

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2009-39**

**Amend Sole Source Purchase with Motorola for Mobile and Portable Radios  
Under Western States Contracting Alliance Agreement**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	5/7/09	Postponed	Ahmad Fazel, Link Executive Director	(206) 398-5389
Finance Committee	5/21/09	Discussion/Possible Action to Recommend Board Approval	<b>George Hodges</b>	(206) 398-5473
Board	5/28/09	Action	<b>Civil/Systems Integration Manager</b>	

<b>Contract/Agreement Type:</b>	✓	<b>Requested Action:</b>	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source	✓	Amend Existing Contract/Agreement	✓
Agreement with Other Jurisdiction(s)		Contingency Funds (Budget) Required	
Real Estate		Budget Amendment Required	

**PROJECT NAME**

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

**PROPOSED ACTION**

Authorizes the chief executive officer to amend the existing sole source contract with Motorola under the existing Western States Contracting Alliance Agreement to furnish mobile and portable radios for the University Link project in the amount of \$314,984 with a contingency of \$30,000, totaling \$344,984, for a new total authorized contract amount not to exceed \$2,815,987.

**KEY FEATURES of PROPOSED ACTION**

- The initial contract amount with Motorola for the Central Link Light Rail Initial Segment was spent on building the infrastructure of the Sound Transit radio system. The requested additional funds will support the University Link buildup and integration. The additional funds are for the following items:
  - Furnishing mobile radios for Link light rail vehicles; and
  - Furnishing portable radios for operating personnel.
- Sound Transit needs to purchase Motorola equipment because the radio system for Link is required to be compatible with King County Radio System's (KCRS) proprietary Motorola radio system. This radio system is established for normal and emergency operation usage as well as to meet public safety requirements for radio coverage in the tunnels.
- Sound Transit will purchase the equipment through an existing contract between Motorola and the Western States Contracting Alliance (WSCA) that offers direct purchase opportunities to state and local governments. Purchases made through this contract offer advantageous pricing compared to purchasing the equipment from Motorola directly or through third parties.

**BUDGET IMPACT SUMMARY**

Current Project Phase: Construction  
Projected Completion Date: 2016

<b>Action Outside of Adopted Budget:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
This Project		
This Phase		
This Task	✓	The proposed action requires funding from unallocated contingency within the construction phase of the University Link project.
Budget Amendment Required		

<b>Key Financial Indicators:</b>	<b>✓</b>	<b>Comments on Checked Items</b>
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 current total authorized contract with Motorola in the amount of \$2,471,003 was adopted by the Sound Transit Board in April 2005 (Motion No. M2005-38, approved 4/15/05). Originally approved for the Central Link Initial Segment project, the Link Executive Director authorized \$30,952 of this amount to be reallocated to procure radios for the Airport Link project (Link Budget Transfer BTR-061, approved 3/28/07), which reduced the amount approved for the Initial Segment project to \$2,440,051.

The Adopted 2009 Lifetime Capital Budget for the University Link project is \$1.756 billion. Within that amount, \$346,000 has been set aside for mobile radios in the construction phase. The proposed action would commit \$344,984 of this amount, and leave a remaining balance of \$1,016 for this budget line item.

The proposed action is 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:** Motorola (Amend the existing sole source contract under the existing Western States Contracting Alliance Agreement to furnish mobile and portable radios for the University Link project)

(Year of Expenditure \$000)

<b>University Link</b>	Adopted 2009 Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	115,229.000	36,871.891		36,871.891	78,357.109
Preliminary Engineering	24,388.000	24,328.609		24,328.609	59.391
Final Design	77,944.000	69,717.680		69,717.680	8,226.320
Right of Way	167,332.000	123,492.893		123,492.893	43,839.107
<b>Construction</b>	<b>1,180,033.000</b>	<b>390,620.747</b>	<b>344.984</b>	<b>390,965.731</b>	<b>789,067.269</b>
Construction Services	68,526.000	64,704.000		64,704.000	3,822.000
Third Party Agreements	18,646.000	9,850.525		9,850.525	8,795.475
Vehicles	103,909.000	99,185.000		99,185.000	4,724.000
<b>Total Current Budget</b>	<b>1,756,007.000</b>	<b>818,771.345</b>	<b>344.984</b>	<b>819,116.329</b>	<b>936,890.671</b>

### **Construction Phase Budget Detail**

Mobile Radios	346.000	-	344.984	344.984	1.016
Other Construction	1,179,687.000	390,620.747		390,620.747	789,066.253
<b>Total Phase</b>	<b>1,180,033.000</b>	<b>390,620.747</b>	<b>344.984</b>	<b>390,965.731</b>	<b>789,067.269</b>

<b>Contract Amount</b>	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	2,353.336	2,353.336	314.984	2,668.320	2,668.320
Contingency	117.667	117.667	30.000	147.667	147.667
<b>Total</b>	<b>2,471.003</b>	<b>2,471.003</b>	<b>344.984</b>	<b>2,815.987</b>	<b>2,815.987</b>
Percent Contingency	5%	5%	10%	6%	6%
Less Initial Segment	2,440.051	2,440.051	-	2,440.051	2,440.051
Less Airport Link	30.952	30.952	-	30.952	30.952
<b>Total University Link</b>	<b>(0.000)</b>	<b>0.000</b>	<b>344.984</b>	<b>344.984</b>	<b>344.984</b>

(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 March 2009 + approved and pending board actions not recorded as of 3/31/09, or submitted after that date.

## **SMALL BUSINESS PARTICIPATION**

Not applicable to this section.

## **PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION**

As provided for in the intergovernmental agreement with King County for the operation and maintenance of Central Link Light Rail executed in 2003, Sound Transit is required to purchase Motorola equipment in order to fully integrate with the King County Radio System (KCRS). This agreement addresses the use of KCRS for operation of Central Link Light Rail and requires Sound Transit's radio system to be "functionally integrated with the KCRS, providing a seamless interconnection."

KCRS uses proprietary Motorola equipment. If Sound Transit were to use another manufacturer's equipment, it could potentially create integration difficulties, which would not be known until after installation and testing, and could also affect (manufacturer) interconnection on any warranties or services agreements on the KCRS system.

After considering different methods to procure Motorola equipment for Central Link (a sole source procurement, issue for bid, request for proposal, and public agency contracts - including the WSCA contract), staff concluded that it was most cost effective to take advantage of savings offered by procuring the equipment and installation through the existing WSCA contract.

## Sole Source Justification

The radio system design for Sound Transit's Central Link Light Rail Initial Segment provides a radio communication system for both normal and emergency operations. That system also satisfies public safety requirements by providing radio coverage in the Downtown Seattle Transit Tunnel. In order to ensure that these capabilities and capacities were included in the radio system, it was necessary for Sound Transit to enter into an agreement for long term access to the existing King County Radio System (KCRS). Among other things, the agreement requires that Sound Transit direct its communications systems and mobile and portable radio contractors to ensure that radio coverage in the tunnels is provided. The agreement further mandates that Sound Transit "incorporate KCRS based radio facilities into future Link light rail construction."

Under the agreement, the King County Radio Communications Board authorized Sound Transit to use the proprietary Motorola 800 MHz radio system for radio communications. This authorization encompassed both the Initial Segment and future segments of the system, including University Link. Thus, in order to comply with its obligations under the agreement and to ensure that its radio system is compatible with the existing KCRS, Sound Transit purchased the Motorola 800 MHz radio system for the Initial Segment.

Based on FTA Circular 4220.1F, subsection (3)(i)(b), a sole source procurement is appropriate and justified because the offeror (Motorola) offers a unique concept or capability not available from another source, or where patent or data rights would preclude competition. Both of these circumstances are present in connection with this purchase: the Motorola system is the only one compatible with the King County system with which Sound Transit must interface, and the Motorola equipment is proprietary in nature.

The purchase order will include applicable Federal Transit Administration contract requirements, including the requirement that Motorola comply with Buy America.

## **Prior Board/Committee Actions**

<b>Motion/Resolution Number &amp; Date</b>	<b>Summary of Action</b>
M2005-38 4/14/05	Authorized the Chief Executive Officer to execute a sole source purchase with Motorola under the existing Western States Contracting Alliance Contract to engineer, manufacture, furnish, install, and test the radio system for the Central Link Light Rail Initial Segment in the amount of \$2,353,336, with a 5% contingency of \$117,667, for a total authorized contract amount not to exceed \$2,471,003.
R2003-06 5/22/03	Authorized the Executive Director to execute an intergovernmental agreement with King County for (1) the operation and maintenance of Central Link Light Rail (including the Downtown Seattle Transit Tunnel) and the provision of complementary paratransit services for a term commencing with passenger service and running for five years (or until December 31, 2015, whichever is earlier) for an estimated amount of \$124.1 million (YOES\$); and (2) the performance of start-up activities for an estimated amount of \$17.36 million (YOES\$) in capital funds.

## **CONSEQUENCES OF DELAY**

Equipment installation in the University Link light rail vehicles is scheduled for mid-June 2009. A short delay in action would not adversely affect this work.

## **PUBLIC INVOLVEMENT**

Not applicable to this action.

## **ENVIRONMENTAL REVIEW**

JI 4/17/09

## **LEGAL REVIEW**

LA 5/1/09

## SOUND TRANSIT

### MOTION NO. M2009-39

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to amend the existing sole source contract with Motorola under the existing Western States Contracting Alliance Agreement to furnish mobile and portable radios for the University Link project in the amount of \$314,984 with a contingency of \$30,000, totaling \$344,984, for a new total authorized contract amount not to exceed \$2,815,987.

#### **Background:**

As provided for in the intergovernmental agreement with King County for the operation and maintenance of Central Link Light Rail executed in 2003, Sound Transit is required to purchase Motorola equipment in order to fully integrate with the King County Radio System (KCRS). This agreement addresses the use of KCRS for operation of Central Link Light Rail and requires Sound Transit's radio system to be "functionally integrated with the KCRS, providing a seamless interconnection."

KCRS uses proprietary Motorola equipment. If Sound Transit were to use another manufacturer's equipment, it could potentially create integration difficulties, which would not be known until after installation and testing, and could also affect (manufacturer) interconnection on any warranties or services agreements on the KCRS system.

After considering different methods to procure Motorola equipment for Central Link (a sole source procurement, issue for bid, request for proposal, and public agency contracts - including the WSCA contract), staff concluded that it was most cost effective to take advantage of savings offered by procuring the equipment and installation through the existing WSCA contract.

#### Sole Source Justification

The radio system design for Sound Transit's Central Link Light Rail Initial Segment provides a radio communication system for both normal and emergency operations. That system also satisfies public safety requirements by providing radio coverage in the Downtown Seattle Transit Tunnel. In order to ensure that these capabilities and capacities were included in the radio system, it was necessary for Sound Transit to enter into an agreement for long term access to the existing King County Radio System (KCRS). Among other things, the agreement requires that Sound Transit direct its communications systems and mobile and portable radio contractors to ensure that radio coverage in the tunnels is provided. The agreement further mandates that Sound Transit "incorporate KCRS based radio facilities into future Link light rail construction."

Under the agreement, the King County Radio Communications Board authorized Sound Transit to use the proprietary Motorola 800 MHz radio system for radio communications. This authorization encompassed both the Initial Segment and future segments of the system, including University Link. Thus, in order to comply with its obligations under the agreement and to ensure that its radio system is compatible with the existing KCRS, Sound Transit purchased the Motorola 800 MHz radio system for the Initial Segment.

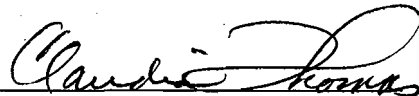
Based on FTA Circular 4220.1F, subsection (3)(i)(b), a sole source procurement is appropriate and justified because the offeror (Motorola) offers a unique concept or capability not available from another source, or where patent or data rights would preclude competition. Both of these circumstances are present in connection with this purchase: the Motorola system is the only one compatible with the King County system with which Sound Transit must interface, and the Motorola equipment is proprietary in nature.

The purchase order will include applicable Federal Transit Administration contract requirements, including the requirement that Motorola comply with Buy America.

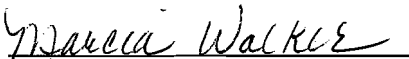
**Motion:**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to amend the existing sole source contract with Motorola under the existing Western States Contracting Alliance Agreement to furnish mobile and portable radios for the University Link project in the amount of \$314,984 with a contingency of \$30,000, totaling \$344,984, for a new total authorized contract amount not to exceed \$2,815,987.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 28, 2009.

  
\_\_\_\_\_  
Claudia Thomas  
Board Vice Chair

ATTEST:

  
\_\_\_\_\_  
Marcia Walker  
Board Administrator