

SOUND TRANSIT

MOTION NO. M2010-16

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

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	1/21/10	Discussion/Possible Action	Jim Edwards, Capital Projects Director Melissa Flores Saxe, Project Manager	(206) 398-5436 (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

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 \$115,478, for a new total authorized contract amount not to exceed \$784,283.

KEY FEATURES of PROPOSED ACTION

- The contract amendment would increase J.L. Patterson and Associates' construction management services budget in order to cover increased project costs caused by lengthy real estate negotiations that delayed the project.
- The scope of J.L. Patterson and Associates construction management services include:
 - Construction project management and coordination oversight;
 - On-site residential engineering and inspection services;
 - Electrical inspection services;
 - Quality assurance oversight; and
 - Construction community outreach support.

BUDGET IMPACT SUMMARY

Current Project Phase: Construction
Projected Completion Date: 2010 (Snohomish County portion)

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 Adopted 2010 Budget for the project is \$26,811,657, with a construction phase budget of \$22,772,096. The proposed action is to execute an amendment to the contract with J.L. Patterson and Associates for construction management services in the amount of \$115,478. This action will result in a construction phase balance of \$2,531,860 and a project balance of \$3,533,763.

There are sufficient funds to complete this action within the project budget. Committing these funds will not endanger any other project elements that are to be funded out of the overall project.

BUDGET TABLE

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

Project: 3X140 - Layover

	2010 Board Adopted Budget ¹ (A)	Committed To Date ² (B)	This Action (C)	Total Committed & Action (D)	Uncommitted Or Shortfall (E)
Agency Administration	\$ 886	\$ 886	\$ -	\$ 886	\$ -
Preliminary Engineering	\$ 375	\$ 281	\$ -	\$ 281	\$ 94
Final Design	\$ 963	\$ 796	\$ -	\$ 796	\$ 167
Right of Way	\$ 1,750	\$ 1,076	\$ -	\$ 1,076	\$ 675
Construction	\$ 22,772	\$ 20,125	\$ 115	\$ 20,240	\$ 2,532
Vehicles	\$ -	\$ -	\$ -	\$ -	\$ -
Contingency	\$ 66	\$ -	\$ -	\$ -	\$ 66
Total Current Budget	\$ 26,812	\$ 23,162	\$ 115	\$ 23,278	\$ 3,534

Phase Budget Detail

Construction	\$ 22,772	\$ 20,125	\$ 115	\$ 20,240	\$ 2,532
Misc. Activity	\$ -	\$ -	\$ -	\$ -	\$ -
Total Phase	\$ 22,772	\$ 20,125	\$ 115	\$ 20,240	\$ 2,532

Contract Budget	Current Approved Contract Value (F)	Committed To Date ² (G)	Proposed Action (H)	Proposed Total Contract Value (I)
J. L. Patterson & Associates	\$ 607	\$ 607	\$ 115	\$ 723
Contingency	\$ 61	\$ 32	\$ -	\$ 61
Total	\$ 669	\$ 640	\$ 115	\$ 784
Percent Contingency	10%	0%	0%	8%

Notes:

- Project budget is located on page 64 of the Proposed 2010 Transit Improvement Plan budget book. The 2010 Budget was adopted by the Board on December 10, 2009.
- Committed to date amount includes actual outlays and commitments through November 30, 2009, in addition there is a concurrent motion to execute a contract for construction for \$2.2M which is included in the commitments. 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. The contract to date has expended 13.75% of the DBE awarded contract amount.

Utilization Breakdown Table

Prime Consultant	Business Type	% of Work	Dollar Value
J.L. Patterson and Associates	Small Business	58.1%	\$502,712.78

Subconsultant/Subcontractor	Business Type	% of Work	Dollar Value
True North	DBE	2.8%	\$16,937.77
Pacific Rim	Small Business	9.1%	\$54,195.07
Pacific Communications	DBE	3.6%	\$21,160.00
Total sub-consultant		15.5%	\$92,228.84
Total M/W/DBE & Small Business		73.6%	\$595,005.62

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

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

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Sound Transit currently provides Sounder service between Everett and Seattle on the BNSF Railway's railroad right of way. Service between Everett and Seattle began in December 2003. Sound Transit has added additional service in phases, with Train 2 beginning service in September 2004, Train 3 in September 2007, and Train 4 in September 2008.

The Everett Layover Track Extension project will provide permanent storage for four Sounder trains. The construction project will increase storage track capacity at the facility. The project also makes provisions for wayside power and air, security lighting, security fencing, storm drainage and roadway access improvements.

The Everett Layover Track Extension project has been delayed due to the lengthy real estate negotiations with the adjacent lumber yard property owner. However, Sound Transit was able to add Train 3 in September 2007 by installing temporary tracks to extend the layover. In September 2008, Sound Transit was able to add Train 4 by changing the configuration. These solutions were temporary until the lumber yard issue was resolved.

Sound Transit has recently reached a settlement with the adjacent lumber yard owner. The property owner was using a portion of the BNSF Railway's property to access their business. A legal resolution through mediation has addressed the real estate negotiations for the use of the property. On January 5, 2010, Sound Transit received a letter of concurrence from the Federal Transit Administration on the negotiated settlement.

The original construction management contract amount was \$266,503. The amount was reduced through contract change orders to complete the work to implement Train 3. The remaining contract amount for construction management services is not sufficient to cover the construction duration of ten months for the track extension project.

The J.L. Patterson and Associates final design and construction management services contract was originally executed on February 13, 2006 and Sound Transit anticipated completing the Everett Track Extension project by Fall 2008. Due to issues involving real estate negotiations, the completion of final design was delayed which subsequently also delayed the construction of the project.

Compliance under NEPA and SEPA for this project was completed through the Everett-to-Seattle Commuter Rail Final Environmental Impact Statement (December 1999) and Record of Decision (ROD) from FTA in February 2000.

Motion/Resolution Number and Date	Summary of Action
M2008-04 11/20/08	Authorized the Chief Executive Officer to execute a contract amendment with J.L. Patterson & Associates to provide final design and construction management services for Everett Layover Track Extension Project in the amount of \$132,948 with a 10% contingency of \$13,295 total \$146,243, for a new total authorized contract amount not to exceed \$668,805.
M2006-05 1/19/06	Authorized the Chief Executive Officer to 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 amount not to exceed \$522,562.

CONSEQUENCES of DELAY

There is no immediate consequence if the Finance Committee does not approve the contract amendment on January 21, 2010. A delay beyond two weeks could delay securing construction management services for the construction of the project.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SSK 01/15/10

LEGAL REVIEW

LA 01/14/10

SOUND TRANSIT

MOTION NO. M2010-16

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 \$115,478, for a new total authorized contract amount not to exceed \$784,283.

Background:

Sound Transit currently provides Sounder service between Everett and Seattle on the BNSF Railway's railroad right of way. Service between Everett and Seattle began in December 2003. Sound Transit has added additional service in phases, with Train 2 beginning service in September 2004, Train 3 in September 2007, and Train 4 in September 2008.

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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 J.L. Patterson and Associates to provide final design and construction management services for the Everett Layover Track Extension Project in the amount of \$115,478, for a new total authorized contract amount not to exceed \$784,283.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on January 21, 2010.



Fred Butler
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator