

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2008-104

**Contract Amendment to J.L. Patterson and Associates, Inc
for Everett Layover Track Project**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	11/6/08 11/20/08	Discussion/Postponed Discussion/Possible Action	Jim Edwards, Capital Projects Director Eric Beckman, Rail Program Manager Melissa Flores Saxe, Project Development Coordinator	(206) 398-5436 (206) 398-5251 (206) 689-4968

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	✓
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate		Property Acquisition	

PROJECT NAME

Layover Project (140) – Everett Layover Track Extension Project

PROPOSED ACTION

Authorizes the chief executive officer to execute a contract amendment with J.L. Patterson and Associates to provide final design and construction management services for the Everett Layover Track Extension Project in the amount of \$132,948, with a 10% contingency of \$13,295 totaling \$146,243, for a new total authorized contract amount not to exceed \$668,805.

KEY FEATURES of PROPOSED ACTION

- The contract amendment would increase J.L. Patterson and Associates' final design budget by \$132,948 to incorporate the fire lane access improvements and update the 100% engineering design submittal.
- This action is needed for J.L. Patterson and Associates to update the 100% design submittal to include the following:
 - Consolidate the plan construction plan set to reflect a single phase of construction;
 - Update the phasing to reflect the work sequence necessary to accommodate a real estate settlement; and
 - Incorporate changes from the Everett Station Phase II project that affect this project.

BUDGET IMPACT SUMMARY

Current Project Phase: Final Design
Projected Completion Date: 2009

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 2008 Board-adopted budget for this project is \$24,423,735 with a final design phase budget of \$503,455. The proposed action is to authorize a contract amendment with J.L. Patterson and Associates in the amount of \$146,243. This action will leave a final design phase shortfall of \$170,472. There are sufficient funds currently in the project to cover this shortfall and adjustments will be made to the project lifetime budget in the 2009 budget process. The uncommitted project budget after this action will be \$3,886,766.

The Proposed 2009 Budget will reflect an increase to the budget due to unexpected increases in property, construction management, and construction costs for the Everett Layover project and the construction of the L Street Layover project in Tacoma. The information in the table below reflects the current combined budgets and costs for Snohomish, South King, and Pierce County Layover projects.

BUDGET TABLE

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

Project: 3X140 - Layover

	2008 Board Adopted Budget ¹ (A)	Committed To Date ² (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	\$ 808	\$ 808	\$ -	\$ 808	\$ -
2 Preliminary Engineering	\$ 340	\$ 281	\$ -	\$ 281	\$ 59
3 Final Design	\$ 503	\$ 528	\$ 146	\$ 674	\$ (170)
4 Right of Way	\$ 1,061	\$ 612	\$ -	\$ 612	\$ 449
5 Construction	\$ 21,686	\$ 18,163	\$ -	\$ 18,163	\$ 3,523
6 Vehicles	\$ -	\$ -	\$ -	\$ -	\$ -
7 Contingency	\$ 25	\$ -	\$ -	\$ -	\$ 25
8 Total Current Budget	\$ 24,424	\$ 20,391	\$ 146	\$ 20,537	\$ 3,887

Phase Budget Detail

9 Final Design	503	528	\$ 146	\$ 674	\$ (170)
10 Misc. Activity	\$ -	\$ -	\$ -	\$ -	\$ -
11 Total Phase	\$ 503	\$ 528	\$ 146	\$ 674	\$ (170)

Contract Budget	Current Approved Contract Value (F)	Committed To Date ² (G)	Proposed Action (H)	Proposed Total Contract Value (I)
12 J. L. Patterson & Associates	\$ 474	\$ 474	\$ 133	\$ 607
13 Contingency	\$ 47	\$ 4	\$ 13	\$ 61
14 Total	\$ 522	\$ 478	\$ 146	\$ 668
15 Percent Contingency	10%	0%	10%	10%

Budget Shortfall

Level	Shortfall Amt (J)	Potential Funds (K)	Funding Source (L)
16 Final Design	\$ (170)	\$ 170	Uncommitted funds in the construction phase.
17 Total	\$ (170)	\$ 170	

Notes:

¹ Project budget is located on page 119 of the Adopted 2008 Budget book. The 2008 Budget was adopted by the Board on November 29, 2007. Amounts shown reflect the combined Layover budget for Snohomish, South King and Pierce counties.

² Committed to date amount includes actual outlays and commitments through August 31, 2008. Amounts shown reflect the combined Layover commitments for Snohomish, South King and Pierce counties.

SMALL BUSINESS PARTICIPATION

Prime Consultant/Contractor

J.L. Patterson and Associates, Inc. will be the prime consultant for this contract and is a small business.

Utilization Breakdown Table

Prime Consultant	Business Type	% of Work	Dollar Value
J.L. Patterson and Associates	Small Business	51.5%	\$344,301

Sub-consultant/Sub-contractor	Business Type	% of Work	Dollar Value
True North Surveying, Inc.	W/DBE	1.8%	\$11,759
PacRim Geotechnical, Inc.	M/DBE	8.2%	\$54,680
Pacific Communications Consultants, Inc	M/W/DBE	3.2%	\$21,160
Total Subconsultant		13.2%	\$87,599
Total M/W/DBE & Small Business		64.7%	\$431,900

Equal Employment Workforce Profile (% Women/People of Color)

J.L. Patterson and Associates, Inc. workforce demographics are 18% women and 55% minorities.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Sound Transit currently provides Sounder commuter rail service between Everett and Seattle on the BNSF Railway's railroad right of way. Since December 2003, Sound Transit has added commuter rail service in phases. In September 2008 the fourth and final train was added.

The Everett Layover Track Extension Project provides permanent storage for trains three and four by extending the existing layover track by approximately 950 feet. The project also makes provisions for wayside power and air, security lighting, security fencing and storm drainage for all four train sets to be stored at this location.

Sound Transit is in real estate negotiations with a private property owner who is currently utilizing a portion of the property to access their business, in conflict with Sound Transit's easement from the BNSF Railway. Legal proceedings are underway to relocate them from the property. The delay in obtaining the possession and use of the property has significantly delayed Sound Transit construction of the layover track extension to store the full length of the third and fourth Sounder train.

Sound Transit developed an interim solution which allowed the temporary storage of the four three-train sets necessary for the September service. This interim operation is not desirable, is not sustainable over an extended period of time, and does not allow for any expansion of service capacity.

Sound Transit and the property owner have recently developed and agreed on a concept that includes fire lane access improvements that would maintain emergency access to the property.

The fire lane access improvements will be designed and constructed by the property owner on their right of way and Sound Transit will design and construct the necessary turn around adjacent to the property on City of Everett's right of way.

Pursuant to NEPA and SEPA, the environmental impacts of the Everett layover track project were evaluated in the Everett to Seattle Final Environmental Impact Statement (EIS) (December 1999).

Prior Board/Committee Actions

Motion/Resolution Number and Date	Summary of Action
M2006-05 1/19/06	Authorized the Chief Executive Officer a execute a contract with J.L. Patterson & Associates, Inc. to provide engineering and construction management services for layover tracks 3 and 4 at Everett Station in the amount of \$475,057 with a 10% contingency of \$47,505, for a total authorized not to exceed \$522,562.

CONSEQUENCES of DELAY

There would not be an immediate consequence if the Finance Committee does not approve the contract amendment on November 6, 2008. A significant delay in awarding the contract would delay the issuance of advertising the Invitation to Bid for construction of the Everett Layover Track Extension Project in 2009.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SSK 10-21-08

LEGAL REVIEW

LA 10/31/08

SOUND TRANSIT

MOTION NO. M2008-104

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract amendment with J.L. Patterson and Associates to provide final design and construction management services for the Everett Layover Track Extension Project in the amount of \$132,948, with a 10% contingency of \$13,295 totaling \$146,243, for a new total authorized contract amount not to exceed \$668,805.

Background:

Sound Transit currently provides Sounder commuter rail service between Everett and Seattle on the BNSF Railway's railroad right of way. Since December 2003, Sound Transit has added commuter rail service in phases. In September 2008 the fourth and final train was added.

The Everett Layover Track Extension Project provides permanent storage for trains three and four by extending the existing layover track by approximately 950 feet. The project also makes provisions for wayside power and air, security lighting, security fencing and storm drainage for all four train sets to be stored at this location.

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Sound Transit developed an interim solution which allowed the temporary storage of the four three-train sets necessary for the September service. This interim operation is not desirable, is not sustainable over an extended period of time, and does not allow for any expansion of service capacity.

Sound Transit and the property owner have recently developed and agreed on a concept that includes fire lane access improvements that would maintain emergency access to the property. The fire lane access improvements will be designed and constructed by the property owner on their right of way and Sound Transit will design and construct the necessary turn around adjacent to the property on City of Everett's right of way.

Pursuant to NEPA and SEPA, the environmental impacts of the Everett layover track project were evaluated in the Everett to Seattle Final Environmental Impact Statement (EIS) (December 1999).

Motion:


It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract amendment with J.L. Patterson and Associates to provide final design and construction management services for the Everett Layover Track Extension Project in the amount of \$132,948, with a 10% contingency of \$13,295 totaling \$146,243, for a new total authorized contract amount not to exceed \$668,805.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 20, 2008.



Aaron Reardon
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator