

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2004-98

**Contract Amendments with Right of Way
Services Consultants, Central Link Initial Segment**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	10/07/04	Discussion/Possible Action to Recommend Board	Agnes Govern, Director, Capital Projects	(206) 398-5037
Board	10/14/04	Approval Action	James Staudinger, Real Estate Manager	(206) 398-5026

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 sole source contract amendments to what were originally competitively procured contracts with existing right-of-way services consultants – Alan House Associates, Doug Foley Associates, Escrow Affairs, Pharos Corporation, Comp Language, Greenleaf Valuation, Bruce Allen Associates, Universal Field Services, Gary Struthers, and Labonde Land, Inc. by extending their respective contract terms through December 31, 2005.

KEY FEATURES

- The Central Link Initial Segment right-of-way plan includes the acquisition of 731 property interests and 209 owner and tenant residential and commercial relocations. Right-of-way activities have been completed as needed for Link's construction schedule. The right-of-way budget for the Initial Segment is \$233 million; the current forecast shows a savings of approximately \$16 million in the right-of-way phase.
- The proposed sole source contract modifications to what were originally competitively procured contracts would provide right-of-way administrative services which include real property appraisals and appraisal management, acquisition of real property, relocation of displaced residents and businesses, right-of-way construction support to Link Construction Management, title and escrow, language interpretation, environmental services, and property management services. These services are within their respective existing scope of work and were included in the original competitive procurement conducted in 1999.
- Contracts with the majority of firms identified herein expire on October 20, 2004, having been authorized pursuant to Motion No. M2003-127. The proposed action would provide authority to the existing contractors to complete the remaining Initial Segment right-of-way

services. It is expected that regular right-of-way acquisition and relocation activities will be completed by March 31, 2005. However, a number of condemnation court cases are expected to proceed beyond that date. Additional right-of-way requirements, such as extensions of temporary construction easements, unanticipated right-of-way requirements, settling of final relocation claims and property management/maintenance will result in the need for right-of-way activities through December 31, 2005.

- These contract modifications are being requested as sole source because the length of time required to complete these contracts is beyond the five-year term of the original contracts. Five years was a Federal Transit Administration requirement at the time these contracts were executed. That requirement has been removed by the FTA and it is now permissible to extend beyond five years for ongoing projects.

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 would authorize the Chief Executive Officer to execute sole source contract amendments with existing right-of-way services consultants to continue professional services in support of the Link Initial Segment project until December 2005. The total adopted capital budget for the Initial Segment is \$2.07 billion, with a real estate phase level budget of \$233 million. This action is within the phase level 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 current long-term financial plan and subarea financial capacity. The action will have no new revenue impact on Sound Transit.

M/W/DBE – SMALL BUSINESS PARTICIPATION

M/W/DBE – Small Business participation in real estate consultant services has been excellent. Universal Field Services, the original prime contractor, has exceeded its goals with a performance to date of 31%. Other consultants Sound Transit has directly contracted with have received 59% of money expended to date on these contracts.

For this action, the following contracts covered by this action have MW/DBE and/or Small Business status:

- Greenleaf Valuation, Small Business
- Pharos Corporation, WBE, DBE
- Labonde Land, Inc., WBE, Small Business
- Gary Struthers, DBE
- Escrow Affairs MW/DBE
- Comp Language SBE

Staff has not assigned a dollar value to each contract because the exact level of services that will be required from each consultant will depend on the manner in which the acquisition, relocation, condemnation, and construction support activities proceed. Staff will allocate work among the contracts based on the need for particular services.

HISTORY OF PROJECT

Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2003-127	Increased the total amount for consultant services to acquire and relocate displaced residents and businesses for the Central Link Initial Segment by \$2,500,000, for a new total authorized amount not to exceed \$33,070,000.	12/11/03
M2003-71	Executed a contract with LaBonde Land, Inc., for real estate acquisition, relocation, and project management services in a total amount not to exceed \$3,000,000.	7/3/03
M99-65	Executed a contract for Acquisition/Relocation/Project Management Services for Central Link Light Rail with Universal Field Services, Inc., in an amount not to exceed Twenty Five Million Dollars (\$25,000,000).	10/14/99
R98-20-1	Amended real property acquisition and relocation policy, procedures and guidelines.	11/14/02

In October 1999, the Sound Transit Board approved Motion No. M99-65 executing a contract with Universal Field Services (UFS) for real estate acquisition, relocation, and project management services for Central Link Light Rail in an amount not to exceed \$25,000,000. The contract obligated UFS to act as project manager and to provide specific services through subcontractors, including property appraisals, environmental site assessments and remediation plans, acquisition negotiations, and relocation assistance.

In 2003, at the request of Sound Transit, UFS assigned a number of subconsultants in order to complete the property acquisition/relocation work on schedule. A number of additional services were procured through the competitive and sole source procurement process. As a result, Sound Transit altered the composition of its acquisition, relocation, and management team. Those subconsultants now work directly with Sound Transit management staff in performing the administrative work. These contracts will be extended by this action.

CONSEQUENCES OF DELAY

Significant delay in Board action would result in a delay providing right-of-way administrative services, including property acquisition and relocation schedule for the Initial Segment and timely right-of-way services for Initial Link project delivery.

REGIONAL PARTNERSHIP AND COOPERATION

Not applicable to this action

PUBLIC INVOLVEMENT

Not applicable to this action

LEGAL REVIEW

JW 9/28/04

SOUND TRANSIT

MOTION NO. M2004-98

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to execute sole source contract amendments to what were originally competitively procured contracts with existing right-of-way services consultants – Alan House Associates, Doug Foley Associates, Escrow Affairs, Pharos Corporation, Comp Language, Greenleaf Valuation, Bruce Allen Associates, Universal Field Services, Gary Struthers, and Labonde Land, Inc. by extending their respective contract terms through December 31, 2005.

Background:

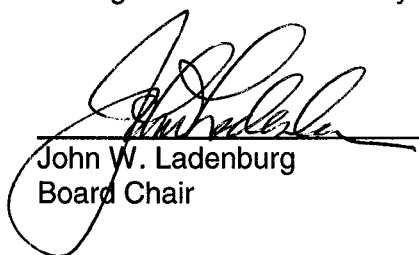
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Motion:

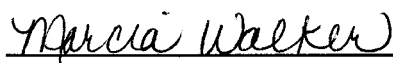
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to execute sole source contract amendments to what were originally competitively procured contracts with existing right-of-way services consultants – Alan House Associates, Doug Foley Associates, Escrow Affairs, Pharos Corporation, Comp Language, Greenleaf Valuation, Bruce Allen Associates, Universal Field Services, Gary Struthers, and Labonde Land, Inc., by extending their respective contract terms through December 31, 2005.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 14, 2004.



John W. Ladenburg
Board Chair

ATTEST:



Marcia Walker
Board Administrator