

## Motion No. M2023-30

### Contract Amendment for Technical Consulting Services Associated with Bombardier BiLevel Car Procurement for Sounder Fleet Expansion

Meeting:	Date:	Type of action:	Staff contact:
Rider Experience and Operations Committee	04/06/2023	Final action	Suraj Shetty, Executive Director, Operations <b>Martin Young, Deputy Director, Commuter Rail</b> <b>Robin Braziel, Director, Commuter Rail, Bus, Paratransit</b>

### Proposed action

Authorizes the chief executive officer to execute a contract modification with Raul V. Bravo + Associates to provide additional bi-level car procurement consulting services for technical services in support of the purchase of bi-level cars for Sounder and other purchasing consortium partners in the amount of \$1,267,611 with a 10 percent contingency of \$126,761 totaling \$1,394,372, for a new total authorized contract amount not to exceed \$5,886,255.

### Key features summary

- In April 2020, the Board authorized the purchase of three passenger cab cars and eight coach cars to support the ST3 expansion of Sounder service on the Sounder South line. These new Bombardier cab cars and coaches are being produced in conjunction with the other purchasing consortium partners: North County Transit District (NCTD) and the San Joaquin Regional Rail Commission (SJRRRC).
- Raul V. Bravo + Associates (RVB+A) is providing design review, in-plant inspections, coordination of technical specifications and delivery as well as support for commissioning and testing of the subject cars. This action modifies the existing contract to provide additional related support services.
- Additional technical services are required as a result of four option cars exercised by SJRRRC, additional scope such as testing, commissioning and warranty support requested by NCTD as well as expenditures associated with the project schedule slide related to staffing challenges from the pandemic, supply chain issues and other events the manufacturer requested *force majeure* status on.
- Sound Transit will be fully reimbursed (\$1,267,611, including any of the 10% contingency used by the partnering agencies) for services associated with NCTD and SJRRRC through the pass-through funding arrangement via a separate Intergovernmental Agreement. The proposed amendment will prompt a three-year extension to the agreement term in order to accommodate the warranty support requested by the consortium partners.
- Sound Transit anticipates cost-associated schedule delays to the delivery and readiness of equipment for revenue service to be subject to liquidated damages; all three consortium partners expect to be reimbursed for much of the extra costs being experienced.

- The economies of scale from the joint procurement with these commuter rail peers allows for lower costs for equipment as well as for the related consultant services.

## **Background**

Sound Move, approved by the voters in 1996, authorized funding for the original Sounder fleet that included 58 passenger cars. That procurement was also supported by RVB+A for similar services. The ST2 plan, approved by voters in 2007, authorized funding for additional cars. Nine Crash Energy Management cab cars arrived beginning in 2017 bringing the car fleet size to 67. The Board authorized additional budget for the purchase of three additional cab cars through Resolution No. R2017-28. Those cars are included in the current Sounder Fleet Expansion project, however the purchase of the cars was delayed due in part to difficulty finding a competitive price. In May 2020, after a successful proposal with lower costs, the purchase of eight more cars, including the additional ST3 funding, was approved through Resolution No. R2020-07 and Motion No. M2020-27. In July 2020, the Board approved an amendment to the RVB+A contract to provide technical consulting services for the latest car procurement, including services for the consortium partners, NCTD and SJRRC, of which all of the partner expenditures will be fully reimbursed.

The new passenger cars will be added to the Sounder fleet which currently consists of 14 locomotives, 40 coaches and 27 cab cars. All 67 Sounder passenger cars (coaches and cab cars) were purchased from Bombardier between 1999 and 2016. All vehicles are maintained by Amtrak.

## **Procurement information**

Prior to issuing the solicitation for these services, Sound Transit considered the project scope, the determining factors for contract award, and the need for proposal discussions and revisions, and determined that a Request for Proposals procurement method was the most advantageous.

Sound Transit advertised Request for Proposals No. RP 0168-17 on October 10, 2017. Three firms submitted a proposal, and the proposals were evaluated based on the advertised evaluation criteria including price, knowledge and experience of key individuals, firm experience and history, capacity and project organization, partnership strength, outreach efforts and commitment to S/DBEs, and commitment to and compliance with equal employment opportunity law. RVB+A was selected as the top ranked firm and best value for Sound Transit.

The original procurement with RVB+A funded 3 cab cars, and the amendment in July 2020 funded an additional 8 for Sounder and the initial 11 + 17 for NCTD and SJRRC. This amendment covers services for scope changes for 4 more cars from options exercised by SJRRC as well as changes agreed to with the manufacturer, additional engineering, project management and documentation services agreed to associated with the services required.

## **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 final design phase. This action does not have an impact on the affordability of the Agency's Finance Plan.

The contract with Raul V. Bravo and Associates includes work for 2 other agencies; North County Transit District and San Joaquin Regional Rail Commission, for which Sound Transit will be fully reimbursed.

The authorized project allocation for the Sounder Fleet Expansion project is \$110,283,850. Within that amount, \$4,086,573 has been allocated to the final design phase for consulting services to ensure

Sound Transit design specifications are met. The action would not commit any additional amounts for Sound Transit in the final design phase.

While no staff effort was anticipated to occur in 2023 during the year end budget adjustment, the charges are verified as reasonable. As such, a phase budget transfer will be submitted after Q1 2023 to shift funding from Vehicles phase to Agency Administration phase to address the negative budget balance in the Agency Administration phase.

**Souder Fleet Expansion**

(in thousands)

Project Phase	Authorized Project Allocation	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$50	\$56		\$56	-\$6
Preliminary Engineering					
Final Design	4,087	2,643		2,643	1,443
Third Party					
Right of Way					
Construction					
Construction Services					
Vehicles	106,147	97,520		97,520	8,627
<b>Total Current Budget</b>	<b>\$110,284</b>	<b>\$100,219</b>		<b>\$100,219</b>	<b>\$10,065</b>
<b>Phase Detail - Final Design</b>					
Final Design	4,087	2,643		2,643	1,443
<b>Total Phase</b>	<b>\$4,087</b>	<b>\$2,643</b>		<b>\$2,643</b>	<b>\$1,443</b>

Contract Details	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
<b>Raul V. Bravo &amp; Associates Inc.</b>				
Sound Transit Contract Amount	\$2,459	\$2,459		\$2,459
Sound Transit Contingency	184	184		184
NCTD Contract Amount	896	986	922	1,818
NCTD Contingency	90		92	182
SJRRC Contract Amount	784	863	346	1,130
SJRRC Contingency	78		35	113
<b>Total Contract</b>	<b>\$4,492</b>	<b>\$4,492</b>	<b>\$1,394</b>	<b>\$5,886</b>
Percent Contingency	8%	4%	10%	9%

**Notes:**

Amounts are expressed in Year of Expenditure \$000s.  
 Board Approvals = Committed and PO Contingency Remaining as of 2/28/2023.  
 For detailed project information, see page 135 of 210 in the 2023 Financial Plan & Adopted Budget.

**Disadvantaged and small business participation**

**Participation by small businesses and disadvantaged business enterprises (DBEs)**

Sound Transit promotes and encourages small business participation, which also includes disadvantaged business enterprises (DBEs). Small business and DBE goals are based upon an examination of subcontracting opportunities contained in the work of this contract/agreement and the number of small businesses/DBEs available to perform such subcontracting work.

For this specific contract (RP168-17), the following Small Business goal was set and the successful Bidder/Proposer committed to the following small business participation:

<b>Small business and disadvantaged business enterprise (DBE) goals</b>	
Sound Transit small business goal: 6%	DBE goal: N/A
Small business commitment: 80%	DBE commitment: N/A
SBE Participation to Date: 96.19%	DBE Participation to Date: N/A

## **Public involvement**

Not applicable to this action.

## **Time constraints**

A one month delay will not adversely impact the project.

## **Prior Board/Committee actions**

Motion No. M2020-38: Authorized the chief executive officer to execute a contract modification with Raul V. Bravo + Associates to provide bi-level car procurement consulting services for technical services in support of the purchase of bi-level cars in the amount of \$2,273,467 with a 10 percent contingency of \$227,347 totaling \$2,500,814, for a new total authorized contract amount not to exceed \$4,491,883.

Resolution No. R2020-07: Amended the Sounder Fleet Expansion project to allow for the procurement of eight passenger coaches by (a) increasing the authorized project allocation by \$43,084,120 from \$67,200,000 to \$110,284,120 and (b) increasing the 2020 annual budget by \$3,433,313 from \$1,323,973 to \$4,757,286.

Motion No. M2020-27: Authorized the Chief Executive Officer to execute a contract with Bombardier Inc. to manufacture eleven passenger cars in the amount of \$42,234,252 with a ten percent contingency of \$4,223,425 for a total authorized contract amount not to exceed \$46,457,677, plus applicable taxes. This action was contingent upon Board approval of Resolution No. R2020-07.

Motion No. M2018-03: Authorized the chief executive officer to execute a contract with Raul V. Bravo + Associates, Inc. for a six year term to provide Sounder commuter rail operations consulting services in the amount of \$1,866,544, with a 20 percent contingency of \$373,309, for a total authorized contract amount not to exceed \$2,239,853, plus applicable taxes.

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**Environmental review** – KH 3/17/23

**Legal review** – AJP 3/23/23



## Motion No. M2023-30

A motion of the Rider Experience and Operations Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract modification with Raul V. Bravo + Associates to provide additional bi-level car procurement consulting services for technical services in support of the purchase of bi-level cars for Sounder and other purchasing consortium partners in the amount of \$1,267,611 with a 10 percent contingency of \$126,761 totaling \$1,394,372, for a new total authorized contract amount not to exceed \$5,886,255.

### Background

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**Motion**

It is hereby moved by the Rider Experience and Operations Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract modification with Raul V. Bravo + Associates to provide additional bi-level car procurement consulting services for technical services in support of the purchase of bi-level cars for Sounder and other purchasing consortium partners in the amount of \$1,267,611 with a 10 percent contingency of \$126,761 totaling \$1,394,372, for a new total authorized contract amount not to exceed \$5,886,255.

APPROVED by the Rider Experience and Operations Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on \_\_\_\_\_.

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Kristina Walker  
Rider Experience and Operations Chair

**Attest:**

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Kathryn Flores  
Board Administrator