

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2003-23

Amendment to E.I. Kosty & Associates, Ltd. Contract

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	3/6/2003	Discussion/Possible Action	Martin Minkoff, Director Sounder Commuter Rail	(206)398-5111

Contract/Agreement Type:	3	Requested Action:	3
Competitive Procurement	✓	Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	✓
Memorandum of Agreement		Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- Amend the contract with E. I. Kosty & Associates, Ltd. to secure additional time to lead the completion of four Sounder Commuter Rail capital projects: Phases I and II BNSF Track and Signal Improvements; Tacoma Dome Station; Reservation to Freighthouse Square Connection; and Median Safety Improvements.

ACTION

- Authorizing the Executive Director to execute a contract amendment with E. I. Kosty & Associates, Ltd. for additional engineering consulting services for Sounder Commuter Rail projects by adding \$451,000 to the current contract amount of \$515,000 for a new total authorized contract amount not to exceed \$966,000, and by extending the contract through March 23, 2005.

KEY FEATURES

- This amendment would extend the contract for two years to utilize E. I. Kosty & Associates, Ltd.'s engineering consulting services as senior project manager on four Sounder capital projects with a September 2003 deadline: Burlington Northern Santa Fe (BNSF) Track and Signal Improvements to allow Sounder Phase I level of service; Tacoma Dome Station; Reservation to Freighthouse Square Connection; and Median Safety Improvements.
- This work would expedite the completion of the remaining capital projects under the Interim Operating Agreement for the Tacoma-to-Seattle corridor, which expires in September 2003.
- The contract amendment allows E. I. Kosty & Associates, Ltd. to provide project oversight of Sounder Phase II BNSF Track and Signal Improvements (extending beyond September 2003). Completion of Sounder Phase II will enable Sounder trains to reach full level of service to nine trains per day.

BUDGET IMPACT SUMMARY

Project Description: Tacoma to Seattle Corridor

Current Status: Construction

Projected Completion Date: 2005

Action Outside of Adopted Budget:	Y/N	Y	Requires Comment
This Line of Business	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
Key Financial Indicators:	Y/N	Y	Requires Comment
Contingency funds required	N		
Subarea impacts	N		
Funding required from other parties other than what is already assumed in financial plan	N		

N = Action is assumed in current Board-adopted budget. Requires no budget action or adjustment to financial plan

BUDGET DISCUSSION

The total Adopted 2003 Budget of \$185 million represents the combined construction phase of two projects: Seattle-to-Auburn Track and Signals (110), and Tacoma Dome Station (245). The activities considered within this motion are split evenly between the construction phases of these two projects. These project budgets contain sufficient funds for this effort and committing these funds does not endanger any other project elements that are to be funded out of the overall project.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current Board-adopted budget and is affordable within Sound Transit's current long-term financial plan and the subarea financial capacity.

SUMMARY FOR BOARD ACTION

(Year of Expenditure \$000)

Action Item: Engineering and Project Management Consultant Services

	Current Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Maintenance Yard/Layover	8,849	4,017	-	4,017	4,832
2 Agency Administration	13,868	13,483	-	13,483	385
3 Pre-Engineering	6,259	5,321	-	5,321	938
4* Final Design	5,629	6,208	-	6,208	(579)
5 Right of Way	3,108	2,405	-	2,405	703
6 Construction	193,574	181,561	451	182,012	11,562
7 Vehicles	52,979	49,197	-	49,197	3,782
8 Contingency	1,608	-	-	-	1,608
9 Total Current Budget	285,874	258,175	451	258,626	18,399

Phase Budget Detail

10 BNSF	176,500	176,500	-	176,500	-
11 Station Construction	5,000	3,595	-	3,595	1,405
12 Tacoma Flyover	3,195	-	-	-	3,195
13 Miscellaneous	3,870	407	451	858	3,012
14 Ticket Vending Machines	2,924	634	-	634	2,290
15 Construction Management	825	274	-	274	551
16 Temporary Station Demolition	500	-	-	-	500
17 CCTV	250	-	-	-	250
18 Tacoma Streetscape	160	23	-	23	137
19 Signage	150	84	-	84	66
20 Construction Related Services	100	-	-	-	100
21 Tactile Tile	100	44	-	44	56
22 Total Phase	193,574	181,561	451	182,012	11,562

Contract Budget	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
19 E.I. Kosty & Associates, LTD.	515	461	451	966
20 Contingency	-	-	-	-
21 Total	515	461	451	966
22 Percent Contingency	N/A	N/A	0%	0%

Budget Shortfall

Level	\$ (J)	Potential Revenues (K)	Funding Source (L)
NA	-	-	

Committed-to-date includes actuals and commitments through January 30, 2002 (HQ).

Notes

* The final design phase (Line 4) depicts an over committed budget of \$579,000. These costs have not yet been incurred, however, staff have forecasted these costs as a future commitment. Consistent with Sound Transit Board approved budget policy, this future commitment will be depicted as a negative variance until the 2004 budget is adopted, when unallocated contingency can be reallocated to the final design phase.

M/W/DBE – SMALL BUSINESS PARTICIPATION

The original RFQ encouraged M/W/DBE participation. E.I. Kosty and Associates, Ltd. is a sole proprietorship small business and has performed 100% of the work on this contract. E.I. Kosty and Associates, Ltd. will perform 100% of the work on the amended contract.

HISTORY OF PROJECT

In February 2000, a Request for Qualifications for an Engineering and Operations Consultant for Sounder Operational Segments was advertised. In March 2000, E.I. Kosty & Associates, Ltd. was awarded the contract for a total authorized amount of \$195,000.

The scope of work covered under the original contract included E. I. Kosty & Associates. Ltd. participation in:

- design, development, and management of Sounder Stations' facilities and supporting systems;
- management of the civil construction performed by Sound Transit's contractors;
- contract management oversight for the design of Sounder systems and facilities; and
- design, development, construction and operation of yard facilities, and track and signal systems that support the Sounder program, including working in partnership with BNSF and other railroads.

Motion No. M2001-55 amended the contract to include negotiations with BNSF, track and field configuration in consultation with BNSF and Tacoma Rail (on the Lakewood-to-Tacoma segment), and civil engineering and operations expertise on all segments. The amendment added \$320,000 to the original contract amount of \$195,000, for a new total authorized amount of \$515,000. The Motion was approved June 7, 2001 by the Sound Transit Board, and the amended contract expires March 23, 2003.

This amendment authorizes a contract extension of two years to ensure continuity to complete four Sounder capital projects with a September 2003 deadline. The projects are BNSF Track and Signal Improvements to allow for the implementation of Sounder Phase I service; Tacoma Dome Station; Reservation to Freighthouse Square Connection; and Median Safety Improvements. E. I. Kosty & Associates, Ltd. would serve as senior project manager on these projects. E. I. Kosty & Associates, Ltd. would also be assigned project oversight of Sounder Phase II BNSF Track and Signal Improvements (extending beyond September 2003). Completion of Sounder Phase II will enable Sounder trains to reach full level of service to nine trains per day.

**Prior Board or Committee Actions
and Relevant Board Policies**

Motion or Resolution Number	Summary of Action	Date of Action
Motion No. M2001-55	Authorizes the Executive Director to execute an amendment to Contract No. RTA/CR 9-00 with E.I. Kosty and Associates Ltd. for civil engineering and operations services support by extending the contract through March 2003, and adding \$320,000 to the original contract amount of \$195,000, for a new total authorized contract amount not to exceed \$515,000.	6/7/01

CONSEQUENCES OF DELAY

There would be no impact if the Finance Committee acts prior to March 23, 2003.

REGIONAL PARTNERSHIP AND COOPERATION Not applicable.

PUBLIC INVOLVEMENT Not applicable.

LEGAL REVIEW

MLB 2/26/03

SOUND TRANSIT

MOTION NO. M2003-23

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a contract amendment with E. I. Kosty & Associates, Ltd. for additional engineering consulting services for Sounder Commuter Rail projects by adding \$451,000 to the current contract amount of \$515,000 for a new total authorized contract amount not to exceed \$966,000, and by extending the contract through March 23, 2005.

Background:

In February 2000, a Request for Qualifications for an Engineering and Operations Consultant for Sounder Operational Segments was advertised. In March 2000, E.I. Kosty & Associates, Ltd. was awarded the contract for a total authorized amount of \$195,000.

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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 is authorized to execute a contract amendment with E. I. Kosty & Associates, Ltd. for additional engineering consulting services for Sounder Commuter Rail projects by adding \$451,000 to the current contract amount of \$515,000 for a new total authorized contract amount not to exceed \$966,000, and by extending the contract through March 23, 2005.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on March 6, 2003.



Kevin Phelps
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator