

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2005-11

Design Services During Construction for Rainier Valley Light Rail

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	2/03/05	Discussion/Possible Action to Recommend Board Approval Action	Ahmad Fazel, Link Director	206-398-5389
Board	2/10/05		Bob Parsons, Link Civil Engineering Manager	206-398-5150

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

✓ *Applicable to proposed transaction.*

ACTION

Authorizes the Chief Executive Officer to execute a contract amendment with CH2M Hill to provide additional design services during construction of light rail in the Rainier Valley in the amount of \$1,000,000, for a new total authorized contract amount not to exceed \$11,382,572.

KEY FEATURES

- During construction of the C735 Rainer Valley construction project, staff determined that a number of design refinements and modifications were necessary, including redesigning of retaining walls, SHA Rainier Vista interfaces, driveway relocations and unanticipated utility relocations. This contract amendment funds these redesign services.
- CH2M Hill currently provides as-needed design services during construction under the direction of Sound Transit. These services include review of submittals; responses to Requests for Information from the Contractor; preparation of design modifications in response to changed conditions; support of design change management activities; and coordination with third parties, including private property owners and abutting developers.
- The additional redesign services to be provided by CH2M Hill are within the scope of the original agreement with CH2M Hill.

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 execution of a contract amendment with CH2M Hill to provide additional design services during construction for the Link C735 Rainier Valley construction project in the Initial Segment in the amount of \$1,000,000, for a new total authorized contract amount not to exceed \$11,382,572.

The adopted 2005 lifetime capital budget for the Initial Segment is \$2.07 billion. Within that budget, \$1,925,000 has been set aside for design services during construction (DSDC) for the C735 MLK, Jr. Way (Rainier Valley) construction project. Should the proposed action be approved, there will be no remaining balance for this budget line item.

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.

BUDGET TABLE

Action Item: CH2M Hill (Additional design services during construction (DSDC) for C735 Rainier Valley construction project in the Central Link Initial Segment)

(Year of Expenditure \$000)

Initial Segment	Adopted 2005 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	218,780	111,533		111,533	107,247
2 Preliminary Engineering	34,000	33,586		33,586	414
3 Final Design	143,523	138,038	1,000	139,038	4,485
4 Right of Way	229,516	171,107		171,107	58,409
5 Construction	1,168,066	779,084		779,084	388,982
6 Construction Services	83,892	80,631		80,631	3,261
7 Third Party Agreements	58,916	52,474		52,474	6,442
8 Vehicles	133,307	131,799		131,799	1,508
9 Total Current Budget	2,070,000	1,498,251	1,000	1,499,251	570,749

Final Design Phase Detail

10 DSDC C735	1,925	925	1,000	1,925	-
11 DSDC Other Contracts	26,976	23,482		23,482	3,494
12 Other Final Design	114,622	113,631		113,631	991
13 Total Phase	143,523	138,038	1,000	139,038	4,485

(B) COMMITTED TO DATE amounts are from the Link Program Cost Summary Report (HQ Reports) for November 2004 + Board motions not yet included in the report.

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)
14 Contract Amount	9,736	9,984	1,000	10,736	10,984
15 Contingency	647	399	-	647	399
16 Total	10,383	10,383	1,000	11,383	11,383
17 Percent Contingency	7%	4%	0%	6%	4%

M/W/DBE – SMALL BUSINESS PARTICIPATION

Prime Consultant/Contractor

CH2M Hill is the prime consultant for this contract. During construction, the level of participation required from the designer of record is driven by the scope of the change as well as the timeliness of the response required. The actual M/W/DBE and Small Business percentages achieved will vary depending on these needs and cannot, at this time, be qualified. However, consistent with the actions of CH2M Hill through final design, CH2M Hill is committed to assisting the work to the subconsultant designer of record as necessary to provide the services as required.

The M/W/DBE and Small Business goal established for this contract is 22%. Performance to date on this contract has been 29.05% M/W/DBE-Small Business participation. The M/W/DBE and Small Business participation estimate for CH2M Hill's design services during construction is 6.7%, which reflects a greater utilization of prime consultant staff during this phase. The M/W/DBE participation for the overall contract at contract completion is estimated to meet or exceed the established 22% goal for this contract.

The following M/W/DBE and Small Business subconsultants may be utilized for this contract amendment:

Civiltech Corporation	MWBE
EW Moon, Inc.	MBE/DBE
Garry Struthers Associates	MBE/DBE
B & C Services	MBE
Bolima Drafting and Design, Inc.	MBE/DBE

EEO Commitment

CH2M Hill workforce demographics are 37% women and 11% minorities.

HISTORY OF PROJECT

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2004-04	Execute a contract amendment with CH2MHill to provide design services during construction of light rail in Rainier Valley in the amount of \$925,000 with zero contingency, for a new total authorized contract amount not to exceed \$10,382,572.	4/8/04
M2004-03	Executed a contract with RCI-Herzog, A Joint Venture, for light rail construction in the Rainier Valley in the amount of \$128,302,911 with a 12% contingency of \$15,396,349 for a total authorized contract amount not to exceed \$143,699,260.	2/12/04
M2002-97	Executed a contract amendment with CH2M Hill to incorporate underground utilities into the final design of MLK Jr. Way S. in the amount of \$1,220,000 with a 3.3% contingency of \$1,260,000, and for a new total authorized contract amount not to exceed \$9,457,572.	8/22/02
M2002-57	Authorized negotiating an agreement with the City of Seattle to define terms and conditions for City of Seattle payments for undergrounding utilities on MLK Jr. Way S. and to complete the final design with undergrounding of utilities included.	4/25/02
M2002-26	Executed a contract amendment with CH2M Hill to provide additional civil engineering final design Services for the MLK Jr. Way S. light rail segment in the amount of \$1,751,152 for a total authorized contract amount not to exceed \$8,423,697.	3/14/02
R2001-16	Selected the initial segment of the Central Link Light Rail Project to be constructed and operated by 2009.	11/29/01
M2000-80	Executed a contract with CH2M HILL for civil engineering final design services associated with the Central Link light rail project at-grade segments in the Rainier Valley along MLK Jr. Way S. from South Walden Street to South Boeing Access Road. Establish a contract amount of \$6,065,949 with a 10% contingency of \$606,595 for a total authorized amount not to exceed \$6,672,544.	4/25/02

An Agreement for Professional Services RTA/LR 39-00 with CH2M Hill was executed on August 14, 2000 for final design of the civil facilities along MLK Jr. Way South in Rainier Valley from South Walden Street to South Boeing Access Road.

In March of 2002, the CH2M Hill contract (LR39-00) was amended to provide additional civil engineering final design services for the MLK Jr. Way South project.

In April 2002, the City of Seattle passed Resolution 30459 stating the City's intent to relocate the existing overhead utilities underground along the light rail corridor in Rainier Valley. Also in April 2002, the Sound Transit Board authorized staff to seek an agreement with the City of Seattle concerning the undergrounding of utilities and to proceed with final design assuming the

relocations of utilities underground. Design costs were considered as part of the overall estimate for the work.

In August of 2002, the CH2M Hill contract was amended to provide final designer services to incorporate the undergrounding of utilities along the majority of the MLK Jr. Way South corridor.

In February 2004, Sound Transit awarded the C735 Rainier Valley Construction Contract and issued Notice to Proceed thereby, initiating the Pre-construction Phase of the construction contract.

In April 2004, the CH2M Hill contract was amended to provide design services during construction under the direction of Sound Transit for the Rainier Valley Construction Contract. This included participation in the pre-construction services phase and the construction services phase.

All required environmental compliance to support the Board's approval of this contract has been completed.

CONSEQUENCES OF DELAY

A delay in approving the contract beyond February 10, 2005, will hinder the construction services phase of the C735 Rainier Valley Construction project by not continuing to engage key persons in this strategic phase of the project.

LEGAL REVIEW

JW 1/19/05

SOUND TRANSIT

RESOLUTION NO. R2005-11

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority approving the Chief Executive Officer's declaration as surplus certain real property interests and authorizing the conveyance of those surplus real property interests to Burlington Northern Santa Fe by negotiated agreement as necessary for Everett Station.

WHEREAS, a Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish County region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, at a general election held within the Central Puget Sound Regional Transit Authority district, the voters approved local funding for high capacity transit in the Central Puget Sound Region; and

WHEREAS, on June 13, 2000, the Sound Transit Board passed Resolution R99-35, establishing Policies, Procedures and Guidelines for the Disposition of Surplus Real Property; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move, the board has authorized Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property remaining to be acquired for public purposes for the construction, operation, and permanent location of Everett Station; and

WHEREAS, the Capital Projects Department of Sound Transit has determined that certain agency property interests in and around its project at the Everett Station are not required for the project; and

WHEREAS, Sound Transit has previously identified certain real properties as necessary for the construction and permanent location of the Everett Station; and

WHEREAS, Sound Transit may offset costs of acquiring property interests required for the Everett Station project by surplus and selling certain property interests, reasonably described in Exhibit A of this resolution; and

WHEREAS, the Chief Executive Officer has declared the properties identified on Exhibit A to be no longer necessary for present or future project purposes and that their fair market value is in excess of \$200,000 but less than \$5,000,000, a copy of which declaration is attached hereto as Exhibit B and;

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation, and permanent location of the Everett Commuter Rail Station, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties to be conveyed, and will continue to negotiate in good faith with the purchaser of the properties authorized to be conveyed by negotiated purchase; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to pay eligible relocation and re-establishment costs shall be paid from Sound Transit general funds, to the extent that the acquisition costs cannot be offset by the fair market value of the property interests to be conveyed; and

WHEREAS, the property interests to be conveyed to Burlington Northern Santa Fe (BNSF) were acquired with Federal Transit Administration (FTA) funds, staff must obtain FTA approval prior to the proposed conveyance.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. The declaration of the Chief Executive Officer, attached hereto as Exhibit B, is hereby approved. The real property interests described in Exhibit A are to be regarded as surplus and the Chief Executive Officer is directed to execute such agreements as are customary and necessary for the conveyance of those same real property interests to BNSF. The value of said property interests shall to be used to offset property acquisition costs at the Everett Station. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the conveyance of the surplus properties shall not be for less than the fair market value to be determined through the appraisal process or as provided in Section 2 herein; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Everett Station project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the Chief Executive Officer shall obtain approval from the appropriate committee or the Board, per Resolution No. 78-1, before the acquisition of the property for the Everett Station by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The Chief Executive Officer or her designee is hereby authorized to negotiate the sale of the real property interests described in Exhibit A. Such transactions shall reduce the cost of acquisitions authorized for the project.

SECTION 3. The Sound Transit Board deems the Everett Station to be a public use for a public purpose. The Board deems it useful and in the best interests of the citizens residing within Sound Transit's boundaries to convey the property identified in Exhibit A to facilitate the construction, operation, and permanent location of Everett Station (said properties are described in Exhibit A and incorporated herein by reference).

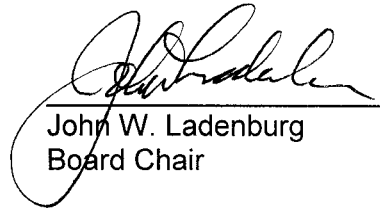
SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately conveyed for the construction, operation, and permanent location of the Everett Station.

SECTION 5. In addition to the authority granted the Chief Executive Officer in Section 1 above, the Chief Executive Officer is also authorized to make minor amendments to the legal descriptions of the properties described in Exhibit A, as may be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property not required for the Project.


SECTION 6. The Chief Executive Officer is authorized to execute all documents necessary to sell and convey to the Burlington Northern Santa Fe Railroad those property interests conveyed pursuant to this resolution.

SECTION 7. This request for Board authorization is made subject to staff's obtaining the requisite FTA approval.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 26, 2005.


John W. Ladenburg
Board Chair

ATTEST:


Marcia Walker
Board Administrator