

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2004-101

**Amendment to Fifth Supplement to MOA with
the City of Seattle for North Link Preliminary Engineering and FSEIS Work**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	10/21/04	Discussion/Possible Action to Recommend Board Approval Action	Ahmad Fazel, Link Director	(206) 398-5389
Board	10/28/04		Ron Endlich, North Link Program Manager	(206) 398-5141

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	✓
Interagency Agreement	✓	Contingency Funds (Budget) Required	
Purchase/Sale Agreement		Budget Amendment Required	

✓ *Applicable to proposed transaction.*

ACTION

Authorizes the Chief Executive Officer to execute an amendment to the Fifth Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project-related services in support of North Link preliminary engineering and Final Supplemental Environmental Impact Statement work in the amount of \$238,400, with a 10% contingency of \$23,840, for an amount of \$262,240, and a revised total amount of the Fifth Supplement not to exceed \$1,608,864.

KEY FEATURES

- Under this agreement, Sound Transit would reimburse the City of Seattle (City) for certain project-related expenses associated with North Link preliminary engineering and Final Supplemental Environmental Impact Statement (FSEIS) work which directly supports the North Link project.
- The scope of work includes the following activities:
 - Permit strategy development
 - Seattle Public Utilities GIS/CAD support
 - City Light Mapping and Data Collection
 - Seattle Public Utilities/Seattle City Light Utility Impact Assessment
 - Montlake Vent Site evaluation support
 - Construction feasibility review
 - Light Rail Review Panel Coordination
 - Fire and Life Safety Coordination
 - Project Management

- The work to be performed under this amendment is expected to be completed by September 2005.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET DISCUSSION

The proposed action authorizes execution of an amendment to the Fifth Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project-related services in support of North Link preliminary engineering and FSEIS work in an amount not to exceed \$262,240. With approval of this action, the total authorized expenditure under the Memorandum of Agreement including supplements is \$15,361,549.

The total adopted capital budget for North Link is \$110 million: \$9 million for Northgate to 45th Street, and \$101 million for 45th Street to Convention Place Station. This includes a budget of \$20,780,000 for the study of North Link alignments and advanced conceptual engineering. Within the budget for the North Link Study, \$320,000 has been set aside for support services provided by the City of Seattle, of which \$50,000 has been committed to date. Should this action be approved, a balance of \$7,760 would remain of this budget.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current Board-adopted budget and is affordable within the agency's long-term financial plan and subarea financial capacity. The action will have no new revenue impact on Sound Transit.

BUDGET TABLE

Action Item: City of Seattle (5th Supplement to the MOA to reimburse City for project-related services in support of North Link preliminary engineering and FSEIS work)

(Year of Expenditure \$000)

North Link Projects	FY2004 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 North Link Study					
2 Administration	2,280	884		884	1,395
3 Preliminary Engineering	3,295	2,884		2,884	411
4 Final Design	-	-		-	-
5 Third Party Agreements	225	67	26	93	132
6 Right of Way	-	-		-	-
7 Subtotal Northgate to 45th	5,800	3,835	26	3,862	1,938
8 North Link 45th to CPS					
9 Administration	3,530	3,349		3,349	181
10 Preliminary Engineering	9,945	7,780		7,780	2,165
11 Final Design	-	-		-	-
12 Third Party Agreements	1,505	768	236	1,004	501
13 Right of Way	-	-		-	-
14 Subtotal 45th to CPS	14,980	11,898	236	12,134	2,846
15 Subtotal North Link Study	20,780	15,733	262	15,995	4,785
16 North Link Projects - all other	89,220	74,983		74,983	14,237
17 Total Current Budget	110,000	90,716	262	90,979	19,021
Third Party Phase Budget Detail (North Link Study)					
18 City of Seattle	320	50	262	312	8
19 Other Third Party	485	423		423	62
20 Unallocated Contingency	925	362		362	563
21 Total Phase	1,730	835	262	1,097	633
Contract Budget					
	Board Approvals to Date (F)	Current Approved Contract Value (G)	Proposed Action (H)	Proposed Total for Board Approval (I)	Proposed Contract Value (J)
22 Contract Amount	14,739	14,799	238	14,977	15,037
23 Contingency	360	300	24	384	324
24 Total	15,099	15,099	262	15,362	15,362
25 Percent Contingency	2%	2%	10%	3%	2%

(F) Contract Budget reflects Board Motion 2003-89, Fifth Supplement to the MOA with the City of Seattle, approved 9/25/03.

M/W/DBE – SMALL BUSINESS PARTICIPATION

In general, City staff will perform the work tasks conducted under this agreement. Any procurement of services by the City will be done consistent with the City of Seattle's M/W/DBE – Small Business Participation Program.

HISTORY OF PROJECT

On April 20, 1998, the City of Seattle and Sound Transit entered into a Memorandum of Agreement for Intergovernmental Cooperation in the amount of \$2,500,000, authorized by the Board on March 12, 1998.

The First Supplement to the Memorandum of Agreement for Intergovernmental Cooperation, adopted by the Sound Transit Board on July 8, 1999, covered project-related services performed by the City during 1999 and 2000. Unexpended resources from the agreement continued to fund project-related City activities through April 2001. The First Supplement included reimbursement to various City departments for services including design review, design development support, utility coordination, implementation coordination, mitigation identification, analysis, and developmental support in an estimated amount not to exceed \$4,919,821.

The City of Seattle and Sound Transit then negotiated the Second Supplement. That agreement was approved by the Seattle City Council, but was never executed by the Sound Transit Board due to the reassessment of the project during the December 2000 and January 2001 timeframe.

The Third Supplement was adopted on May 10, 2001, and included services to be provided by the City in the following major areas: Public Works, Public Safety, and Program Management and Business and Community Assistance from May 2001 through December 2001. Resources from the Third Supplement continued to support these project-related activities during the first quarter of 2002.

The Fourth Supplement was adopted on April 11, 2002, and covered services provided by the City in the areas of public works, public safety, business and community assistance and program management, for a total estimated amount not to exceed \$2,935,977 (which includes the amount of \$332,842 remaining from the First Supplement budgeted for contingency purposes under this Agreement) for the period from April 2002 through December 2002. The Fourth Supplement also included \$50,000 for City of Seattle assistance in support of the North Link conceptual engineering and Draft Supplemental Environmental Impact Statement (SEIS) effort.

An amendment to the Fourth Supplement was required to ensure that important project related services provided by the City of Seattle continued uninterrupted until the full funding grant agreement was executed and a Fifth Supplement and Construction Services Agreement could be developed and executed. This amendment provided funds for continued City project-related services from May 2003 through August 2003.

The Fifth Supplement and the companion Construction Services Agreement were approved by the Board during fall 2003, authorizing project related expenses for City services and support during Link Initial Segment construction.

On May 20, 2004, the Sound Transit Board identified the preferred route, profiles, and station locations for the North Link Light Rail Project. The resolution authorized staff to proceed with preliminary engineering on the preferred route and stations and complete the FSEIS on the preferred alternative and other alternatives in the Draft SEIS. Approval of this amendment to the Fifth Supplement with the City of Seattle would authorize reimbursement to the City for necessary project-related services in support of North Link preliminary engineering and FSEIS work.

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
R2004-08	Identified the preferred route, profiles, and station locations for the North Link Light Rail Project.	5/20/04
M2003-89	Executed the Fifth Supplement to the Memorandum of Agreement with the City of Seattle in the amount of \$1,224,204 with a 10% contingency of \$122,420 for a total estimated amount of \$1,346,624, and a revised total of the Memorandum of Agreement not to exceed \$15,099,309.	9/25/03
M2003-41	Executed an amendment to the Fourth Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project-related services in support of the Central Link Light Rail project within City of Seattle's jurisdiction for a total estimated amount not to exceed \$2,138,937, and a revised total Memorandum of Agreement not to exceed \$13,752,684.	4/24/03
M2002-41	Executed the Fourth Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project related services in support of the Central Link Light Rail project within the City of Seattle for a total estimated amount not to exceed \$2,935,97.	4/11/02
M2001-41	Executed a Third Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project related expenses for the Central Link Light Rail project within City of Seattle jurisdiction for a total estimated amount not to exceed \$1,590,792.	5/10/01
M99-33	Executed a First Supplement to the April 20, 1998 Memorandum of Agreement between the City of Seattle and Sound Transit for an estimated amount of \$4,919,821.	7/8/99
M98-15	Entered into a Memorandum of Agreement with the City of Seattle.	3/12/98

CONSEQUENCES OF DELAY

This amendment allows for timely assistance from City of Seattle staff to support Sound Transit's North Link design and environmental effort. Delaying the approval of this amendment could delay Sound Transit's work progress and delay the completion of preliminary engineering or the publication of the Final SEIS.

PUBLIC INVOLVEMENT

Not applicable to this action.

LEGAL REVIEW

JW 10/7/04

SOUND TRANSIT

MOTION NO. M2004-101

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to execute an amendment to the Fifth Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project-related services in support of North Link preliminary engineering and Final Supplemental Environmental Impact Statement work in the amount of \$238,400, with a 10% contingency of \$23,840, for an amount of \$262,240, and a revised total amount of the Fifth Supplement not to exceed \$1,608,864.

Background:

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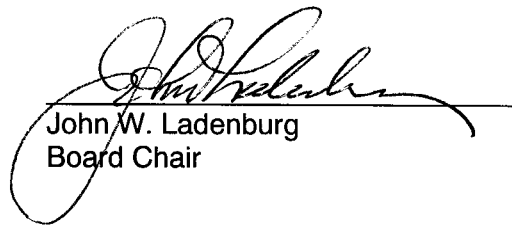
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Motion:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to execute an amendment to the Fifth Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project-related services in support of North Link preliminary engineering and Final Supplemental Environmental Impact Statement work in the amount of \$238,400, with a 10% contingency of \$23,840, for an amount of \$262,240, and a revised total amount of the Fifth Supplement not to exceed \$1,608,864.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 28, 2004.


John W. Ladenburg
Board Chair

ATTEST:


Marcia Walker
Board Administrator