

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2009-64

Contract Amendment for Artists Services for Capitol Hill Station

| Meeting: | Date: | Type of Action: | Staff Contact: | Phone: |
|-------------------|--------------|----------------------------|--|---|
| Finance Committee | 8/6/09 | Discussion/Possible Action | Ahmad Fazel, Link Executive Director Ron Endlich, U-Link Deputy Project Director Barbara Luecke, Public Art Administrator | (206) 398-5389 (206) 398-5141 (206) 398-5059 |

| 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"/> |
| Agreement with Other Jurisdiction(s) | | Budget Amendment | |
| Real Estate | | Property Acquisition | |

PROJECT NAME

University Link - Capitol Hill Station Art

PROPOSED ACTION

Authorizes the chief executive officer to execute a contract amendment with Nonstop, Inc., to initiate the purchase of material and fabrication of artwork for the Link Capitol Hill Station in the amount of \$440,000, with a 10% contingency of \$44,000, totaling \$484,000, for a new total authorized contract amount not to exceed \$604,000.

KEY FEATURES of PROPOSED ACTION

- Initiates fabrication from an approved design as part of a multi-phased contract for the "Together" sculptural artwork in the Capitol Hill light rail station within the University Link project.
- The artwork includes the use of two decommissioned military planes that are difficult to locate, and this amendment will allow the procurement of material that has been located.
- Projections indicate that buying the material and fabricating the artwork now and then storing the completed work until installation will save funds over the extended duration of the project. Construction of the station is scheduled to be completed in 2015 and open for service in 2016.

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 and FINANCIAL PLAN DISCUSSION

The proposed action would amend the Nonstop, Inc. contract increasing it by \$440,000, to be funded from the Link light rail University Link project, and creating a contingency of \$44,000, to be funded from the STart Program, for a new total contract amount not to exceed \$604,000.

University Link – Pine Street Stub Tunnel (PSST) to UW Station

The Adopted 2009 Lifetime Capital Budget for University Link is \$1.756 billion. Within that amount \$1,245,000 has been set aside for Station Art in the construction phase. Approval of the proposed action would commit \$440,000 for the Capitol Hill Station art, leaving a remaining balance of \$805,000 for this budget line item.

STart Budget

The Adopted 2009 Lifetime Capital Budget for the STart program for North King County is \$6,757,156. Of this amount, \$120,000 has been committed for the University Link Capitol Hill Station art. The proposed action would increase this amount by \$44,000 for a revised total commitment of \$164,000 for this budget line item.

The proposed action is consistent with the current adopted lifetime 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 TABLE

Action Item: Nonstop Inc. (amend contract to initiate fabrication of artwork for the Capitol Hill Link light rail station within the University Link project)

(Year of Expenditure \$000)

| University Link Project | Adopted 2009 Lifetime Budget (A) | Committed To Date (B) | This Action (C) | Total Committed & Action (D) | Uncommitted (Shortfall) (E) |
|-----------------------------|----------------------------------|-----------------------|-----------------|------------------------------|-----------------------------|
| Construction | 1,180,033 | 377,107 | 440 | 377,547 | 802,486 |
| Other Phases | 575,974 | 428,406 | | 428,406 | 147,568 |
| Total Current Budget | 1,756,007 | 805,513 | 440 | 805,953 | 950,054 |

Construction Phase Budget Detail

| | | | | | |
|--------------------|------------------|----------------|------------|----------------|----------------|
| Station Art | 1,245 | - | 440 | 440 | 805 |
| Other Construction | 1,178,788 | 377,107 | | 377,107 | 801,681 |
| Total Phase | 1,180,033 | 377,107 | 440 | 377,547 | 802,486 |

Notes:

(A) ADOPTED 2009 BUDGET amounts as adopted by resolution of the Sound Transit Board (R2008-14, approved 12/11/08).

(B) COMMITTED TO DATE amounts are from Agency WBS Report as of April 2009 + approved and pending board actions not recorded as of 4/30/09, or submitted after that date.

| ST Art Budget | Adopted 2009 Lifetime Budget (F) | Spent to Date (G) | This Action (H) | Balance (I) |
|-------------------------------|----------------------------------|-------------------|-----------------|--------------|
| Accounts to be charged | | | | |
| ST Art North King County | 6,757 | 5,193 | 44 | 1,521 |
| Total | 6,757 | 5,193 | 44 | 1,521 |

Notes:

(F) ADOPTED 2009 BUDGET amounts as adopted by resolution of the Sound Transit Board (R2008-14, approved 12/11/08).

(G) SPENT TO DATE amount reflects actual outlays from Agency Reports as of 4/30/09.

| Contract Amount | Board Approvals to Date (J) | Current Approved Contract Value (K) | Proposed Action (L) | Proposed Total for Board Approval (M) | Proposed Contract Value (N) |
|-----------------------------------|-----------------------------|-------------------------------------|---------------------|---------------------------------------|-----------------------------|
| Contract Amount - University Link | | | 440 | 440 | 440 |
| Contract Amount - ST Art Program | 120 | 120 | | 120 | 120 |
| Contract Amount - TOTAL | 120 | 120 | 440 | 560 | 560 |
| Contingency - University Link | | | | - | - |
| Contingency - ST Art Program | - | - | 44 | 44 | 44 |
| Contingency | - | - | 44 | 44 | 44 |
| Total Contract - University Link | | | 440 | 440 | 440 |
| Total Contract - ST Art Program | 120 | 120 | 44 | 164 | 164 |
| TOTAL Contract | 120 | 120 | 484 | 604 | 604 |
| Percent Contingency | 0% | 0% | 10% | 8% | 8% |

SMALL BUSINESS PARTICIPATION

Artist Mike Ross, dba Nonstop, Inc. is a sole-proprietor, small business enterprise. Because approval of this amendment initiates notice to proceed with initiating fabrication, the involvement of additional businesses has not yet been identified.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

This contract amendment will authorize Nonstop, Inc. to begin purchase of materials needed for project fabrication and to begin the implementation portion of the artwork contract for the Link Capitol Hill Station scheduled to be completed in 2015 and open for service in 2016. The artwork includes the dismantling and reconstruction of the outer shells of two decommissioned military planes into bird-like forms suspended over the station platform. These planes are currently available, but are hard to locate and dependent on fluctuations in the military surplus market.

Sound Transit and the artist would like to have the ability to procure the available planes now, fabricate the artwork and then store it until the station construction has been sufficiently completed to accommodate their final installation. It is anticipated that purchasing the planes and fabricating the artwork now will save the project money over the next six years. Savings from lower purchase and fabrication costs are expected to exceed the added artwork storage and handling costs over the extended duration of the station construction.

Artist Mike Ross was commissioned in 2007 through a national, open Call-to-Artists selection process. A panel of neighborhood representatives, public art professionals and design team members reviewed 120 work-sample applications and unanimously selected Ross after interviews and presentations from six short-listed artists. His work has energy, a sense of scale and forward looking concepts that appealed to the group, and that the neighborhood representatives thought could best represent the Capitol Hill community for years in the future.

The Capitol Hill Station design is now 100% complete and incorporates the planned artwork into the station's structural, lighting and other detailed design drawings and construction contract specifications. A second artist working on the Capitol Hill Station, Ellen Forney (a Capitol Hill resident); will be producing two painted murals that will located in the station's north and west entrances. Her artwork is not part of this contract amendment.

Prior Board/Committee Actions on this Project

| Motion/Resolution Number and Date | Summary of Action |
|--|--|
| R98-1 01/22/98 | Established the Sound Transit Art Program guidelines and adopted a budget policy |
| Motion No. 40 09/11/97 | Committed to the integration of public art in the implementation of Sound Move |

CONSEQUENCES of DELAY

Opportunities to procure hard to locate materials may be lost. Due to the unique nature of the material, the purchase cost may rise if the procurement is postponed for an extended period of time. An extended postponement could also affect the cost of fabrication which is also expected to increase over time.

PUBLIC INVOLVEMENT

The initial public feedback on the preliminary artwork concept was very mixed when it was first presented to the Capitol Hill community at the Capitol Hill Station 60% design open house held in April 2008. Sound Transit held an additional community forum to discuss public art and this specific artwork proposal in June 2008 and conducted further outreach on the artwork. The artist also refined his work as part of the station design process.

Overall public reaction to the artwork appeared to evolve along with the artwork design. The total public response received by Sound Transit weighed heavily in support of the artwork by the end of the station

design process. No members of the public spoke in opposition to the refined artwork when it was presented at the final Capitol Hill Station design open house held in October 2008.

ENVIRONMENTAL COMPLIANCE

Jl 6-8-2009

LEGAL REVIEW

LA 7/28/2009

SOUND TRANSIT

MOTION NO. M2009-64

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 Nonstop, Inc., to initiate the purchase of material and fabrication of artwork for the Link Capitol Hill Station in the amount of \$440,000, with a 10% contingency of \$44,000, totaling \$484,000, for a new total authorized contract amount not to exceed \$604,000.

Background:

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Motion:

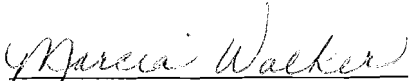
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract amendment with Nonstop, Inc., to initiate the purchase of material and fabrication of artwork for the Link Capitol Hill Station in the amount of \$440,000, with a 10% contingency of \$44,000, totaling \$484,000, for a new total authorized contract amount not to exceed \$604,000.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 6, 2009.



Aaron Reardon
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator