

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2010-15

Contingency Increase for Additional Civil Engineering Design Services

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	1/21/10	Discussion/Possible Action to Recommend Board Approval	Ahmad Fazel, Executive Director	(206) 398-5389
Board	1/28/10	Action	John Sleavin, Civil Engineering Manager	(206) 398-5150

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

Central Link Light Rail Initial Segment and Airport Link

PROPOSED ACTION

Authorizes the chief executive officer to increase the contingency for the contract with Hatch Mott MacDonald to provide additional civil engineering design services for the Central Link Light Rail Initial Segment - Tukwila Freeway Route contract and Airport Link project in the amount of \$330,000, for a new total authorized contract amount not to exceed \$32,281,305, which includes reimbursable costs to Sound Transit from third parties for betterment work in the amount of \$6,399.

KEY FEATURES of PROPOSED ACTION

- The scope of this proposed amendment includes engineering services for completion of necessary drainage elements for the escalator pits as required by the Washington Department of Labor & Industries for the Tukwila International Boulevard and SeaTac/Airport Stations. Also included are engineering services to design permanent guideway access and emergency guideway lighting, as required by the Assurance Letter provided by Sound Transit to the City of SeaTac.
- The proposed amendment also includes a scope of civil engineering and architectural design services to design an interim kiss and ride facility at the SeaTac/Airport station that may potentially be designed and/or constructed by Sound Transit on behalf of and at the request of the City of SeaTac, in order to fulfill City obligations under the terms and conditions of a future amendment to the Development and Transitway Agreement which was executed by the City and Sound Transit in February 2006. If it is determined by the parties that it is not in their best interests to amend the Development and Transitway Agreement, then the scope of services to design the interim kiss and ride facility will not be utilized.
- The proposed action is for a total of \$330,000 which includes: 1) \$48,000 to provide additional civil engineering design services for the Central Link Light Rail Initial Segment - Tukwila Freeway Route contract; and 2) \$282,000 to provide additional civil engineering design services for the Airport Link project.
- The previous total authorized contract amount of \$31,951,305 included reimbursements to Sound Transit by third parties for betterments in the amount of \$6,399.

BUDGET IMPACT SUMMARY

Current Project Phase: Revenue Service / Construction
Projected Completion Date: 2009 / 2010

Action Outside of Adopted Budget:	✓	Comments on Checked Items
This Project		
This Phase	✓	Proposed action requires funding from surplus budget within the construction phase of the Airport Link project.
This Task	✓	Proposed action requires funding from unallocated contingencies within the final design phases of both the Initial Segment project and the Airport Link 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 2010 Lifetime Capital Budget for the Initial Segment is \$2.07 million. Within that amount:

- \$3,968,218 has been set aside for Design Support during Construction (DSDC) for construction contract C755 Tukwila Freeway Route within the final design phase. Since this budget line item is fully committed, approval of the proposed action would result in a budget shortfall of \$48,000, which will be funded from final design unallocated contingency.
- Within the final design phase, \$385,023 has been set aside for unallocated contingency. Should the proposed action be approved, that amount would be reduced by \$48,000, leaving a remaining balance of \$337,023 for final design phase unallocated contingency.

The Adopted 2010 Lifetime Capital Budget for Airport Link is \$269.1 million. Within that amount:

- \$3,461,776 has been set aside for DSDC Civil in the final design phase. Since this budget line item is fully committed, approval of the proposed action would result in a budget shortfall of \$282,000, of which \$200,107 will be funded from unallocated contingency within the final design phase, and the remaining \$81,893 will be funded from surplus budget within construction phase.
- Within the final design phase, \$200,107 has been set aside for unallocated contingency. Should the proposed action be approved, that entire amount would be utilized, leaving no remaining balance for final design phase unallocated contingency.

The current authorized not to exceed value for the Hatch Mott MacDonald contract includes betterment work for which Sound Transit was reimbursed by third parties in the amount of \$6,399. Sound Transit's share of this contract will be limited to \$32,274,906.

The proposed action requires funding from surplus budget in other phases of the Airport Link project. It is otherwise 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 TABLE

Action Item: Hatch Mott MacDonald (provide additional design support services during construction for the Initial Segment project; and civil and architectural design, and design support services during construction for the Airport Link project)

(Year of Expenditure \$000)

Initial Segment	Adopted 2010 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	186,233	179,551		179,551	6,682
Preliminary Engineering	33,289	33,287		33,287	3
Final Design	147,436	147,033	48	147,081	354
Right of Way	205,713	203,745		203,745	1,967
Construction	1,198,822	1,171,620		1,171,620	27,201
Construction Services	104,912	105,370		105,370	(458)
Third Party Agreements	61,739	62,770		62,770	(1,031)
Vehicles	131,857	131,803		131,803	54
Total Current Budget	2,070,000	2,035,180	48	2,035,228	34,772

Final Design Phase Detail					
DSDC C755	3,968	3,968	48	4,016	(48)
Other Final Design	143,082	143,065		143,065	17
Final Design Unallocated Contingency	385	-		-	385
Total Phase	147,436	147,033	48	147,081	354

Budget Shortfall	\$Shortfall (F)	Potential Resources (G)	Source (H)
Task Level			
DSDC C755	48	385	Unallocated contingency within the final design phase of the Initial Segment project

Airport Link	Adopted 2010 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	11,987	8,685		8,685	3,302
Preliminary Engineering	3,691	3,686		3,686	5
Final Design	15,749	15,626	282	15,908	(159)
Right of Way	12,450	12,012		12,012	438
Construction	193,601	187,541		187,541	6,060
Construction Services	15,521	15,321		15,321	200
Third Party Agreements	1,514	1,466		1,466	48
Vehicles	14,587	14,587		14,587	-
Total Current Budget	269,100	258,923	282	259,205	9,895

Final Design Phase Detail					
DSDC Civil	3,462	3,462	282	3,744	(282)
Other Final Design	12,087	12,164		12,164	(77)
Final Design Unallocated Contingency	200	-		-	200
Total Phase	15,749	15,626	282	15,908	(159)

Budget Shortfall	\$Shortfall (F)	Potential Resources (G)	Source (H)
Task Level			
DSDC Civil	200	200	Unallocated contingency within the final design phase of the Airport Link project
DSDC Civil	82	6,060	Surplus budget within the construction phase of the Airport Link project
Total DSDC Civil	282		

Contract Amount	Board Approvals to Date (I)	Current Approved Contract Value (J)	Proposed Action (K)	Proposed Total for Board Approval (L)	Proposed Contract Value (M)
Contract Amount - Initial Segment	15,770	17,070	-	15,770	17,070
Contract Amount - Airport Link	13,927	14,881	-	13,927	14,881
Total Contract Amount	29,697	31,951	-	29,697	31,951
Contingency - Initial Segment	1,300	-	48	1,348	48
Contingency - Airport Link	954	-	282	1,236	282
Total Contingency	2,254	-	330	2,584	330
Total Contract - Initial Segment	17,070	17,070	48	17,118	17,118
Total Contract - Airport Link	14,881	14,881	282	15,163	15,163
Total Contract	31,951	31,951	330	32,281	32,281
Percent Contingency	6%	0%	100%	8%	2%
Less Betterments - Airport Link	6	6	-	6	6
Total ST Share - Initial Segment	17,070	17,070	48	17,118	17,118
Total ST Share - Airport Link	14,875	14,875	282	15,157	15,157
Total Sound Transit Share	31,945	31,945	330	32,275	32,275

(A) ADOPTED 2010 BUDGET amounts as adopted by resolution of the Sound Transit Board (R2009-23, approved 12/10/09).

(B) COMMITTED TO DATE amounts are from Agency WBS Report as of November 2009 + approved and pending board actions not recorded as of 11/30/09, or submitted after that date, and include allocated contingencies.

(1) "SHORTFALL" to the Adopted 2010 Budget for Construction Services phase of the Initial Segment project: "Committed to Date" amount shown here includes unused funds authorized for allocated contract contingencies that will be decommitted as these contracts complete.

(2) "SHORTFALL" to the Adopted 2010 Budget for Third Party Agreements phase of the Initial Segment project: "Committed to Date" amount shown here includes unused funds authorized for allocated contract contingencies that will be decommitted as these contracts complete.

(3) "SHORTFALL" to the Adopted 2010 Budget for the Final Design phase of the Airport Link project: "Committed to Date" amount shown here includes unused funds authorized for allocated contract contingencies that will be decommitted as these contracts complete.

SMALL BUSINESS PARTICIPATION

Prime Consultant/Contractor

HMM is the prime consultant for this contract. Consistent with the actions of HMM through the final design and construction phases of the project, HMM is committed to meet the established Small Business goal of 20%. Performance to date is 28.11% Small Business participation. When the project is complete, the resulting Small Business participation is estimated to meet the established 20% goal.

Utilization Breakdown Table

Subconsultant/Subcontractor	Business Type	% of Work	Dollar Value
CTS Engineers	Small Business	23%	\$75,900
Nakano	Small Business	3%	\$9,900
Total		26%	\$85,800

EEO Commitment

HMM workforce demographics are 18.7% women and 20.7% minorities.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Elevator/Escalator Retrofit Design: The Washington State Department of Labor & Industries (L&I) granted conditional approval of the escalators at the Mount Baker and Tukwila Stations prior to the July 18, 2009 opening of the Initial Segment; and conditional approval of the escalators at the SeaTac/Airport Station prior to the December 19, 2009 opening of Airport Link. Sound Transit has until March 31, 2010 to complete modifications to the escalator pits at these three stations to provide drainage systems in accordance with L&I requirements. In conjunction with this work, it is recommended that certain equipment rooms at these stations be upgraded with air conditioning systems to prolong equipment life and reduce maintenance costs. HMM provided the original mechanical system designs at Tukwila and airport stations and is uniquely qualified to provide the retrofit/upgrade design in order to meet the regulatory and seasonal schedule requirements to implement the proposed design changes.

SeaTac Assurance Letter Requirements: In order to obtain the Certificate of Occupancy for Airport Link, Sound Transit and the City of SeaTac entered into an Assurance Letter dated December 16, 2009. Specific design elements of the Airport Link project related to fire/life/safety were identified by the SeaTac Fire Department as requiring further refinement during the final design phase of the project. These design elements include mobile ladder access provisions and emergency lighting of the center walkway on the aerial guideway sections of the alignment. Due to the late resolution of the specific design configurations that would be acceptable to the SeaTac and Port of Seattle Fire Departments, it was not possible to include them in the major construction contracts or to issue separate smaller contracts prior to the scheduled opening of Airport Link. Conceptual designs for these elements were developed by Sound Transit and approved by the City for inclusion in the Assurance Letter. The items identified in the Assurance Letter are anticipated to be completed by December 31, 2010. The procurement process to contract with a new design consultant will not meet the schedule requirements. HMM performed the original civil design of the Airport Link project and is uniquely qualified to efficiently provide the necessary services in the required timeframe.

Interim Kiss and Ride Design: The February 2006 Development and Transitway Agreement between Sound Transit and the City of SeaTac provided an option to construct the kiss-and-ride facility in conjunction with other development and consistent with the City's ongoing station area planning efforts. In August 2006, the City notified Sound Transit of its intent to construct the proposed kiss and ride facility and Sound Transit removed the kiss and ride facility element from its bid documents for the SeaTac/Airport Station. In July 2009, the City informed Sound Transit that the schedule for development of the kiss and ride facility and other development projects had been negatively impacted by economic conditions and requested that Sound Transit assume responsibility for an interim kiss and ride facility that would be in place for three or more years until such time as the City would be able to proceed with a permanent kiss and ride facility and its future development project. On December 16, 2009, Sound Transit and the City entered into a Term Sheet

which provides that by February 1, 2010, the parties will jointly determine which party will develop the interim kiss and ride facility with the goal of completing construction prior to December 31, 2010. Pending further review, City and Sound Transit staff may recommend that it is in the parties' best interests for Sound Transit to develop the interim kiss and ride facility, subject to completion of appropriate environmental review and final approval by the Sound Transit Board and City Council. If this recommendation is made, utilizing the HMM design team would provide maximum efficiency in the design process because HMM is intimately familiar with the kiss and ride facility re-design challenges and constraints having developed a 100% design package for the site previously.

Prior Board/Committee Actions on this Project

Motion/Resolution Number and Date	Summary of Action
M2008-04 1/24/08	Authorized the chief executive officer to execute a contract amendment with Hatch Mott MacDonald to provide additional design support services during construction and additional civil and architectural design services in an amount not to exceed \$2,120,000 for a new total authorized contract amount not to exceed \$31,951,305, which includes reimbursable costs to Sound Transit from third parties for betterment work in the amount of \$6,399.
M2007-80 7/26/07	Authorized the chief executive officer to execute a contract amendment with Hatch Mott MacDonald to provide additional civil and architectural design services for the redesign and repackaging of the SeaTac/Airport Station for the Airport Link project in the amount of \$949,239, with a contingency in the amount of \$46,716, totaling \$995,955 for a new total authorized contract amount not to exceed \$29,831,305.
M2006-47 6/8/06	Executed a contract amendment with Hatch Mott MacDonald to (1) provide additional civil engineering design services during construction of the Central Link Light Rail Initial Segment - Tukwila section, in the amount of \$1,100,000; and (2) executed an option for civil engineering design services during construction of the Airport Link project in the amount of \$1,800,000, for a new total authorized contract amount not to exceed \$28,835,350.
M2005-37 4/14/05	Executed a sole source contract amendment with Hatch Mott MacDonald (HMM) in the amount of \$9,077,591 and a 10% contingency in the amount of \$907,759, for a revised total authorized contract amount not to exceed \$25,935,350, to provide preliminary engineering and architectural design services for the Airport Link preferred alternative between South 154th Street in the City of Tukwila and the proposed Airport light rail station near South 176th Street in the City of SeaTac and to provide final design services for the Airport Link project to be selected for construction by the Sound Transit Board.
M2005-15 3/10/05	Ratified and approved the contract for civil engineering design services with Hatch Mott MacDonald and authorizes the Chief Executive Officer to execute a contract amendment to the contract to provide additional civil engineering design services during construction for Central Link Light Rail Initial Segment project from South Boeing Access Road to South 154th Street in the amount of \$1,650,000 for a new total authorized amount not to exceed \$15,950,000.
M2002-45 4/25/02	Executed a contract with AMEC-Hatch Mott MacDonald Joint Venture for civil engineering final design services associated with construction of the S. Boeing Access Road to S. 154th Street segment for the Central Link Light Rail project for a contract amount of \$13,000,000 with a 10% contingency of \$1,300,000 for a total authorized amount not to exceed \$14,300,000.

CONSEQUENCES of DELAY

A delay in proceeding with design of the deferred items will result in non-compliance with permit requirements and may result in revocation of the permits.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

Jl, 1/4/10

LEGAL REVIEW

JW 1/14/10

SOUND TRANSIT

MOTION NO. M2010-15

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to increase the contingency for the contract with Hatch Mott MacDonald to provide additional civil engineering design services for the Central Link Light Rail Initial Segment - Tukwila Freeway Route contract and Airport Link project in the amount of \$330,000, for a new total authorized contract amount not to exceed \$32,281,305, which includes reimbursable costs to Sound Transit from third parties for betterment work in the amount of \$6,399.

Background:

Elevator/Escalator Retrofit Design: The Washington State Department of Labor & Industries (L&I) granted conditional approval of the escalators at the Mount Baker and Tukwila Stations prior to the July 18, 2009 opening of the Initial Segment; and conditional approval of the escalators at the SeaTac/Airport Station prior to the December 19, 2009 opening of Airport Link. Sound Transit has until March 31, 2010 to complete modifications to the escalator pits at these three stations to provide drainage systems in accordance with L&I requirements. In conjunction with this work, it is recommended that certain equipment rooms at these stations be upgraded with air conditioning systems to prolong equipment life and reduce maintenance costs. HMM provided the original mechanical system designs at Tukwila and airport stations and is uniquely qualified to provide the retrofit/upgrade design in order to meet the regulatory and seasonal schedule requirements to implement the proposed design changes.

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familiar with the kiss and ride facility re-design challenges and constraints having developed a 100% design package for the site previously.

Motion:


It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to increase the contingency for the contract with Hatch Mott MacDonald to provide additional civil engineering design services for the Central Link Light Rail Initial Segment - Tukwila Freeway Route contract and Airport Link project in the amount of \$330,000, for a new total authorized contract amount not to exceed \$32,281,305, which includes reimbursable costs to Sound Transit from third parties for betterment work in the amount of \$6,399.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on January 28, 2010.



Aaron Reardon
Board Chair

ATTEST:



Marcia Walker
Board Administrator