

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2005-132**

**Sole Source Contract with EarthCorps**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	12/1/05	Discussion/Possible Action to Recommend Board Approval Action	Agnes Govern, Director, Capital Projects <b>Chris Townsend, Senior Environmental Planner, Legal Department</b>	(206) 398-5037
Board	12/8/05			(206) 398-5135

<b>Contract/Agreement Type:</b>	✓	<b>Requested Action:</b>	✓
Competitive Procurement		Execute New Contract/Agreement	✓
Sole Source	✓	Amend Existing Contract/Agreement	
Agreement with Other Jurisdiction(s)		Budget Amendment	

**PROJECT NAME**

Everett-to-Seattle Commuter Rail Project Environmental Permitting and Mitigation  
(Second Easement—Kiwanis Ravine Mitigation Project)

**PROPOSED ACTION**

Authorizes the Chief Executive Officer to execute a sole source contract with EarthCorps to provide wetland restoration services for the Everett-to-Seattle Commuter Rail Project Golden Gardens Track Improvements for a total authorized contract amount not to exceed \$168,800.

**KEY FEATURES of PROPOSED ACTION**

- This contract will provide for mitigation of wetland impacts scheduled to occur in December 2005 during construction of the Everett-to-Seattle Commuter Rail Project Golden Gardens Track Improvements.
- The approved restoration site is located in Kiwanis Ravine, a unique wetland and heron nesting habitat corridor owned and maintained by the City of Seattle Parks Department.
- The proposed contractor is EarthCorps, a non-profit organization that provides conservation job training to youth, primarily from disenfranchised communities.
- Activities under the contract include removal of invasive vegetation, planting and establishment of native wetland vegetation, and monitoring and maintenance during a three-year monitoring period extending to January 2009.

## **BUDGET IMPACT SUMMARY**

Project Name: Permitting and Environmental Mitigation (131)  
Current Project Phase: Construction  
Projected Completion Date: 2009

<b>Action Outside of Adopted Budget:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
This Project		
This Phase		
This Task		
Budget Amendment Required		

<b>Key Financial Indicators:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
Contingency Funds Required		
Funding required from other parties (other than what is assumed in financial plan)		

Not checked = action is assumed in current Board-adopted budget. No budget action or adjustment to financial plan required.

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 and FINANCIAL PLAN DISCUSSION**

The Board-adopted budget for this project is \$10,288,098 with a construction phase of \$5,818,508. The proposed action is to execute a contract with EarthCorps for wetland restoration services for a total authorized contract amount not to exceed \$168,800. This leaves a remaining construction phase balance of \$5,636,095. The remaining balance for the project is \$9,209,466.

There are sufficient funds to complete this action. Committing these funds will not endanger any other project elements that are to be funded out of the overall project.

## **BUDGET TABLE**

### Summary for Board Action (Year of Expenditure \$000)

Action Item: Execute a contract with EarthCorps to provide wetland restoration services for the Permitting and Environmental Mitigation (#131)

	Current Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	\$ 1,091	\$ 2	\$ -	\$ 2	\$ 1,089
2 Preliminary Engineering	683	885	-	885	(202)
3 Final Design	762	-	-	-	762
4 Right of Way	1,934	9	-	9	1,925
5 Construction	5,819	14	169	182	5,636
7 Contingency	-	-	-	-	-
8 Total Current Budget	\$ 10,288	\$ 910	\$ 169	\$ 1,079	\$ 9,209

#### Phase Budget Detail

9 Wetland Restoration Services	\$ -	\$ -	\$ 169	\$ 169	\$ (169)
11 Other Construction activity	-	14	-	14	(14)
12 Total Phase	\$ 5,819	\$ 14	\$ 169	\$ 182	\$ 5,636

Contract Budget	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Amended Total Contract Value (I)
13 EarthCorps	\$ -	\$ -	\$ 169	\$ 169
14 Contingency	-	-	-	-
15 Total	-	-	169	169
16 Percent Contingency			0%	0%

#### Notes:

Committed to-date amount includes actual outlays and commitments through November 9, 2005.  
Project budget is located on page 91 of the Adopted 2005 Budget book.

## **M/W/DBE – SMALL BUSINESS PARTICIPATION**

EarthCorps currently has a total of 76 employees including seasonal employees and volunteers. Of those 76 employees, 61% are women and 16% are minorities.

EarthCorps is a small nonprofit corporation 501(c)(3).

## **PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION**

To address impacts to wetlands during construction associated with the Everett-to-Seattle Commuter Rail Project Golden Gardens Track Improvements, Sound Transit has agreed to mitigate said impacts through restoration and enhancement of a wetland area near the project site.

The restoration site is within Kiwanis Ravine, a City of Seattle Park. It is a known nesting area for a resident colony of Great Blue Herons; wetland restoration and enhancement can only be completed between September 1 and January 30 to avoid disturbing the heron colony during nesting.

A park use permit application has been submitted to the City to allow restoration activities to commence. The work effort is to be completed under the regulatory authority of the US Army

Corps of Engineers. Sound Transit must begin the restoration prior to or concurrent with commuter rail construction activities to avoid violations of the federal Clean Water Act; construction is scheduled to begin December 2005.

Restoration activities include removal of invasive, non-native vegetation from portions of the property, planting and establishment of native wetland vegetation, and vegetation monitoring and maintenance during a three-year monitoring period extending to January 2009.

EarthCorps provides intensive programs for young adults, primarily from disenfranchised communities, to learn best practices in conservation techniques. They have a reputation for performing environmental restoration in remote, difficult to access sites, are viewed as specialists by regional environmental interests, and are trained to work in steep terrain and stream channels. They have a long-standing relationship with the City of Seattle and other local citizen groups whose mission is to preserve and restore Kiwanis Ravine.

### **SOLE SOURCE JUSTIFICATION**

Sound Transit staff worked for several months with City staff on a strategy to implement the Kiwanis Ravine restoration project, with the City managing the work. It was anticipated that Sound Transit and the City would enter into an agreement that would stipulate that the City would implement the restoration project in exchange for payment by Sound Transit. Recently, the City determined that it could not enter into the agreement. At that time, Sound Transit began investigating alternative contracting possibilities. The project must be implemented between September 2005 and January 2006.

As a condition of using city property for restoration, the Seattle Department of Parks and Recreation has requested that the interests of heron habitat helpers be met; one of which is that the work be performed by a contractor who has experience working on wetland restoration and enhancement in Kiwanis Ravine and other heron nesting areas. Sound Transit has identified only one contractor, EarthCorps, a small local nonprofit corporation 501 (c)(3), that has performed wetland restoration work in Kiwanis Ravine.

EarthCorps is uniquely qualified to perform activities anticipated under this contract. EarthCorps is the only firm that has successfully performed restoration work in Kiwanis Ravine, offering a unique understanding of ravine conditions, Great Blue Heron habitat concerns, best management practices to ensure worker safety, and maximization of successful restoration efforts with minimal impact. EarthCorps is also prepared to implement the project within the biological window that closes in January 2006.

Construction of the Sounder project is scheduled to begin December 2005. To meet the provisions of the US Clean Water Act and permit conditions set by the US Army Corps of Engineers governing the proposed restoration activities and requirements of no net loss of wetlands, restoration activities must be started prior to or concurrently with construction. Delays resulting from traditional procurement may impact the Sounder project construction and ultimately service delivery, as well as result in regulatory program and permit violations due to loss of sensitive wetlands (through project construction).

### **Prior Board/Committee Actions on this Project and Relevant Board Policies**

Not applicable for this action.

### **CONSEQUENCES of DELAY**

If this contract is not approved, the proposed project could not be implemented until the next construction window in the autumn of 2006. This would create a conflict with permit conditions from the Army Corps of Engineers and the Washington State Department of Ecology. It would also have the potential to delay construction of improvements in the Second Commuter Rail Easement.

### **PUBLIC INVOLVEMENT**

Not applicable for this action.

### **ENVIRONMENTAL COMPLIANCE**

The proposed action is consistent with all environmental documentation and permits.

### **LEGAL REVIEW**

JW 11/21/05

## **SOUND TRANSIT**

### **MOTION NO. M2005-132**

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to execute a sole source contract with EarthCorps to provide wetland restoration services for the Everett-to-Seattle Commuter Rail Project Golden Gardens Track Improvements for a total authorized contract amount not to exceed \$168,800.

#### **Background:**

To address impacts to wetlands during construction associated with the Everett-to-Seattle Commuter Rail Project Golden Gardens Track Improvements, Sound Transit has agreed to mitigate said impacts through restoration and enhancement of a wetland area near the project site.

The restoration site is within Kiwanis Ravine, a City of Seattle Park. It is a known nesting area for a resident colony of Great Blue Herons; wetland restoration and enhancement can only be completed between September 1 and January 30 to avoid disturbing the heron colony during nesting.

A park use permit application has been submitted to the City to allow restoration activities to commence. The work effort is to be completed under the regulatory authority of the US Army Corps of Engineers. Sound Transit must begin the restoration prior to or concurrent with commuter rail construction activities to avoid violations of the federal Clean Water Act; construction is scheduled to begin December 2005.

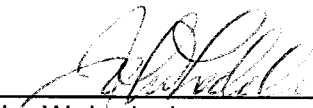
Restoration activities include removal of invasive, non-native vegetation from portions of the property, planting and establishment of native wetland vegetation, and vegetation monitoring and maintenance during a three-year monitoring period extending to January 2009.

EarthCorps provides intensive programs for young adults, primarily from disenfranchised communities, to learn best practices in conservation techniques. They have a reputation for performing environmental restoration in remote, difficult to access sites, are viewed as specialists by regional environmental interests, and are trained to work in steep terrain and stream channels. They have a long-standing relationship with the City of Seattle and other local citizen groups whose mission is to preserve and restore Kiwanis Ravine.

#### **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 a sole source contract with EarthCorps to provide wetland restoration services for the Everett-to-Seattle Commuter Rail Project Golden Gardens Track Improvements for a total authorized contract amount not to exceed \$168,800.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 8, 2005.

  
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John W. Ladenburg  
Board Chair

ATTEST:

  
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Marcia Walker  
Board Administrator