

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2009-72

Contract for Landscape Restoration within the Central Link Initial Segment

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	8/20/09	Discussion/Possible Action	Ahmad Fazel, Link Executive Director Joe Gildner, Initial Segment Project Director John Sleavin, Link Civil Engineering Manager	(206) 398-5389 (206) 689-3350 (206) 398-5150

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

Central Link Initial Segment

PROPOSED ACTION

Authorizes the chief executive officer to execute a contract with Pacific Earthworks, to provide construction services for landscape restoration within the Central Link Initial Segment Project in the amount of \$366,900, with a 10% contingency of \$36,690, for a total authorized contract amount not to exceed \$403,590.

KEY FEATURES of PROPOSED ACTION

- The scope of work in this contract is for supplemental landscape restoration planting, which includes 80 trees and 9,744 shrubs, hydroseed, topsoil, compost, and mulch along approximately five miles of the Link aerial guideway alignment within the City of Tukwila.
- Staff recommends assignment of a 10% contingency for this contract, given the risks associated with landscape restoration relative to the magnitude of the contract.
- Sound Transit has obtained all key construction permits from the City of Tukwila, the Washington State Department of Transportation (WSDOT), the Army Corps of Engineers, and the Washington State Department of Ecology; and has incorporated permit conditions into the contract.

BUDGET IMPACT SUMMARY

Current Project Phase: Construction
Projected Completion Date: 2009

Action Outside of Adopted Budget:	✓	Comments on Checked Items
This Project		
This Phase		
This Task	✓	The proposed action requires funding from surplus budget within the construction phase of the Initial Segment project.
Budget Amendment Required		

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

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

BUDGET and FINANCIAL PLAN DISCUSSION

The Adopted 2009 Lifetime Capital Budget for the Central Link Initial Segment is \$2.07 billion. Within that amount \$4,850,000 has been set aside for Miscellaneous Construction in the construction phase.

Current commitments of \$5,897,412 for this line item, approved in prior board actions, exceed the budget by \$1,047,412. The proposed \$403,590 increase to commitments for this budget line item will be funded from surplus budget from other line items within the construction phase. Approval of this action would increase commitments for Miscellaneous Construction to \$6,301,002, and result in a net budget shortfall of \$1,451,002 for this line item.

The proposed action is within the Adopted 2009 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: Pacific Earthworks (provide construction services for landscape restoration within the Central Link Initial Segment project.)

(Year of Expenditure \$000)

Initial Segment

	Adopted 2009 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	189,213	173,223		173,223	15,990
Preliminary Engineering	33,289	33,310		33,310	(21)
Final Design	147,208	146,901		146,901	307
Right of Way	207,171	203,981		203,981	3,190
Construction	1,194,991	1,170,549	404	1,170,953	24,038
Construction Services	102,960	103,648		103,648	(688)
Third Party Agreements	62,861	63,076		63,076	(215)
Vehicles	132,307	131,799		131,799	508
Total Current Budget	2,070,000	2,026,487	404	2,026,890	43,110

Construction Phase Detail

Miscellaneous Construction	4,850	5,897	404	6,301	(1,451)
Other Construction	1,164,140	1,153,300		1,153,300	10,841
Construction Unalloc Contingency	26,001	11,352		11,352	14,649
Total Phase	1,194,991	1,170,549	404	1,170,953	24,038

Contract Amount

	Board Approvals to Date (F)	Current Approved Contract Value (G)	Proposed Action (H)	Proposed Total for Board Approval (I)	Proposed Contract Value (J)
Contract Amount	-	-	367	367	367
Contingency	-	-	37	37	37
Total Contract	-	-	404	404	404
Percent Contingency	0%	0%	10%	10%	10%

Budget Shortfall

Task Level	\$Shortfall (K)	Potential Resources (L)	Source (M)
Miscellaneous Construction - This Action	404	10,841	Surplus budget from other line items within the construction phase
Miscellaneous Construction - Prior Actions	1,047		
Total Misc. Construction Budget Shortfall	1,451		

(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 June 2009 + approved and pending board actions not recorded as of 6/30/09, or submitted after that date, and include allocated contingencies.

(1) "SHORTFALL" to the Adopted 2009 Budgets for Preliminary Engineering and Third Party phases: "Committed to Date" amounts shown here include contingencies allocated for preliminary engineering contracts and third party agreements that will not be used. Adjustments are in process.

(2) "SHORTFALL" to the Adopted 2009 Budget for the Construction Services phase reflects a board motion (M2009-94, adopted 7/25/09) for PB Americas, Inc. to provide continuing construction management services for Beacon Hill Station and Tunnel civil construction, which will be funded from surplus budget within other phases of the Initial Segment project.

SMALL BUSINESS PARTICIPATION

Prime Consultant/Contractor

The procurement included a small business participation goal of 25%. The prime contractor, Pacific Earthworks, is a small business and will perform 95% of the work.

Utilization Breakdown Table

Subconsultant/Subcontractor	Business Type	% of Work	Dollar Value
Valley Growers Nursery	DBE	5%	\$18,354
Total		5%	\$18,354

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

Pacific Earthworks workforce demographics are 16.66% women and 41.66% minorities.

Apprentice Utilization Commitment

Pacific Earthworks committed to a 20% apprentice utilization goal.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

The Tukwila Freeway Route contract, which was awarded in 2005 for the construction of the light rail aerial guideway in Tukwila, had extensive planting restoration scope driven by environmental permit conditions imposed by the City of Tukwila. During construction, it was discovered that the quantities of plants listed on the contract documents were not sufficient to plant all restoration areas required by City permits. Also, the need to build additional construction access roads created additional areas needing to be restored upon job completion. Due to these factors and others, Sound Transit decided to complete the full restoration scope using a competitively bid landscape follow-on contract after completion of the Tukwila Freeway Route construction.

In order to receive approval from the City of Tukwila to defer this outstanding required landscape restoration work until after opening of the Initial Segment of Central Link on July 18, 2009, Sound Transit submitted an assurance letter to the City committing that this work would be completed by the end of second quarter 2010.

Sound Transit advertised this project in June 2009 as a competitive bid through local and regional publications and received three bids. The lowest responsive, responsible bid from Pacific Earthworks in the amount of \$366,900 was 10.3% below Link’s engineer’s estimate of \$409,200.

Landscape restoration under this contract is scheduled to begin in September 2009 and be completed in April 2010. A one-year plant establishment maintenance period is also included in the contract.

Prior Board/Committee Actions

Motion/Resolution Number & Date	Summary of Action
M2004-104 10/21/04	Authorizing the Chief Executive Officer to execute a Development and Transitway Agreement with the City of Tukwila specifying the terms and conditions for development of the Tukwila Freeway Route (TFR) Project and to allow the use of City of Tukwila street right-of-way; and to execute all other subsequent agreements as may be necessary to implement this Agreement, subject to approval of the 2005 budget.

CONSEQUENCES of DELAY

A delay beyond September 2009 in approval of this action could cause a delay in completing the work as committed to the City of Tukwila by Sound Transit.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

JI 7/31/09

LEGAL REVIEW

LA 8/13/09

SOUND TRANSIT

MOTION NO. M2009-72

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract with Pacific Earthworks, to provide construction services for landscape restoration within the Central Link Initial Segment project in the amount of \$366,900, with a 10% contingency of \$36,690, for a total authorized contract amount not to exceed \$403,590.

Background:

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Motion:

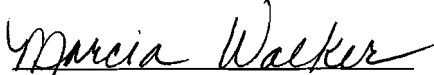
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract with Pacific Earthworks, to provide construction services for landscape restoration within the Central Link Initial Segment Project in the amount of \$366,900, with a 10% contingency of \$36,690, for a total authorized contract amount not to exceed \$403,590.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 20, 2009.



Aaron Reardon
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator