

SOUND TRANSIT

MOTION NO. M99-67

Contract Award Environmental Assessment Services for Real Property Acquisitions/Dispositions BACKGROUND AND COMMENTS

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	9/16/99	Discussion and Possible Action	Paul Price, Director Commuter Rail Bob Sundin, Construction Program Manager	398-5111 398-5118

ACTION:

Finance Committee is requested to authorize the Executive Director to execute a change order for environmental services with Shannon & Wilson, Inc. (S&W) contract RTA/FA 20-98. The change order authorizes work anticipated under the original contract, but not defined or funded. This change order authorizes remediation consulting services to assist with analysis and testing of potential contaminates for all commuter rail station properties. The scope includes:

- Preparation of remedial action plans for submittal to the Department of Ecology for five known contaminated properties within the commuter rail station sites,
- Provide on site assessments, sampling and lab analysis during underground storage tank removals and
- Provide on call remediation services during construction to assess contaminates if encountered.

The total change order amount is \$313,607.00. The total value of the contract inclusive of this change order is \$1,313,607.00.

BACKGROUND:

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service, and a program of regional bus service, HOV improvements, and park and ride facilities throughout the Central Puget Sound Region, it will be necessary for Sound Transit to acquire real property. The Federal Transit Administration and Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, require Sound Transit to exercise "due diligence" in seeking and evaluating the risks of contamination on each property prior to acquisition.

S&W were hired by Sound Transit to assist with this risk evaluation and completed environmental assessments of each property to be acquired at the station sites. They also assisted

Sound Transit in evaluating remediation strategies and costs. This included the completion of Phase I Assessments, the development of Phase II Investigation Plans, remediation programs, cost estimates, and assistance with regulatory agency discussions and coordination. Based on the work completed to date, remediation work must now be performed as part of the station construction. The physical construction operations including environmental clean up work will be performed by the station construction contractor, however, remediation consulting services are needed to gain permit authority concurrence with cleanup plans and to monitor on-site construction and cleanup operations.

To assure regulatory acceptance of cleanup activities at the five most contaminated sites, and to make Sound Transit eligible for matching funds for cleanup activities, Remedial Action Plans (RAP) should be prepared and on-going regulatory review should be conducted as part of the Voluntary Cleanup Process. Participation and project review by the State Department of Ecology throughout the project planning and site remediation activities will increase the acceptance of the final cleanup activities and closure reports by Ecology. Ecology acceptance of the cleanup activities allows eligibility for matching funds to alleviate portions of the remediation costs.

Ecology regulations pertaining to underground storage tanks (UST) require removal assessments including collection of soil samples to confirm that any contaminants present are adequately excavated. In addition, UST site assessment reports are required to document the tank removal and sampling activities, and to ensure Ecology closure of the UST site files.

Several of the sites possess significant potential for third-party liability. S&W have conducted the early planning, investigative, and design phases for the environmental issues associated with the station construction efforts. They are well positioned to provide continuity into the field remediation phases of the project. Possessing the historical background and familiarity with each sites specific environmental issue will expedite the implementation of RAP's and the regulatory review process. Maintaining consistency of the consultant throughout the planning, design and field remediation activities provides a sound risk management policy for Sound Transit. As a result, continuation of S&W's consulting contract through the construction phase of the remediation activities will reduce the opportunities for third-party liability, and minimize the potential for breaches in consulting services to occur.

RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:

- The Sound Transit Board approved the Real Property Acquisition and Relocation Policies, Procedures and Guidelines on April 23, 1998.
- Adoption of Sound Move, the Ten-year Regional Transit System Plan (May 31, 1996). Sound Move calls for the implementation of commuter rail service within 2 to 4 years of voter approval.
- Resolution No. R98-49, adopting the fiscal year 1999 budget.
- Environmental Assessment services for Real Property Acquisitions/Dispositions: Original S&W Contract Motion No. 98-46 dated on June 18, 1998.

FUNDING:

Funds for remediation services are included in the Seattle to Tacoma commuter rail station construction budgets. Table 1 presents information appearing on pages 63-70 of the 1999 adopted budget, as well as funding to be proposed in the draft year 2000 Sound Transit budget.

Table 1

Station	1999 Adopted Construction Budget	Proposed 2000 Budget	Amount Allocated for Remediation	% of Proposed Budget
Auburn	3,066,000	14,381,461	85,540	0.6%
Kent	3,937,000	12,791,986	64,708	0.5%
Puyallup	2,551,000	5,950,327	98,379	1.7%
Sumner	1,918,000	5,071,074	17,430	0.3%
Tacoma Dome	7,683,000	9,359,902	13,703	0.1%
Tukwila	3,644,000	6,159,084	13,703	0.2%
Unknowns			20,144	
Total	22,799,000	53,713,834	313,607	0.6%

EXECUTIVE SUMMARY:

Scope of Work

The original environmental scope of services included:

- ◆ The completion of Phase I Assessments and anticipated the need for development of Phase II Investigation Plans
- ◆ Remediation programs
- ◆ Remediation and investigation cost estimates
- ◆ Assistance with regulatory agency discussions and coordination should the properties be found to contain contamination.
- ◆ Under the original contract scope, some of these anticipated services were included, however, they were not funded.

This change order specifically addresses the following items of work needed to perform services associated with actual remediation activities. These activities are as follows:

- ◆ Development of remedial action plans (RAPS) for submittal to Washington State Department of Ecology for five sites found to contain levels of contamination that require cleanup activity.
- ◆ Site assessment for underground storage tank removal
- ◆ On call remediation consulting activities when suspected contaminants are encountered during station construction activities.

This change order includes the needed services to allow construction to be completed at the Tukwila, Kent, Auburn, Sumner, Puyallup and Tacoma Dome Station properties.

Procurement and Selection Process

During the initial procurement of environmental services, staff attempted to secure the most qualified candidate using a competitive process involving the solicitation of more than twenty (20) firms. Responses were received from fourteen (14) firms, and following review of all proposals, interviews were conducted with three (3) firms.

This change order was negotiated with S&W basing the fact that the scope of services was contemplated during the original solicitation. S&W was found to be the most qualified firm in the original procurement process. Their services to date have helped Sound Transit gain knowledge of the type and quantity of contaminants on station properties planned for purchase. This information has helped in the property purchases negotiations. They have also provided timely design products defining the remediation requirements within the station construction contracts. Because of their satisfactory work to date and their knowledge of the station properties, S&W is the best qualified to assist Sound Transit during the construction phase of operations to complete the clean up operations.

M/W/DBE Participation

S&W, Inc. have demonstrated a commitment to the full inclusion of M/W/DBE and local-area firms in significant roles. Included within this change order S&W, Inc. will utilize a sub-consultant team of local-area firms, including on-site Environmental (M/WBE) for onsite sampling and drilling and Transglobal Environmental Geosciences for specialty testing. To date, S&W have sub-contracted 32% participation to M/W/DBE firms, which exceeds their original participation goal of 22%. For this change order, S&W have committed to 23% participation by M/W/DBE firms.

Cost

The total cost of this change order is \$313,607. The total contract amount inclusive of this change order is \$1,313,607. Costs for remediation services will be apportioned to various Seattle to Tacoma commuter rail station construction budgets that have sufficient funds to cover this work. Refer to "Table 1" on page 3 for a detailed cost

Contingency

Contingency is included in the change order amount for these professional services within each task; the level of effort will vary based on the actual type and levels of contamination found at each site. The budgets for each task include contingency to account for some variation in required effort.

ALTERNATIVES:

- 1) Do not award this change order and re-solicit for these services. The estimated time for re-solicitation and award is four months.

CONSEQUENCES OF DELAY:

The timely execution of this change order will allow work to proceed on remediation of properties at the commuter rail station sites. This is one of the first activities which must take place on site. Construction planning operations have started at the Auburn Site and will soon start at Kent and Sumner. Delay in the performance of these services will cause a delay in the station construction and impact the completion schedule and cost of the work. Sound Transit has yet to file remedial action plans with the Department of Ecology for approval of clean up plans. Without prior approval of the action plans, Sound Transit may be delayed from starting work at station properties. If work proceeds without plan approval, Sound Transit may be at risk for meeting a higher, more costly, standard of cleanup.

LEGAL REVIEW:

The Background and Comments and the Motion are approved as to legal sufficiency.

SOUND TRANSIT

MOTION NO. M99-67

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a change order to contract RTA/FA 20-98 for Environmental Assessment Services with Shannon & Wilson, Inc. (S&W).

Background:

In order to build and operate a high capacity transit system consisting of commuter rail service, light rail service, and a program of regional bus service, HOV improvements, and park and ride facilities throughout the Central Puget Sound Region, it will be necessary for Sound Transit to acquire real property. The Federal Transit Administration and Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, require Sound Transit to exercise "due diligence" in seeking and evaluating the risks of contamination on each property prior to acquisition.

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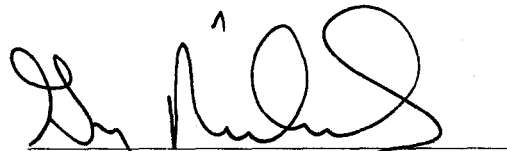
Motion:

It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Executive Director be authorized to execute a change order to contract RTA/FA 20-98 for Environmental Assessment Services with S&W. The change order extends the contract time an additional one year and increases the amount of the contract by \$313,607. The total contract amount is revised to \$1,313,607.

Approved by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof on the 16th day of September 1999.

ATTEST:

Marcia Walker
Marcia Walker
Board Administrator


Greg Nickels
Finance Committee Chair