

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2004-99

**Contract Amendments with Right of Way
Services Consultants, North Link**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	10/7/04	Discussion/Possible Action to Recommend	Agnes Govern, Director, Capital Projects	(206) 398-5037
Board	10/14/04	Board 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 for professional services in support of North Link Study advanced conceptual engineering 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, and Gary Struthers in an aggregate amount not to exceed \$450,000, with contract terms expiring June 30, 2005.

KEY FEATURES

- As Link staff has worked on the North Link supplemental environmental impact statement and the associated engineering design, real estate staff and consultants have been an important part of the team. The proposed contract authorization would provide right-of-way administrative services appropriate to this phase of the project, including acquisition and relocation planning, station area analysis, obtaining limited property rights, real property appraisal and appraisal management services, language interpretation services, title and escrow services, protective acquisition and relocations and property management services and other right-of-way activities. These limited services account for \$450,000 in support of North Link Study advanced conceptual engineering. The requested funding will be allocated to the existing consultants as needed to complete all right-of-way activities associated with this phase.
- The proposed action would provide sole source contract modifications to existing contractors given the additional work necessary to complete the new limited scope of work for North Link right-of-way services. The scope of work for these services was included in the original competitive procurement performed in 1999. These contract modifications are being requested as sole source modifications because the length of time required to

complete these contracts is beyond the five-year term of 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.

- All of the contractors affected by this proposed action have been providing Link right-of-way services continuously, in some cases since 1999. The use of existing consultants is because this is a transitional phase from the Initial Link project to the North Link project. The existing consultants have relevant experience and expertise, which makes utilization of existing consultant resource cost and time effective. Their expertise and familiarity with the Central Link project provides continuity that assures a timely completion of right-of-way administrative services for North Link.
- The work authorized will be limited in duration and limited in scope to providing right-of-way services directly related to advanced conceptual engineering and protective acquisitions and relocations. Any necessary protective acquisition and relocations will be subject to specific Board authorization.

BUDGET IMPACT SUMMARY

Project Description: Central Link North Link Projects.

Current Status: Conceptual Engineering.

Projected Completion Date: 2005.

Action Outside of Adopted Budget:	Y/N	Y Requires Comment
This Line of Business	N	
This Project	N	
This Phase	Y	Requires transfer of surplus budget from other phases within each North Link project.
This Task	Y	(see above)
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 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 (CPS). This includes a budget of \$20,780,000 for the study of North Link alignments and advanced conceptual engineering. There is no provision in the North Link Study budget for right-of-way services. Approval of the proposed action would require transfer of funds from other phases within each North Link project: \$176,000 from the administration phase within the Northgate to 45th Street project, and \$274,000 from the third party phase within the 45th Street to CPS project. These budget transfers are included in the Proposed 2005 Budget.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action requires budget transfers between phases within each North Link project. It is otherwise consistent with the board-adopted project budgets for North Link 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.

BUDGET TABLE

Action Item: Various Real Estate Consultants (provide real estate services to support the Central Link North Link projects)

(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		67	158
6	Right of Way	-	-	176	176	(176)
7	Subtotal Northgate to 45th	5,800	3,835	176	4,011	1,788
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		768	737
13	Right of Way	-	-	274	274	(274)
14	Subtotal 45th to CPS	14,980	11,898	274	12,172	2,808
15	Subtotal North Link Study	20,780	15,733	450	16,183	4,597
16	North Link Projects - all other	89,220	74,983		74,983	14,237
17	Total Current Budget	110,000	90,716	450	91,166	18,834
PE Phase Budget Detail (North Link Study)						
18	ROW Consultant Services	-	-	450	450	(450)
19	Other ROW Admin	-	-		-	-
20	Unallocated Contingency	-	-		-	-
21	Total Phase	-	-	450	450	(450)
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	3,321	3,321	450	3,771	3,771
23	Contingency	-	-	-	-	-
24	Total	3,321	3,321	450	3,771	3,771
25	Percent Contingency	0%	0%	0%	0%	0%
(F) and (G) BOARD APPROVALS TO DATE and CURRENT APPROVED CONTRACT VALUE reflect North Link work before 2001.						
(H) PROPOSED ACTION is only for the North Link study.						
Budget Shortfall						
Task Level		\$ (K)	Potential Resources (L)		Source (M)	
26	ROW Consultant Services	450		2,132	Surplus budget in the Administration and Third Party	

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 30%. Other consultants Sound Transit has directly contracted with have received over 50% of money expended to date.

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

- Gary Struthers, DBE
- Greenleaf Valuation, Small Business
- Pharos Corporation, WBE, DBE

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 real estate 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
R98-20-1	Amended real property acquisition and relocation policy, procedures and guidelines.	11/14/02
M99-65	Authorized the Executive Director to execute 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

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, UFS assigned a number of subconsultants to Sound Transit 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.

In 2004, Sound Transit Real Estate Division staff assumed greater project control through a reorganized relationship with the remaining contractors. During the past several years, UFS and Pharos have developed as Central Link's most experienced right-of-way consultants with as much as six years history with the project. This includes invaluable Uniform Relocation Act experience of importance to the Federal Transit Administration, and provides stable continuity for the right-of-way program.

LaBonde Land, Inc., the right-of-way principal contractor for Segment 755 in Tukwila, will not be included in this Board action.

CONSEQUENCES OF DELAY

Significant delay in Board action could result in a delay to providing timely right-of-way administrative services for North Link Study advanced conceptual engineering. Increased costs will result due to the inability to provide timely right-of-way services.

REGIONAL PARTNERSHIP AND COOPERATION

Not applicable to this action

PUBLIC INVOLVEMENT

Not applicable to this action

LEGAL REVIEW

JW 9/28/04

SOUND TRANSIT

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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 for professional services in support of North Link Study advanced conceptual engineering 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, and Gary Struthers in an aggregate amount not to exceed \$450,000, with contract terms expiring June 30, 2005.

Background:

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LaBonde Land, Inc., the right-of-way principal contractor for Segment 755 in Tukwila, will not be included in this Board action.

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 for professional services in support of North Link Study advanced conceptual engineering 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, and Gary Struthers in an aggregate amount not to exceed \$450,000, with contract terms expiring June 30, 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