# Quarterly Status Report

July 2022 through September 2022



PREPARED BY:



IN CONSULTATION WITH:



**COLORADO**  
Department of Transportation  
Statewide Bridge Enterprise

**DATE:** October 24, 2022

**TO:** Colorado Transportation Commission (TC)  
Colorado Transportation Investment Office (CITO) Board of Directors (formerly the Colorado High Performance Transportation (HPTE))  
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 Amended and Restated Central 70 Project Intra-Agency Agreement (IAA) dated September 14, 2021, the Central 70 Project Director shall provide quarterly updates to the Transportation Commission, Colorado Bridge and Tunnel Enterprise (BE) Board of Directors, and the Colorado High Performance Transportation Enterprise (HPTE) Board of Directors through Final Acceptance.

### MATTERS REQUIRING POLICY INPUT

None at this time.

### COMPLETED MILESTONES THIS QUARTER

#### July 2022 through September 2022

- Completed Denver Fire Department (DFD) commissioning of the EB I-70 Cover and received final DFD approvals for the Cover.
- I-70 eastbound (EB) traffic switch into final configuration under the EB Cover occurred the weekend of July 15.
- I-70 westbound (WB) traffic switch into final configuration the weekend of August 26. This was the final full closure of I-70 for the project.

- Completed removal/relocation of temporary Cover systems equipment and infrastructure (cross passage doors, wall panels barrier, lighting, speakers and cameras) installed to support I-70 bi-directional traffic in WB Cover
- Completed Stone Matrix Asphalt (SMA) paving for both EB and WB I-70 from Colorado to Brighton Boulevards.
- Began I-70 far east pavement overlays from I-225 to Chambers Road.
- Completed finishes for the I-70 Bridge over Brighton Boulevard.
- Continue punch list item work for all segments, including the Airport Node building.
- Continued work on the I-70 median barrier and overhead sign structures west of Colorado Boulevards.
- Continued installation of the Intelligent Transportation Systems (ITS) devices east of Sand Creek and permanent fiber optic cabling from Node 1 to the Airport Road Node building.
- Opened Swansea Elementary Playground (Planning Area 1) and turned over to Denver Public Schools for use of the facility prior to school opening August 22.
- Continued garden roof assembly waterproofing on the Cover Top.
- Continued to work on all remaining Cover Top items, including turf field, fencing, lighting, amphitheater, shade structures, and splash pad.
- Began landscaping on Cover Top and at Swansea Elementary School.
- Continued construction of East 46<sup>th</sup> Avenue South between Brighton and Colorado Boulevards, including roadway, walls, utilities, and drainage.
- Continued miscellaneous work in the Brighton East and West ponds.
- Continued working on various stormwater retention pond certifications from Brighton Boulevard to Peoria Street.
- Completed the drainage crossing under the Regional Transportation District (RTD) and Union Pacific Railroad (UPRR) tracks at Colorado Boulevard.
- Demobilized the UPRR field trailer and began site restoration.
- KMP submitted the Notice of Completion for Denver Rock Island Railroad (DRIR), BNSF and UPRR crossings on the Project.
- Completed remaining work at the Safeway property adjacent to the Colorado Boulevard on-ramp to EB I-70.
- Continued installation and testing of Express Lanes tolling infrastructure and equipment.
- Continued York pond excavation and roadway reconstruction work.
- Continue miscellaneous work on local streets and intersections between Colorado and Brighton Boulevards.
- Continue I-70 ITS device integration with the CDOT ITS group.
- Started Corrective Action Request (CAR-032) enhancements at the Pump Station.

## UPCOMING MILESTONES

October 2022 through December 2022

- Achieve Milestones 5B (EB I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6, WB I-70 SMA Paving) and 6 (Cover Top, 46th Avenue South).
- Open Cover Top Park and amenities to the public, including CCD Community Building.
- Demobilize from various construction staging yards within the project limits and complete site restoration.
- Complete final I-70 striping.
- Complete final profile grinding of I-70 pavement for smoothness.
- Begin 70-day Electronic Toll Collection (ETC) Tolling equipment burn-in.
- Open East 46<sup>th</sup> Avenue South from Brighton Boulevard to Colorado Boulevard.
- Complete Colorado and York ponds.
- Complete remaining Milestone punch list items throughout the Project.
- Continue landscaping corridor wide.
- Develop the substantial completion punch list.

## LAWSUIT UPDATE

All lawsuits associated with the Project to date have been resolved.

As part of the settlement agreement with the Sierra Club plaintiffs (Sierra Club, Elyria and Swansea Neighborhood Association, Chaffee Park Neighborhood Association, and Colorado Latino Forum), CDOT funded a health study of the Elyria-Swansea neighborhoods. The Colorado Department of Public Health and Environment (CDPHE) is leading this effort on behalf of the State. CDPHE signed a contract with ENVIRONS and Colorado State University (CSU) to conduct the study in March 2022 and the study is underway. Meetings are being held monthly at the CSU Spur at the National Western Complex.

## ISSUES

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 2022.

KMP continues to work towards Milestone Completion for Milestones 5B (completion of EB I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6, and WB I-70 SMA paving) and 6 (completion of Cover Top and 46<sup>th</sup> Avenue South). KMP continues to work on a variety of items for each Milestone and punch list development is underway. The construction of the York South Pond is driving the schedule for completion of MS5B and may impact KMP's ability to meet the MS5B completion deadline of October 28, 2022. KMP is evaluating options to accelerate this work.

The Federal Emergency Management Agency (FEMA) approval of the Letter of Map Revision (LOMR) for the Sand Creek overflow channel is currently driving the completion date for

Substantial Completion. KMP submitted the LOMR documents to the flood plain administrator (City and County of Denver) for review on September 30, 2022. Upon approval by the flood plain administrator, the documents will be sent to FEMA for review and approval. As this entire process typically takes a year, KMP and the Enterprises are working with the City and County of Denver on options to accelerate this process. The Enterprises will continue to monitor the status of the LOMR review and its impacts on the Substantial Completion deadline (February 16, 2023).

The Enterprises, KMP, and the City and County of Denver continue to work through design and submittal comments on the Cover Top from Denver Parks and Recreation (DPR) and other City entities. All parties continue to work together making progress towards resolution of these comments. The Change Order for the DPR requested modifications to the Cover Top irrigation has been executed. The Enterprises are currently negotiating pricing with KMP on changes requested by the City and County of Denver Tech Services on the Closed Circuit Television (CCTV) system for the Cover Top.

KMP continues to work with Jorgenson (the Operations and Maintenance (O&M) Contractor) on updating various management plans and submittals required for the Operating Period. The Enterprises continue to monitor and have regular discussions with KMP regarding the status of the Operating Period submittals and plans.

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 miscellaneous project elements exist, but KMP has been able to either identify alternate suppliers or accommodate extended procurement timeframes within the project schedule to date. KMP has recently indicated that procurement of some Cover amenities such as bike racks, shade structure translucent panels, and benches are currently a challenge. The Enterprises continue to monitor this situation

Supervening Events (SE) are summarized in the table below (shading indicates the SE is closed). KMP withdrew the three remaining open SEs during this Quarter and there are no open SEs as of the date of this report.

SEN #	Description	Date Received from KMP	Type of SEN	Status
1	UPRR Agreement Delay, Request for Extension to Detailed Supervening Event Submission	04/25/2018	Comp Event	Resolved with 2 <sup>nd</sup> Amendment to the Project Agreement
2	UPRR Phase 0 Work Delay	03/23/2018	Comp Event	Resolved with 2 <sup>nd</sup> Amendment to the Project Agreement
3	UPRR Work Performance Schedule	03/23/2018	Delay Relief Event	Withdrawn by KMP

SEN #	Description	Date Received from KMP	Type of SEN	Status
4	Section 232 Steel and Aluminum Tariffs	08/13/2018	Relief Event	Resolved with 2 <sup>nd</sup> Amendment to the Project Agreement
5	Swansea Asbestos Containing Material	07/07/2018	Comp Event	Change Order was executed on 09/03/2019
6	AP-83 Asbestos Containing Material	10/10/2018	Comp Event	Withdrawn by KMP
7	Sand Creek Bridge	11/20/2018	Comp Event	Change Order was executed on 05/06/2020
8	UPRR Crossing Diaphragm Spacing	12/17/2018	Delay Relief Event	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
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	Withdrawn by KMP

SEN #	Description	Date Received from KMP	Type of SEN	Status
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.
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 Asbestos-Containing Material (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.

SEN #	Description	Date Received from KMP	Type of SEN	Status
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
44	RHM – E 46th S between Milwaukee and Steele ACM	04/20/2022	Comp Event	Withdrawn by KMP
45	RHM – I-70 and Coliseum	05/16/2022	Comp Event	Withdrawn by KMP
46	Swansea Underground Storage Tank	06/15/2022	Comp Event	Withdrawn by KMP

### SCHEDULE STATUS

KMP reported that the Project is 94.6% complete through September 2022. Design is 100% complete and construction is 94.1%.

Revised Baseline Schedule 6 (RBS6) is the current project schedule. The Critical Path of the Project continues to be driven by the preparation, submittal, and approval of the Letter of Map Revisions for the Sand Creek Overflow channel, with the anticipated FEMA approval in February 2023 driving Substantial Completion. See earlier discussion on the status of the Sand Creek LOMR.

For Milestone 5B, KMP completed cover systems testing and commissioning for both EB I-70 and the final configuration of WB I-70. EB I-70 traffic was placed into final configuration in the lowered section in July and WB I-70 traffic was placed in final configuration in August. Punch list development and closure is on-going. KMP continues to work on miscellaneous items, including the Colorado South and York South ponds, that are driving the completion date of this Milestone.

KMP provided notice of completion to all three railroads (DRIR, BNSF, and UPRR) this period and punch list work continues.

Construction continues west of Brighton Boulevard, with barrier removal and replacement,



and sign structure foundation and structure installation. Sign structure construction is planned to complete in October. Landscaping is underway throughout the corridor, with irrigation and planting ramping up in September.

Construction continues on the cover top. Irrigation installation and lightweight fill placement continued in September. Multi-use field installation is planned for October.

Tolling equipment and integration by ETC continued this period and system testing is anticipated to commence in November.

Punch list work associated with Milestones 1 and 2B nears completion. Work associated with Change Order 081 east of Peoria Street is nearly complete, with barrier placement and pavement striping remaining to be completed in October 2022.

Following completion of this work, the Substantial Completion punch list will be developed, with Substantial Completion scheduled to complete in February 2023.

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	N/A	Completed 03/25/2022
Payment Milestone 5B* (EB I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6, WB I-70 SMA Paving)	10/28/2022	10/28/2022	0 days
Payment Milestone 6* (Cover Top, 46 <sup>th</sup> Avenue South)	11/23/2022	11/23/2022	0 days
Complete Intelligent Transportation System(s) (ITS)/Tolling Testing/Integration	02/15/2023	11/29/2022	78 days
Substantial Completion	02/16/2023	02/16/2023	0 days
Final Acceptance	07/29/2023	07/29/2023	0 days
Design/Build Phase Close-out**	01/29/2024	12/25/2023	0 days
*Modified as part of the Fourth Amendment to the Project Agreement. ** Completion of Final project documentation.			

## BUDGET STATUS

The project budget reflects the 2022 Annual Update to the Financial Plan that was approved by FHWA in April 2022.

Enterprises Costs Estimate	Amount
Environmental Phase	<b>\$40.7M</b>
Procurement Phase	<b>\$83.7M</b>
Delivery Phase	<b>\$53.1M</b>
Miscellaneous Enterprise Reserve*	<b>\$1.2M</b>
ROW Phase	<b>\$116.7M</b>
Utility Phase	<b>\$34.7M</b>
Enterprises Construction Contingency	<b>\$45.9M</b>
<b>Enterprises Construction Total</b>	<b>\$378.4M</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 the Colorado Bridge and Tunnel 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.

The Enterprises previously reallocated funds from cost underruns in the Utility and Delivery Phases of the Project to supplement the Project Contingency. The Utility Phase of the Project

realized cost savings due to the Burlington Northern Sante Fe (BNSF) and UPRR railroad agreement (RRA) actual construction costs being lower than originally estimated. As the BNSF and UPRR RRA work, for which the Enterprises were responsible to pay the railroads directly, has completed, the Enterprises elected to reallocate \$11M from the unused Utility Phase funds to cover project contingency overruns. The Utility Phase still maintains an unused balance of over \$1M that will not be reallocated until the UPRR and BNSF final invoices are settled. In addition, the Miscellaneous Enterprise Reserve from the Delivery Phase is also anticipated to have remaining funds available at Substantial Completion based on actual costs to date. The Enterprises continue to monitor these cost underruns in the Utility and Delivery Phases as the Project approaches 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
Enterprises Transfer of Unused Funds from Utility and Delivery Phases to Change Order/Supervening Contingency	\$11.0M
Executed Change Orders – Previous	\$26.8M
Executed Change Orders – Current Quarter	\$1.42M
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>\$6.1M</b>

### CONTRACT CHANGE NOTICES

As of September 30, 2022, the Enterprises have executed (121) Change Orders, issued (75) Enterprise Change Notices, received (37) KMP Change Notices, issued (31) Directive Letters, received (43) Supervening Event Notices, received (41) Preliminary Supervening Event Submissions, and received (23) Detailed Supervening Event Submissions. The change orders executed to date have had a net cost of \$28.2 million to the Project.

No claims have been filed by KMP against 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 September 2022.

**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 2022 through September 2022, the Enterprises' conducted 103 CVIs, yielding an 86 percent overall conformance percentage. For the entire project through September 2022, the Enterprises' have conducted 2,798 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. 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 2022 through September 2022, the Enterprises' conducted 25 process audits, yielding a 49% percent overall conformance percentage (excluding civil rights audits). For the entire Project through September, the Enterprises' conducted 740 process audits, yielding an 88 percent overall conformance percentage (excluding civil rights audit). The low conformance percentage for the quarter is due to the Enterprises' beginning to audit Operating Period processes such as the O&M Quality Management Plan. The Enterprises anticipate that the conformance percentage will rise as KMP refines their new processes going into the Operating Period. Notable and outstanding process quality issues for this reporting period are presented below. This list includes all of the open Corrective Action Requests (CAR).

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. To close the CAR, KMP must demonstrate successful implementation of the plan by holding successful Pre-Activity Meetings and submitting test scripts/results for the Cover MEP work on the south bore. The Department expects that this will remain open until late fall 2022. <b>OPEN</b>
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 for 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. As of September 2022, KMP has finished surveying the remaining inverts but has not yet submitted as-builts and nonconformance information to the Department. The Department expects that this will remain open until Substantial Completion <b>OPEN</b>
Operations and Maintenance	Operations and Maintenance Quality Management Plan (OMQMP)	KMP issued a corrective action to address the OMQMP and discrepancies between what was detailed in the plan and what has been implemented in the field. This Corrective Action was developed in response to various deficiencies in implementation observed in the field.	For Closure, KMP needs to resubmit the OMQMP and then properly implement the plan for a quarter. The Department accepted the revised OMQMP, but KMP has not implemented the plan consistently. The Department expects that this Corrective Action will remain open until Substantial Completion <b>OPEN</b>

Element	Process	Issue	Status
Construction Quality Management	ITS Fiber Splicing	In February 2022, KMP notified the Department of damaged ITS fiber for the new CDOT backbone. This was the second instance of damaged backbone on the Project. The damage was caused by careless splicing procedures. This CAR is to document process changes with splicing and protection of finished fiber.	KMP has described the plan to revise splicing procedures and protect fiber in the Quality and ITS Task Force meetings. The Department Approved the Corrective Action Plan in May 2022. This will remain open until we receive passing test results for the splice. KMP must not have any repeat instances. The Department expects that this Corrective Action will remain open until October 2022. <b>OPEN</b>
Construction Quality Management	Cover Systems Communications	In June 2022, the Department requested KMP to investigate the root cause and develop a corrective action plan to address active Head-to-head Cover Systems going offline. From the start of May 2022 and into June 2022, the Jorgensen CTMC Operators sent approximately fourteen emails describing Cover System communication issues.	In July 2022, KMP developed the corrective action plan to start tracking each communication-loss/system-glitch reported by the Jorgensen CTMC operators. Each individual item received a root cause analysis. KMP then looked at all issues holistically to determine if there is a system-wide health issue. Prior to the switch into the south side cover, KMP concluded that these issues were individual issues and not a system-wide issue. As of September 2022, KMP still needs to close some individual work orders prior to closing the corrective action. Also, KMP needs to show within their management plans that they are performing root cause analysis of these issues throughout the 30-year Term. The Department expects that this Corrective Action will remain open until Substantial Completion <b>OPEN</b>

Element	Process	Issue	Status
Construction Quality Management	Non-conformance Reports	In July 2022, KMP issued this corrective action to address recent delays in issuing NCRs in response to Department issued NCNs and developing dispositions for NCRs within five days of NCR generation	KMP quickly resolved this issue by training the new staff on the Project to comply with Quality Management Plan. KMP did not repeat issues for the rest of July and into August, so the Corrective Action was closed. <b>CLOSED</b>
Construction Quality Management	Pump Station Failure	On August 7, 2022, a significant rain event resulted in deep standing water on I-70 mainline between Columbine and York from 7:00 PM to 9:40 PM. The pumps did not automatically start as designed.	KMP immediately began investigating the root cause of the pumps not automatically starting as designed. KMP found that there were two main contributing factors: (1) incorrect water level set points, (2) inactive backup water level sensor. KMP is continuing to develop robust operational and procedural improvements within their Corrective Action Plan. The Department anticipates that KMP will finalize the plan by October 2022. All corrective actions will be complete and verified prior to Substantial Completion. <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 2022 through September 2022, the Enterprises’ conducted 32 DVRs yielding a 99 percent overall conformance percentage. For the entire Project, the Enterprises conducted 1,348 reviews, yielding an 86 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 drainage, pavement, shoulder, slope and fence repair; litter, trash and sweeping cycle; vegetation control; sign maintenance; traffic services inspections; metal guardrail maintenance; graffiti removal; energy attenuator repair; CTMC/tunnel operations; 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 had zero recordable events for this quarter, keeping the total at 12 for the project. “Play of the Day” meetings are held daily, and 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 843 events during this reporting period. This total includes 154 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 of 2022: KMP’s DBE goal for the design is 11.6% (\$6.65 million). KMP has commitments to DBE design firms of 14.3% (\$8.23 million) and payments to DBE design firms of 13.8% (\$7.93 million); the commitment amount exceeds the KMP DBE goal for the design period. KMP’s ESB goal for the design period is 3.0% (\$1.72 million). KMP has commitments to ESB design firms of 9.85% (\$5.61million) and payments to DBE design firms of 9.68% (\$5.55 million); the commitments and payments exceed the ESB goal for design for the Project.

Construction Status through the 3<sup>rd</sup> Quarter of 2022: KMP’s DBE goal for the construction is 12.5% (\$95.9 million). KMP has commitments to DBE construction firms of 17.69% (\$135.7million) and payments of 17.62% (\$135.2million); this exceeds the KMP DBE goal for the construction period. KMP’s ESB goal for the construction period is 3.0% (\$23 million). KMP has commitments to ESB construction firms of 10.29% (\$79 million) and payments of 8.48% (\$65.1 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/>

KMP and its subcontractors have enrolled local hires for both professional services and construction. They have enrolled 796 local hires to date. This quarter, Local Hire hours increased to 1,459,183 with more than 50% of those hours completed by New Hires. KMP has met their Local Hire Goal and based on hours reported in LCPtracker, and has met the Goal for the Local Hire Incentive.

KMP has enrolled 287 On-the-Job Training (OJT) participants since inception. To date, 453,238 OJT hours have been reported. Based on the number of hours reported, the OJT Goal of 200,000 hours has been met. Currently KMP is working toward meeting the Substantial Completion Graduate Incentive. KMP has reported 30 Graduated Retained Apprentices, with another 21 Graduated Apprentices that are pending fulfillment of the 6-month retention requirement.

KMP has enrolled 282 On-the-Job Training (OJT) participants since inception. To date, 332,236.90 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 Department is currently working with the stakeholders on developing an approach to fulfill the Historic Creative Mitigation for the Project.

The ROD included 146 mitigation commitments to be completed as part of the project. The mitigation commitments are being completed in conjunction with the construction work and are being tracked by the Enterprises and KMP in the Monthly Environmental Status Report (ESR). This Project is unique in that the core feature of the project—lowering the highway and constructing a Cover/park that will link the two sides of the community back together—was developed to address Environmental Justice (EJ) concerns that arose from original highway construction back in the 1960s.

In addition to the Cover and park, the Central 70 Project includes other unique EJ mitigations such as the recognition of the importance of the Swansea Elementary School as a community center. These mitigations include two new early childhood education classrooms, a new heating and air conditioning (HVAC) system, new exterior windows and doors, a relocated and

renovated main entrance and administration offices, and a new playground at the Swansea Elementary School. The table below provides the status of the EJ mitigations.

Mitigation	Status	Notes
Targeted assistance to crucial businesses to remain in the neighborhood.	Complete	Assistance was provided to all businesses that were displaced by the project per the Uniform Act. All impacted businesses have been completed and reestablished in their new location per the Uniform Act. KMP will continue the Community Outreach for businesses within the project area.
Provide funding to assist displacees with financial counseling and procurement of financing.	Complete	Funding has been provided through Community Resources and Housing Development Corporation (CRHDC)
Provide before, during, and after environmental sampling to assure the project has not caused re-contamination of residential properties.	Complete	Pre-construction soil sampling on seven residential properties was completed in June 2018. During construction soil sampling on seven residential properties was completed in August 2020.
Mitigate noise and dust impacts by providing residents living adjacent to the project new storm windows, furnace filters, and air conditioning units.	Complete	Assessments and installations of improvements were completed on 03/14/2019. Ongoing warranty work and energy credits will continue through the Construction Period.
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	In Progress	HPTE finalizing details of GES low income program.
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.

Mitigation	Status	Notes
Swansea Elementary Phase 4	In Progress	Design is complete. KMP began construction in late March 2022 along with the Cover Top. The playground was opened prior to school starting in August 2022 and the multi-use field is anticipated to open by the end of the year.

### 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 (PI) efforts continue to take a two-pronged approach by focusing outreach with commuters and residents through various social media outlets, ongoing presentations and check-in calls. The Public Information team also continues using various outreach tools to alert the public about upcoming traffic and construction impacts.

The PI team is planning a park opening appreciation event to thank the community for its patience throughout the four years of construction. This event will happen in early December 2022.

In August, the team held an event to celebrate the opening of the new Swansea Elementary School playground. Baked goods and donated frisbees with student artwork illustrating how students “envision themselves playing on the new playground” were distributed during this celebration.

Chips & Chat will remain virtual through the end of the year due to the greater number of people who participate virtually compared to those who attended in person before COVID-19.