

SOUND TRANSIT

MOTION NO. M99-54

**Everett to Seattle Commuter Rail
Permitting Consultant Contract
BACKGROUND AND COMMENTS**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	8/19/99 9/2/99	Discussion/Possible Action Approval	Paul W. Price Barry J. Hennelly	(206) 398-5111 (206) 689-4925

ACTION:

Finance Committee approval is requested for award of a contract to Anchor Environmental Services for permitting consulting services for the Everett to Seattle Commuter Rail Project. The contract amount is \$537,083, with a recommended contingency of 20% (\$107,417), for a total amount not to exceed \$644,500. The consultant will perform all permitting activities required to allow for successful implementation of the Everett to Seattle Commuter Rail project.

BACKGROUND:

Due to its location along the shore of the Puget Sound, the Everett to Seattle commuter rail line presents a series of unique environmental conditions and challenges. Several project related tasks and factors related to construction and operation may require environmental permitting. Several corridor improvements, to include double tracking projects along this portion of the line, trigger a number of environmental regulations, including the Endangered Species Act. A consultant has been selected through an open and competitive process to assist in securing all environmental permits and permissions necessary for the construction and operation of the Everett to Seattle Commuter Rail Project.

Essentially any action taken by Sound Transit in this corridor that effects the status quo will require a permit or approval of some sort. This includes construction of track and facilities, certain signal improvements, station development. Staff review of the Anchor Environmental proposal indicates that the firm is capable of performing the job, at a reasonable cost, while also meeting Sound Transit's M/W/DBE goals.

It should also be noted that the proactive, pre-permitting effort undertaken by the EIS consulting team of Huckell/Weinmann Associates, through a previous contract amendment, is paying dividends. This effort has, and is, addressing many of the issues associated with permitting the most challenging improvements in this portion of the commuter rail corridor. As a result of the proactive approach taken to address EPA, NMFS, US Army Corps, Dept. of Ecology, USFWS, WDFW, and DNR concerns in depth, the balance of the permitting effort should be less intensive than it otherwise would have been without this approach.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- ◆ Adoption of Resolution No. R98-49, the Fiscal Year 1999 Budget (November 12, 1998)
- ◆ Adoption of Resolution No. 78-1, establishing delegation of authority and procurement procedures (April 9, 1998)
- ◆ Adoption of Motion 32, the Sound Move Implementation Guide (May 22, 1997)
- ◆ Adoption of Sound Move, the Ten-Year Regional Transit System Plan (May 31, 1996) (Sound Move calls for commuter rail service to be implemented within two to four years of voter approval)

EXECUTIVE SUMMARY:

Scope of work

The Everett to Seattle commuter rail line is immediately adjacent to the Puget Sound for the majority of its length. Nearly any action taken by Sound Transit in the Everett to Seattle commuter rail corridor that effects the status quo will require a permit or approval of some sort. The consultant will assist Sound Transit in procuring the full range of environmental permits and clearances required to move the project forward. The contract is expected to be for a one-year period, and no extensions are expected at this time.

The consultant's scope of work includes the following primary tasks:

- ◆ Negotiating environmental permits required to satisfy the River and Harbors Act and the Clean Water Act
- ◆ Negotiating environmental permits or certifications required to satisfy the Clean Water Act and the National Pollutant Discharge Elimination System requirement;
- ◆ Negotiating environmental permits required for Temporary Water Quality Modifications, Site Plans for Storm Water Runoff, Federal Coastal Zone Consistency Determinations, and Hydraulic Project Approvals; and
- ◆ Acquiring clearing, grading, and building permits; Shoreline Permits; and other permits as required.

Procurement and selection process

Sound Transit's standard procurement procedures were used for the selection process. The process included a request for proposals, a graded review of each firm's written proposal based on standardized (scored) criteria, and an interview for all of the firms who sent in a proposal. The interviews were also graded, and along with the scores from the earlier review of the written proposals, combined to form the basis for the selection.

The quality of the written proposals was very high, and each firm demonstrated that it understood the key permitting issues related to this project. This allowed all four firms to fully participate in the selection process.

M/W/DBE participation

All firms participating on the Anchor Environmental team are local, Sound Transit service area firms. The small business participation percentage of the total contract effort is 84 percent, with disadvantaged or minority owned business enterprises making up 28 percent of this total. The prime contractor is a small business enterprise.

Cost

The contract amount is not to exceed \$537,083, and with an additional contingency amount of 20% (\$107,417), the total funds allocated towards this contract amount to \$644,500. The contingency will be adequate to perform those tasks identified in the project’s scope of work, and will be managed by Sound Transit. The budget for completion of these tasks is identified in Sound Transit’s 1999 Budget (page 54) under the Sounder Everett to Seattle commuter rail project. It is specifically located under the “Track and Facilities” portion of the budget, sponsored by the Snohomish County sub-area.

The Track and Signal portion of the Everett to Seattle Commuter Rail section of the 1999 Adopted Budget has \$871,900 of budget available for this project. Because of cumulative-to-date accruals and outstanding commitments, there is only \$328,000 of budget available. As such, a budget transfer of \$316,500 from contingency into the Track and Signal portion of the Budget is being incorporated into the 2000 budget process. The following table outlines the related budget, commitments, and planned expenditures.

EVERETT TO SEATTLE TRACK AND FACILITIES PRELIMINARY ENGINEERING EXPENDITURES

1999 Approved Ten-Year PE Budget ¹	Actuals Spent to- Date ²	Outstanding Commitments	Budget Available	Proposed Board Action ³	Amount to be Transferred from Phase Contingency to PE	Remaining Phase Contingency In Project Budget ⁴
A	B	C	D (A - B - C)	E	F (E - D)	G
\$871,900	\$501,900	\$ 42,000	\$328,000	\$644,500	\$316,500	\$7,890,079

- ¹ Original Budget did not specifically identify these permitting costs.
- ² Actuals through July 1999, include contracts with TRS, Mainline Management, Inc. and Richards & Associates.
- ³ Change allowance (Contract Contingency) is included.
- ⁴ After transfer following this motion.

ALTERNATIVES:

Permits are required for Sound Transit does not have the required expertise or staffing to perform these functions at this time. One option is to hire staff members to perform these tasks who do have the required expertise. Another option would be for Sound Transit to re-bid the work. Another option would be to hire consultants in an advisory role to provide expertise on the nuances of the environmental permitting process, while having staff actually perform the work of completing the various permit applications. This option may also require additional staff to be allocated to the project.

CONSEQUENCES OF DELAY:

There aren't any immediate impacts to a brief delay. It would, however, be in the best interests of the project if the Finance Committee were to approve execution of the contract. Several additional rounds of pre-publication review, and extensive consultation with the various environmental agencies involved in review of this project led to delays in releasing the Draft Environmental Impact Statement for this project. A timely approval of this permitting contract would aid the overall project schedule, and possibly allow for a degree of schedule recovery.

LEGAL REVIEW:

The Legal Department has reviewed and approved the Background and Comments and the Motion.

SOUND TRANSIT

MOTION NO. M99-54

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a contract with Anchor Environmental Services, L.L.C. for consulting services related to obtaining environmental permits for the Everett to Seattle Commuter Rail Project, for an amount not to exceed \$537,083, with a 20 % contingency (\$107,417) for a total amount not to exceed \$644,500.

Background:

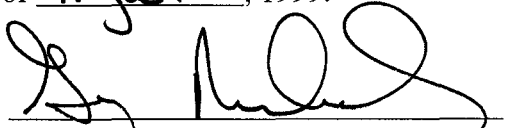
Due to its location along the shore of the Puget Sound, the Everett to Seattle commuter rail line presents a series of unique environmental conditions and challenges. Several project related tasks and factors related to construction and operation may require environmental permitting. Several corridor improvements, to include double tracking projects along this portion of the line, trigger a number of environmental regulations, including the Endangered Species Act. A consultant has been selected through an open and competitive process to assist in securing all permits and permissions necessary for the construction and operation of the Everett to Seattle commuter rail project. Sound Transit will manage the contingency amount of the contract.

Essentially any action taken by Sound Transit in this corridor that effects the status quo will require a permit or approval of some sort. This includes construction of track and facilities, certain signal improvements, station development, and the like. Anchor Environmental will assist staff in acquiring these permits, at a reasonable cost, while also using a small business.

Motion:

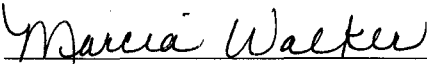
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to execute a contract with Anchor Environmental Services, L.L.C. for consulting services related to obtaining environmental permits for the Everett to Seattle Commuter Rail Project, for an amount not to exceed \$537,083, with approval of a 20% contingency (\$107,417) for a total amount not to exceed \$644,500 is approved, and the Executive Director is hereby authorized to execute the contract.

Approved by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof on the 19 day of August, 1999.



Greg Nickels
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator