

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2004-66

**Contract Award for Environmental Permitting Assistance
For the Souder Everett to Seattle Segment**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	7/15/04	Discussion/ Possible Action	Agnes Govern, Director, SDR/REX Capital Projects Department Diane Hilmo, Project Manager, SDR/REX Capital Projects Department Chris Townsend, Senior Environmental Specialist, Legal	(206) 398-5037 (206) 398-5415 (206) 398-5135

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

Authorize the Chief Executive Officer to execute a contract with Herrera Environmental Consultants to provide permitting assistance services for Souder Everett-to-Seattle corridor improvements in the amount of \$381,463 with a 10% contingency of \$38,146, for a total authorized contract amount not to exceed \$419,609.

KEY FEATURES

- Consultant services procured under the proposed contract include:
 - The needs assessment, preparation and procurement of environmental permits and approvals for the Souder Everett-to-Seattle corridor improvements
 - The development, implementation, and/or monitoring of mitigation plans for project impacts
- Work under this contract will be allocated on a task order basis. The scope and budget for each task will be approved by the contract manager prior to the commencement of work.
- Permits, coordination, and authorizations required for the corridor improvements may include, but are not limited to, the following: Endangered Species Act coordination, Section 404 and other Army Corps permits, Section 401, Coastal Zone Management Certifications, Hydraulic Project Approvals, Aquatic Use Authorizations, Forest Practices permits, National Pollutant Discharge Elimination System permits, Shoreline review and Critical Areas Ordinance review.

BUDGET IMPACT SUMMARY

Project Description: The Shoreline Mitigation Project (#131) is related to the Everett to Seattle Track and Facilities Project (#100). A key component of Project #131 is the procurement of environmental permits for track and signal improvements.

Current Status: Portions of this effort have begun under an existing on-call contract.

Projected Completion Date: 2007

Action Outside of Adopted Budget:	Y/N	Y Requires Comment
This Project	N	
This Phase	Y	The cost of this action is more than anticipated and results in a shortfall for the PE phase. The ROW phase contains adequate uncommitted funding to cover the shortfall.
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 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 Shoreline Mitigation Project is defined as a new project in the Adopted 2004 Budget, with a total budget of \$10,288,000 and a Preliminary Engineering phase budget of \$366,480. The amount of the proposed action (\$419,609) together with the actual outlays and prior commitments (\$137,341) results in a \$190,470 shortfall in the Preliminary Engineering phase.

At the time the budget for the Shoreline Mitigation project was developed, little information was available regarding the scope of the project or the availability of mitigation opportunities. It was therefore difficult to accurately allocate available budget to all potential components of the permitting and mitigation effort. Staff now has more information about the level of effort to obtain permits for all of the improvements.

The Preliminary Engineering phase budget shortfall can be covered by a portion of the ROW phase budget that is no longer needed. The ROW phase budget assumed that property would need to be acquired for Seattle Wetland mitigation; however, staff has identified a mitigation site that does not require ROW acquisition.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

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

BUDGET TABLE

Action Item: Permitting Assistance Services contract with Herrera for Sounder Commuter Rail Environmental Mitigation project (#131), \$ in thousands

	2004 Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	1,095	\$ 2	\$ -	\$ 2	\$ 1,093
Preliminary Engineering	366	137	420	557	(190)
Final Design	778	-	-	-	778
Right of Way	2,547	-	-	-	2,547
Construction	5,502	4	-	4	5,499
Contingency	-	-	-	-	-
Total Current Budget	10,288	\$ 143	\$ 420	\$ 562	\$ 9,726

Phase Budget Detail - Preliminary Engineering

Environmental permitting - Seattle Wetland, Everett Wetland, Estuary Mitigation, Deer Creek	\$ 244	\$ -	\$ 420	\$ 420	\$ (175)
Trestle Mitigation PE	122	-	-	-	122
Herrera for Seattle and Eve	-	95	-	95	(95)
BNSF Flagger Support	-	20	-	20	(20)
Springwood On-Call	-	22	-	22	(22)
Misc.	-	-	-	-	-
Total Phase	\$ 366	\$ 137	\$ 420	\$ 557	\$ (190)

Contract Budget	Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
Herrera Environmental Consultants	\$ -	\$ -	\$ 381	\$ 381
ST Contingency	-	-	38	38
Total	\$ -	\$ -	\$ 420	\$ 420
Percent Contingency	0%		10%	10%

Budget Shortfall

Level	Shortfall Amt (J)	Potential Funds (K)	Funding Source (L)
Prelim Engr Phase	\$ (190)	200	Seattle Wetland mitigation task (budgeted within the ROW phase) is no longer needed.

Notes:

- (A) Project budget shown on page 66 in the Adopted 2004 budget book.
 (B) Committed to-date amount includes actual outlays and commitments through June 17, 2004.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Prime Consultant/Contractor

Herrera Environmental Consultants has committed to using DBE subconsultants for 22% and small business subconsultants for 18% of the consulting services under this contract.

Utilization Breakdown Table

Subconsultant	Business Type	% of Work	Dollar Value
AAN	M/W/DBE	2%	\$ 7,629
NWAA	W/DBE	2%	\$ 7,629
PacRim	M/DBE	2%	\$ 7,629
Pharos	W/DBE	2%	\$ 7,629
Springwood	M/W/DBE	8%	\$ 30,517
True North	W/DBE	4%	\$ 15,258
KBA	W/DBE	2%	\$ 7,629
Anchor	SB	15%	\$ 57,219
B. Ansley-Vensas	SB	2%	\$ 7,629
Blue Water	SB	1%	\$ 3,815
Total		40%	\$152,583

EEO Commitment

Herrera Environmental Consultants workforce demographics are 55% women and 11% minorities. Including all subconsultants, workforce demographics are 51% female and 17% minorities.

Apprentice Utilization Commitment

Not applicable to this project.

HISTORY OF PROJECT

Sound Transit has been coordinating with Tribal, Federal, State, and Local jurisdictions regarding mitigation and permitting issues for the Everett to Seattle project for several years. Agreement regarding conceptual mitigation for the project was reached when the Endangered Species Act consultation process was concluded in early 2003. Since that time, coordination regarding more detailed mitigation planning has been on going with agencies with jurisdiction.

During the 2004 budget planning cycle, it was anticipated that Sound Transit would be responsible for obtaining the environmental permits necessary to implement track and signal improvements between Seattle and Everett. A separate project (Project #131) was created out of the budget for the Everett to Seattle Track and Facilities Project (Project #100) in order to focus efforts on the environmental permitting and mitigation portion of the Track and Facilities Project. The project was created prior to the conclusion of negotiations with the Burlington Northern Santa Fe Railroad Company (BNSF). Although the need for environmental permits was anticipated, details regarding the scope of improvements and the availability of mitigation options were still being developed.

The budget for this proposed contract is based on a more detailed understanding of the improvements that BNSF would like to construct as part of the Everett to Seattle corridor improvements and more detailed knowledge of the availability of appropriate mitigation sites.

This proposed contract would procure consultant services necessary to obtain the required environmental permits and to provide conceptual plans for the associated mitigation sites.

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

Motion or Resolution Number	Summary of Action	Date of Action
M2003-130	Authorizing a Joint Use Agreement between the Central Puget Sound Regional Transit Authority and the Burlington Northern Santa Fe Railway Company for Everett to Seattle Commuter Rail Easements.	12/17/2003
M2002-127	Authorizing a contract with Herrera Environmental Consultants, Inc. to provide on-call environmental permitting services for a total authorized contract amount not to exceed \$700,000.	11/21/2002

CONSEQUENCES OF DELAY

Delay of approval of this contract will result in tasks being assigned to Herrera or other consultants under existing on-call and/or roster contracts. Delay may also result in the delay of procurement of permits for the Everett to Seattle project, which could delay the implementation of additional train service.

PUBLIC INVOLVEMENT

No public involvement is necessary related to this action.

LEGAL REVIEW

JW 6/17/04

SOUND TRANSIT

MOTION NO. M2004-66

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to execute a contract with Herrera Environmental Consultants to provide permitting assistance services for Sounder Everett-to-Seattle corridor improvements in the amount of \$381,463, with a 10% contingency of \$38,146, for a total authorized contract amount not to exceed \$419,609.

Background:

Sound Transit has been coordinating with Tribal, Federal, State, and Local jurisdictions regarding mitigation and permitting issues for the Everett-to-Seattle commuter rail project for several years. Agreement regarding conceptual mitigation for the project was reached when the Endangered Species Act consultation process was concluded in early 2003. Since that time, coordination for more detailed mitigation planning has been on going with agencies with jurisdiction.

During the 2004 budget planning cycle, it was anticipated that Sound Transit would be responsible for obtaining the environmental permits necessary to implement track and signal improvements between Seattle and Everett. A separate project (Project #131) was created out of the budget for the Everett to Seattle Track and Facilities Project (Project #100) in order to focus efforts on the environmental permitting and mitigation portion of the Track and Facilities Project. The project was created prior to the conclusion of negotiations with the Burlington Northern Santa Fe Railroad Company. Although the need for environmental permits was anticipated, details regarding the scope of improvements and the availability of mitigation options were still being developed.

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Motion:


It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer be authorized to execute a contract with Herrera Environmental Consultants to provide permitting assistance services for Sounder Everett-to-Seattle corridor improvements in the amount of \$381,463, with a 10% contingency of \$38,146, for a total authorized contract amount not to exceed \$419,609.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 15, 2004.



Kevin R. Phelps
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator