

Motion No. M2021-62

Contract Modification with Kimley Horn for the Everett Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	10/14/2021	Final action	Don Billen, PEPD Executive Director Sandra Fann, Acting North Corridor Director Miranda Redinger, Senior Project Manager

Proposed action

Authorizes the chief executive officer to execute a contract modification with Kimley-Horn and Associates, Inc. to increase the contract amount for the Everett Link Extension & Operations & Maintenance Facility North project for Phase 1 Alternatives Development in the amount of \$934,000 for work to fulfill the agreement for the Federal Transit Administration's Transit-Oriented Development Pilot Program grant, for a new total authorized contract amount not to exceed \$16,806,847.

Key features summary

- This action modifies the Everett Link Extension consultant services contract with Kimley-Horn and Associates, Inc. to fund work for deliverables related to the Federal Transit Administration's (FTA) Transit-Oriented Development (TOD) Pilot Program grant. This amendment will apply to the Phase 1 – Alternatives Development contract for Everett Link Extension.
- The FTA TOD grant work will be accomplished through a Model Code Partnership process. This includes an inventory report, a gap analysis, case studies and development of model code language for consideration and potential adoption by local jurisdictions along the Everett Link Extension corridor.

Background

The Everett Link Extension is a voter-approved project under the ST3 Plan. The Everett Link Extension ST3 representative alignment extends Link light rail transit approximately 16 miles from Lynnwood City Center station to Everett Station. The representative project includes six stations; one unfunded provisional station; two parking facilities; an operations and maintenance facility (OMF); and allowances for system access, sustainability and TOD. The Board adopted target schedule for the project is 2037; the affordable schedule is 2037 to SW Everett Industrial Center and 2041 to Everett Station, with an affordability gap of \$600 million in 2019\$.

The project development process has three phases. Phase 1 includes alternatives development, environmental scoping and identification of a preferred alternative(s) and other alternatives. Phase 2 will include the preparation of a Draft Environmental Impact Statement (EIS) and conceptual engineering of a preferred alternative and other alternatives as identified through alternatives development. Phase 3

will include the preparation of a Final EIS, including responses to public and agency comments on the Draft EIS, and preliminary engineering of the preferred alternative.

In October 2020, Board Motion No. M2020-60 authorized the chief executive officer to execute a contract with Kimley-Horn and Associates, Inc. to provide project development services for Phase 1 of the Everett Link Extension and OMF-North project. The OMF North is a necessary facility for the overall light rail system expansion. For purposes of project development and application of the TOD grant funds, the OMF North will be evaluated as an element of the Everett Link Extension.

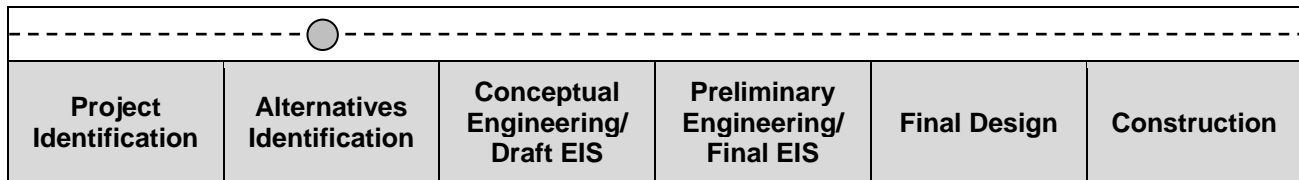
In December 2020, Sound Transit received a \$2,000,000 grant from the FTA TOD Pilot Program. Work to complete grant deliverables will be conducted by Kimley-Horn and Associates, Inc. as part of the Everett Link Extension contract through the Model Code Partnership (MCP) process. The Everett Link Extension Phase 1 consultant contract includes scope for this work and provides a modest allowance; however, the scope and budget were negotiated prior to FTA awarding the TOD grant.

This contract amendment is necessary so that Kimley-Horn and Associates, Inc. may perform work to complete grant deliverables within the timeline specified in the FTA TOD grant agreement. The balance of the TOD grant funds will be applied to subsequent project phases and the scope for MCP work will be negotiated as part of future phase EVLE/OMF North project contracts.

MCP is a collaboration with jurisdictional partners to identify potential gaps and/or conflicts in local policies, codes, and various permitting processes in the three municipalities along the Everett Link Extension light rail corridor: the cities of Lynnwood and Everett and Snohomish County. This includes researching best practices and analyzing financial tools to develop model code and regulatory language for jurisdictional partners to consider for local adoption.

This is intended to benefit the Everett Link Extension by providing consistent supportive regulatory requirements across jurisdictions, thereby reducing costs by creating uniformity in local development requirements and streamlining design and permitting processes. It should benefit the region by implementing best practices for TOD, multi-modal access and economic development in all station areas along the Everett Link Extension corridor.

Project status



Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction

Projected completion date for Phase 1: Q1 2023

Project scope, schedule and budget summary are located on page 11 of the July 2021 Agency Progress Report.

Procurement information

Sound Transit advertised the Request for Qualifications (RFQ No. RTA/AE 0179-19) for three phases of the project development process on December 17, 2019. Sound Transit received three Statements of Qualifications (SOQs) on January 27, 2020. The SOQs were reviewed and evaluated per the criteria in the RFQ: Firm Experience and History, Knowledge and Experience of Key Individuals, Capacity and

Project Organization, Project Understanding and Approach, Good Faith Efforts and Commitment to DBEs and other Small Businesses, and Equal Employment Opportunity (EEO) Commitment.

Based on these evaluations, two submitters were invited for interviews. The Kimley-Horn and Associates, Inc. team was determined to be the highest ranked firm based on qualifications to perform all three phases of project development and was invited to enter into negotiations for the contract for Phase I. Exercise of Options for other phases will be at the sole discretion of Sound Transit. Sound Transit executed the contract with Kimley-Horn and Associates, Inc. on October 8, 2020, for the Phase 1 scope of work.

The current contract modification continues work authorized by the procurement for the Everett Link Extension under Phase 1. This action amends the existing contract with Kimley-Horn and Associates, Inc. to proceed with this updated scope within the approved Phase 1 scope. Procurements and Contracts has determined that the scope of work for this action is within the general scope of work originally procured. The negotiated price for this modification is consistent with the Sound Transit independent estimate for this work, and has been determined fair and reasonable.

Fiscal information

This action is within the authorized project allocation and sufficient monies remain after approval of this action to fund the remaining work in the preliminary engineering phase. There are no applicable taxes.

The authorized project allocation for the Everett Link Extension project is \$185,042,000. Within the preliminary engineering phase, \$18,004,000 has been allocated to the budget line item for phase one alternative development. The action would commit \$934,000 to this line item and leave a budget balance of \$1,197,000.

The current cost estimate for the Everett Link Extension project is \$5.5 billion in 2021 dollars and is affordable within the Agency's Finance Plan. This action is in alignment with the program master schedule and current authorized project allocation, and it does not impact the affordability of any other system expansion project.

Everett Link Extension
(in thousands)

Project Phase	Authorized Project Allocation	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	34,170	2,510		2,510	31,660
Preliminary Engineering	125,572	16,302	934	17,236	108,336
Final Design					
Third Party Agreements	13,200	375		375	12,825
Right of Way	11,100	343		343	10,757
Construction	1,000	640		640	360
Construction Services					
Vehicles					
Total Current Budget	185,042	20,170	934	21,104	163,938
Phase Detail					
Preliminary Engineering					
ALTERNATIVE DEVELOP (PHASE 1)	18,004	15,873	934	16,807	1,197
Other	107,568	429		429	107,139
Total Phase	125,572	16,302	934	17,236	108,336

Agreement Detail	Board Approvals to Date	Current Approved Agreement Status	Proposed Action	Proposed Total for Board Approval
Kimley Horn				
Agreement Amount	14,430	14,430	934	15,364
Contingency	1,443	1,443		1,443
Total Contract	15,873	15,873	934	16,807
Percent Contingency	10%	10%	0%	9%

Notes:

Amounts are expressed in Year of Expenditure \$000s.

* Board Approvals = Commitment and PO Contingency Remaining as of 8/31/2021

For detailed project information, see page 149 of the 2021 Financial Plan & Adopted Budget.

Disadvantaged and small business participation

Sound Transit promotes and encourages small business participation, which also includes disadvantaged business enterprises (DBEs). Consistent with Sound Transit Policies and federal regulations, Sound Transit has established small business/DBE goals for this contract. These goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of small businesses/DBEs available to perform such subcontracting work.

For this specific contract, the following goals were set and the successful Bidder/Proposer has committed to the following small business/DBE participation for the entire contract, including phases 1, 2 and 3:

Small business and disadvantaged business enterprise (DBE) goals	
Sound Transit DBE Goal: 5%	DBE Commitment: 14%
Sound Transit SBE Goal: 15%	SBE Commitment: 15.5%

Public involvement

Sound Transit is committed to actively seeking public feedback at all project stages for the Everett Link Extension with the overarching goal of fostering public trust through transparent communication, meaningful involvement and being responsive to concerns and issues. The project will continue reaching

out to communities, businesses, stakeholders and agencies to shape the project by asking questions, holding conversations with project staff and seeking out ideas and comments.

The project budget supports online and in-person communications relating to the Phase 1 effort including consultation with jurisdictions and agencies, public meetings and briefings.

While the FTA TOD grant work does not include direct public involvement by Sound Transit, a total of seven workshops will be held with partner jurisdictions: the cities of Everett and Lynnwood and Snohomish County. Five of these workshops have been held to date.

Sound Transit will use a portion of the grant funding to develop a public engagement plan with partner jurisdictions and may assist with messaging or other support for model policies and regulations considered for adoption as an outcome of the FTA TOD grant work.

Time constraints

Since the Everett Link Extension contract was executed prior to FTA awarding the TOD grant, there is not sufficient budget in the contract to meet the deliverable deadlines in the grant agreement. Timely Board approval of this contract amendment will allow Kimley-Horn and Associates, Inc. to continue working on the grant deliverables without interruption.

This effort would be ongoing through the Phase 1 Alternatives Development process. A one-month delay would not affect the project team's ability to provide timely information for the Federal Transit Administration.

Prior Board/Committee actions

Motion No. M2020-60: Authorized the chief executive officer to execute a contract with Kimley-Horn and Associates, Inc. to provide project development services for the Everett Link Extension & Operations & Maintenance Facility (OMF) North project for Phase 1 - Alternatives Development in the amount of \$14,429,861, with a 10 percent contingency of \$1,442,986, for a total authorized contract amount not to exceed \$15,872,847.

Environmental review – KH 10/5/21

Legal review – JSA 10/8/21



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A motion of the System Expansion Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract modification with Kimley-Horn and Associates, Inc. to increase the contract amount for the Everett Link Extension & Operations & Maintenance Facility North project for Phase 1 Alternatives Development in the amount of \$934,000 for work to fulfill the agreement for the Federal Transit Administration's Transit-Oriented Development Pilot Program grant, for a new total authorized contract amount not to exceed \$16,806,847.

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Motion

It is hereby moved by the System Expansion Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract modification with Kimley-Horn and Associates, Inc. to increase the contract amount for the Everett Link Extension & Operations & Maintenance Facility North project for Phase 1 Alternatives Development in the amount of \$934,000 for work to fulfill the agreement for the Federal Transit Administration's Transit-Oriented Development Pilot Program grant, for a new total authorized contract amount not to exceed \$16,806,847.

APPROVED by the System Expansion Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 14, 2021.



Claudia Balducci
System Expansion Committee Chair

Attest:



Kathryn Flores
Board Administrator