

STAFF REPORT

**SOUND TRANSIT
MOTION NO. M2001-71**

Contract Amendment with OTAK for the Additional Design Effort Required for the Tacoma Link Light Rail Crossing of the BNSF Railroad at Pacific Avenue

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	7/19/01	Discussion/Possible Action	Stephanie Kirby, Senior Engineer Ahmad Fazel, Acting Link Director	(206) 689-3324 (206) 398-5389

PROPOSED ACTION

This action authorizes the Executive Director to execute an amendment to the contract with OTAK for final design services for the Tacoma Link Light Rail project, for the additional design effort required for the Tacoma Link Light Rail crossing of the BNSF railroad at Pacific Avenue. The action authorizes the amount of \$63,170 to be added to the OTAK contract RFP No. RTA/LR 90-98 for a new total authorized contract amount not to exceed \$3,885,671.

KEY FEATURES

Highlights of Proposed Action:

- Authorizes the Executive Director to execute an amendment to Sound Transit's existing contract with OTAK for final design services for the Tacoma Link Light Rail project, for the additional design effort required for the Tacoma Link Light Rail crossing of the BNSF railroad at Pacific Avenue.
- Increases the OTAK contract in the amount of \$63,170, for a new total authorized contract amount not to exceed \$3,885,671.

Discussion of Proposed Action:

The design of the double diamond crossing between the Tacoma Link Light Rail line and the BNSF Rail Line was included in the 2001 adopted budget. Originally, pursuant to a proposed agreement between Sound Transit and BNSF, which is still being negotiated, BNSF was to be responsible for this design work and would be contracting with the BNSF rail consultant, Carter Burgess. BNSF would then procure construction services for the installation of the crossing.

BNSF will not commence the design, procurement or construction of the crossing until its agreement with Sound Transit is finalized and executed. This is not expected to take place until later this summer. Further, BNSF estimates that it will take them at least 18 months to accomplish the work; that is, to complete the design, procure construction services for and then construct the special trackwork for the crossing. Sound Transit needs this crossing in place at the end of construction of Tacoma Link in March 2003. We will miss this date, according to BNSF's schedule, unless we find a way to expedite the schedule. One way to expedite the schedule is for Sound Transit to provide the design using qualified rail engineers, to BNSF. Sound Transit already has a consultant contract in place with OTAK, to provide design services related to the Tacoma Light Rail project, for which Carter Burgess is a subconsultant. We asked BNSF if they would approve our use of OTAK as a prime and Carter Burgess as a subconsultant to design the double diamond crossing. BNSF was not adverse to this. Thus, staff proposes to delete the design of the double diamond crossing from the scope of work

that BNSF would provide in accordance with the Sound Transit/BNSF agreement still in progress, and add this design work to the existing Sound Transit/OTAK contract via a contract amendment. This sole source amendment to the OTAK contract is justified because the team of OTAK and Carter Burgess is the only qualified team that is currently working for both Sound Transit and BNSF. They are uniquely positioned to do this work within the required timeframe.

OTAK's existing contract with Sound Transit was the result of a competitive procurement process RFP No. RTA/LR 90-98 to complete final civil design for portions of the Tacoma Link Light Rail project and approved by the Finance Committee by Motion No. M99-26 on June 17, 1999. The OTAK contract was last amended by Motion M2000-62 by the Finance Committee on July 20, 2000 for additional design work to a total contract amount of \$3,822,501. Approval of this action would authorize that the funds originally allocated for this crossing design work with BNSF, estimated at \$63,170, be transferred to the OTAK contract, for an amended total authorized contract amount of \$3,885,671.

BUDGET

Funding for this Scope of Work is included in Sound Move Plan and in the FY'2001 Adopted Capital Budget. The budget for completion of these tasks is identified in Sound Transit's Adopted 2001 Budget under Construction for Tacoma Link. The affect of this motion in the budget is to move these funds from one sub-task to another, with no effect on the total construction budget.

The total budget for construction for Tacoma Link is \$47,912,000. The budget for this task is \$63,170.24, which is the amount of this request. The budget required to support Sound Transit's agreement with BNSF will be reduced by this amount.

ALTERNATIVES

One alternative would be to competitively procure the necessary design services. This would take additional time, which could delay the start of revenue service. Also, it could introduce an additional party into the design process, which would create quality assurance and configuration control issues, as well as risk BNSF's objections if we brought in a firm with whom they had little, or bad, working history. The other alternative would be to do nothing, and wait on BNSF's schedule. This will certainly delay the start of revenue service.

CONSEQUENCES OF DELAY

Construction on the Tacoma Line Section Contract with Gary Merlino Construction is expected to begin on July 9, 2001. Because of the long lead time for procurement of the double diamond crossing once the design has been completed, delay of the design work could delay the start of revenue service.

REGIONAL PARTNERSHIP AND COOPERATION

Sound Transit has worked cooperatively with the City of Tacoma and BNSF on the Tacoma Link Light Rail Project and specifically the at-grade (double diamond) crossing with the BNSF rail line.

PUBLIC INVOLVEMENT

N/A

LEGAL REVIEW

MBL 7/9/01

SOUND TRANSIT

MOTION NO. M2001-71

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute an amendment to the contract with OTAK for final design services for the Tacoma Link Light Rail project, for the additional design effort required for the Tacoma Link Light Rail crossing of the BNSF railroad at Pacific Avenue. The action authorizes the amount of \$63,170 to be added to the OTAK contract RFP No. RTA/LR 90-98 for a new total authorized contract amount not to exceed \$3,885,671.

Background:

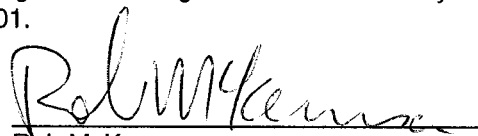
The design of the double diamond crossing between the Tacoma Link Light Rail line and the BNSF Rail Line was included in the 2001 adopted budget. Originally, pursuant to a proposed agreement between Sound Transit and BNSF, which is still being negotiated, BNSF was to be responsible for this design work and would be contracting with the BNSF rail consultant, Carter Burgess. BNSF would then procure construction services for the installation of the crossing.

BNSF will not commence the design, procurement, or construction of the crossing until its agreement with Sound Transit is finalized and executed. BNSF estimates that it will take at least 18 months to complete the design, procure construction services for, and then construct the special trackwork for the crossing. Sound Transit needs this crossing in place at the end of construction of Tacoma Link in March 2003. To meet BNSF's schedule Sound Transit can provide the design using qualified rail engineers, to BNSF. Sound Transit already has a consultant contract in place with OTAK to provide design services related to the Tacoma Light Rail project, for which Carter Burgess is a subconsultant. BNSF is not adverse to the use of OTAK as prime and Carter Burgess as a subconsultant. Staff proposes to remove the design of the double diamond crossing from the BNSF's scope of work in accordance with the Sound Transit/BNSF agreement still in progress, and add this design work to the existing Sound Transit/OTAK contract via this contract amendment. This sole source amendment to the OTAK contract is justified because the team of OTAK and Carter Burgess is the only qualified team that is currently working for both Sound Transit and BNSF. They are uniquely positioned to do this work within the required timeframe.


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 an amendment to the contract with OTAK for final design services for the Tacoma Link Light Rail project, for the additional design effort required for the Tacoma Link Light Rail crossing of the BNSF railroad at Pacific Avenue. The action authorizes the amount of \$63,170 to be added to the OTAK contract RFP No. RTA/LR 90-98 for a new total authorized contract amount not to exceed \$3,885,671.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 19th day of July, 2001.


Rob McKenna
Finance Committee Vice Chair

ATTEST:


Marcia Walker
Board Administrator