

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2005-144

Contract Amendment for Right of Way Consulting Services

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	12/15/05	Discussion/Possible Action to Recommend Board Approval	Phil O'Dell, Director, Project Delivery Support Services	(206) 398-5013
Board	12/15/05	Action	Roger Hansen, Link Light Rail, Sr. Real Estate Representative	(206) 689-3366

Contract/Agreement Type:	<input checked="" type="checkbox"/>	Requested Action:	<input checked="" type="checkbox"/>
Competitive Procurement	<input checked="" type="checkbox"/>	Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	<input checked="" type="checkbox"/>
Interagency Agreement		Contingency Funds (Budget) Required	
Purchase/Sale Agreement		Budget Amendment Required	

✓ Applicable to proposed transaction.

PROPOSED ACTION

Authorizes the Chief Executive Officer to execute a contract amendment extending the duration of the existing contract with Universal Field Services to continue providing professional right of way consulting services in support of the Central Link Light Rail Initial Segment from December 31, 2005 up to December 31, 2007, with an option to extend the term for an additional year.

KEY FEATURES OF PROPOSED ACTION

- The contract with the Universal Field Services (UFS) expires on December 31, 2005.
- The proposed action would authorize UFS to continue providing right of way consulting services for the remaining Central Link Initial Segment from December 31, 2005 to December 31, 2007, with an option to extend the term for an additional year.

BUDGET IMPACT SUMMARY

The proposed action is consistent with the current adopted budget and is affordable within the agency's long-term financial plan and subarea financial capacity. The action will have no new revenue impact on Sound Transit.

BUDGET and FINANCIAL PLAN DISCUSSION

The total adopted capital budget for the Central Link Light Rail Initial Segment is \$2.07 billion, of which \$223.5 million is budgeted for the right of way phase. The current forecast shows a savings of approximately \$11 million in the right of way phase.

Motion No. M99-65 authorized contracting authority for consulting services with UFS in an amount not to exceed \$25 million for work on Central Link projects. Motion No. M2003-127

authorized total contracting authority for right of way consulting services (including this contract, but not including legal services) for the Central Link Light Rail Initial Segment in an amount not to exceed \$33 million.

Current and future expenditures on this contract will fall within these previously authorized amounts. Authorization of this motion will not cause either authorized amount above to be exceeded.

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

Not applicable to this action.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Universal Field Services, the prime contractor, has exceeded its M/W/DBE goals of 18% with a performance to date of 24%.

For this action, the following subconsultants covered by this action have M/W/DBE status:

Utilization Breakdown Table

Subconsultant	Business Type	% of Work	Dollar Value
Pharos Corporation	WBE, DBE	18%	\$90,000.00
CS3W Associates, Inc.	MBE, DBE	4%	\$20,000.00
Total		22%	\$110,000.00

Based on the historic distribution of work and anticipated future work, assignments to the WBE, MBE and DBE subcontractor are expected to continue at 22% of the total contract extension amount.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

The Central Link Light Rail Initial Segment right of way plan includes the acquisition of 732 property interests and 215 owner and tenant residential and commercial relocations. Right of way activities have been accomplished as needed to proceed with Link's construction schedule; however, additional right of way activities are required to complete the acquisition and relocation process.

The proposed amendment would allow UFS to continue providing right of way consulting services; including acquisition of real property, relocation of displaced residents and businesses, right of way construction support to Link construction, and title and escrow services. These services are within the existing scope of work and were included in the original competitive procurement conducted in 1999. Due to various legal challenges to the Link project, consulting activities under this contract were delayed approximately two years.

The major portion of the regular right of way acquisition and relocation activities has been completed; however, a number of acquisition and relocation activities, including condemnation

court cases, are ongoing. Additional right of way requirements, such as extensions of temporary construction easements, unanticipated right of way requirements, settling of final relocation claims and continuing right of way support for Link construction activities will result in the need for right of way activities beyond December 31, 2005. Federal regulations allow a relocatee to file a claim 18 months after relocation, with extensions for good cause. Because of the long timeline, a two-year contract extension with a one-year option to extend is requested.

The proposed amendment is being requested because the length of time required to complete this contract is beyond the five-year term of the original contract and the previous time extension. At the time these contracts were executed, Federal Transit Administration requirements limited the contract to five years. FTA has since removed this requirement and now allows an extension beyond five years for ongoing projects.

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

Motion or Resolution Number	Summary of Action	Date of Action
M2004-98	Executed sole source contract amendments to what were originally competitively procured contracts with existing right-of-way services consultants by extending their respective contract terms through December 31, 2005.	10/14/04
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
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

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.

CONSEQUENCES OF DELAY

A significant delay in extending the contract would result in a delay in providing right of way services for the Central Link Light Rail Initial Segment; including property acquisition and relocation and construction support services, resulting in possible delays in construction.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

Not applicable to this action.

LEGAL REVIEW

JW 12/9/05

SOUND TRANSIT

MOTION NO. M2005-144

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to execute a contract amendment extending the duration of the existing contract with Universal Field Services to continue providing professional right of way consulting services in support of the Central Link Light Rail Initial Segment from December 31, 2005 up to December 31, 2007, with an option to extend the term for an additional year.

Background:

The Central Link Light Rail Initial Segment right of way plan includes the acquisition of 732 property interests and 215 owner and tenant residential and commercial relocations. Right of way activities have been accomplished as needed to proceed with Link's construction schedule; however, additional right of way activities are required to complete the acquisition and relocation process.

The proposed amendment would allow UFS to continue providing right of way consulting services; including acquisition of real property, relocation of displaced residents and businesses, right of way construction support to Link construction, and title and escrow services. These services are within the existing scope of work and were included in the original competitive procurement conducted in 1999. Due to various legal challenges to the Link project, consulting activities under this contract were delayed approximately two years.

The major portion of the regular right of way acquisition and relocation activities has been completed; however, a number of acquisition and relocation activities, including condemnation court cases, are ongoing. Additional right of way requirements, such as extensions of temporary construction easements, unanticipated right of way requirements, settling of final relocation claims and continuing right of way support for Link construction activities will result in the need for right of way activities beyond December 31, 2005. Federal regulations allow a relocate to file a claim 18 months after relocation, with extensions for good cause. Because of the long timeline, a two-year contract extension with a one-year option to extend is requested.

The proposed amendment is being requested because the length of time required to complete this contract is beyond the five-year term of the original contract and the previous time extension. At the time these contracts were executed, Federal Transit Administration requirements limited the contract to five years. FTA has since removed this requirement and now allows an extension beyond five years for ongoing projects.

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 contract amendment extending the duration of the existing contract with Universal Field Services to continue providing professional right of way consulting services in support of the Central Link Light Rail Initial Segment from December 31, 2005 up to December 31, 2007, with an option to extend the term for an additional year.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 15, 2005.



John W. Ladenburg
Board Chair

ATTEST:



Marcia Walker
Board Administrator