

Motion No. M2021-02

Amend Construction and Funding Agreement with WSDOT for the Federal Way Link Extension Noise Wall

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	01/14/2021	Recommend to Board	Ron Lewis, DECM Executive Director
Board	01/28/2021	Final action	Linneth Riley-Hall, Executive Project Director – Federal Way Link Extension Nathan Galer, Deputy Construction Manager, Federal Way Link Extension

Proposed action

Authorizes the chief executive officer to execute an amendment to a construction and funding agreement with the Washington State Department of Transportation (WSDOT) for Sound Transit to design and construct WSDOT noise walls as part of the Federal Way Link Extension, for which WSDOT will reimburse Sound Transit.

Key features summary

- Under the existing Construction Agreement for Improvement Related to WSDOT SR 509 Completion Project agreement, the WSDOT will reimburse costs incurred by Sound Transit related to the design, construction and administration of WSDOT's State Route (SR) 509 Completion Project Phase 1 elements. These improvements are being completed by Sound Transit's design-build contractor for the Federal Way Link Extension (FWLE).
- This action would amend the existing agreement to include five WSDOT noise walls in the FWLE project along the light rail guideway between S. 216th Street and SR 516. The scope of work for the betterments includes:
 - Increasing the height of three noise walls on the FWLE project that are required for both the Sound Transit FWLE project and the WSDOT SR 509 Improvements project;
 - Constructing two additional noise walls solely for the WSDOT SR 509 Completion Project.
- WSDOT will reimburse Sound Transit for all costs incurred related to the two noise wall structures solely for the SR 509 Completion Project and for the additional costs related to increasing the height of the three shared noise walls. The estimated amount of the design, construction and Sound Transit construction management consultant administration and oversight of the work for the five noise wall betterments is \$6,631,000. The amendment requires WSDOT to reimburse Sound Transit for all costs associated with the noise walls.
- Including the WSDOT noise wall requirements in the Sound Transit FWLE project provides efficient use of public resources and reduces the impact on the community of having WSDOT construct a second noise wall between SR 509 and the Sound Transit's light rail guideway.

Background

The Federal Way Link Extension adds approximately 7.8 miles of light rail from the Angle Lake light rail station at South 200th Street in the City of SeaTac to the Federal Way City Center area in Federal Way.

The extension generally parallels State Route 99 and Interstate 5, with stations at Kent/Des Moines, South 272nd/ Star Lake Park and Ride, and the Federal Way Transit Center. New parking structures will be constructed at each of the three stations. Revenue service is scheduled to begin in 2024.

WSDOT awarded the contract for its Phase 1 SR 509 Completion Project approximately one year after the FWLE design-build contractor was given notice to proceed. Because the construction of these two facilities are mostly parallel and adjacent and will cross each other in one location, Sound Transit and WSDOT are coordinating design solutions, construction areas, and construction schedules.

On January 16, 2019, Sound Transit and WSDOT entered into the Construction Agreement for Improvements Related to Phase 1 of the WSDOT 509 Completion Project (GCB 3019) for Sound Transit to include certain WSDOT project work in the FWLE project, including the WSDOT SR 99 Bridge; SR 99 temporary bypass road; and I-5 walls and earthwork related to two retaining walls that will separate the SR 509 Project and the FWLE Project and will serve both projects. This existing agreement sets out the terms and conditions for Sound Transit to perform the work and for WSDOT to reimburse Sound Transit for the work. This action would amend this existing agreement to include the WSDOT noise wall betterments related to its SR 509 project.

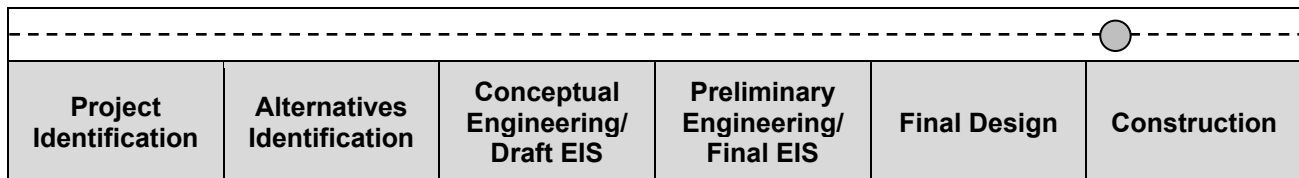
As the WSDOT project progressed, WSDOT determined that its project would require noise walls in approximately the same locations as the FWLE noise walls along SR 509 and the light rail guideway, between S. 216th Street and SR 516. An analysis performed by the FWLE Design-Builder identified additional WSDOT noise wall requirements in a report that has been reviewed and accepted by both Sound Transit and WSDOT. The project teams have developed optimal noise wall heights that provide efficiency across the two projects. To serve both projects, the height of these walls will be greater than otherwise required solely for the needs of Sound Transit, and two additional noise walls will be designed and constructed for WSDOT.

The amendment to the agreement will provide the terms and conditions for Sound Transit to include the WSDOT noise wall betterment in the FWLE design build contract to realize efficiencies of combining the work, and provide for WSDOT to reimburse Sound Transit for costs incurred related to noise wall betterment work and oversight of the work. The WSDOT noise walls will be located on Sound Transit right of way. Increased long term operations and maintenance costs for the WSDOT noise wall betterments will be considered and are anticipated to be addressed in a separate operations and maintenance agreement.

WSDOT will reimburse Sound Transit for all costs incurred related to the noise walls, including the cost of changes to the FWLE design build contract and an administrative fee to reimburse Sound Transit for administrative and consultant oversight expenditures. Costs to be reimbursed are estimated without consideration for ongoing operations and maintenance costs that will be addressed in a separate agreement.

Each party has completed environmental review and approval processes on their respective projects.

Project status



Projected completion date for Design and Construction: 2024

Project scope, schedule, and budget summary located on page 87 of the November 2020 Agency Progress Report.

Fiscal information

This action would authorize a betterment agreement with WSDOT to reimburse Sound Transit for delivering a betterment as part of the Federal Way Link Extension project. The estimated amount for the amendment is \$6,631,000, of which \$5,816,000 is anticipated for the construction change order, and the remaining amount is for Sound Transit administrative costs and contingency. The amendment requires WSDOT to reimburse Sound Transit for all costs associated with the noise walls.

Since the costs will be reimbursed to Sound Transit, this action will not impact either the agency's long-term financial plan or subarea financial capacity. If the total cost to perform this work exceeds the estimated reimbursement amount, the agreement will be amended by a future action.

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 established small business/DBE goals for this contract. These goals were 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.

The table below lists the Sound Transit small business/DBE goals set for this specific contract. The project is approximately 26% complete. The contractor is expected to meet the commitments below with upcoming subcontracted work. Kiewit's commitments and participation to-date:

Disadvantaged business enterprise (DBE) / Small Business (SB) goals, commitments, and participation to-date		
	DBE	SB
Sound Transit Goal	5%	15%
Prime Commitment	12.03%	15.05%
Participation to-date	7.15%	8.92%

Public involvement

Extensive public outreach efforts have taken place on behalf of the Federal Way Link Extension over the last several years. Concurrent with Sound Transit's outreach efforts regarding the FWLE alignment, WSDOT conducted similar efforts to educate the community on the SR 509 Completion Project.

Time constraints

A one-month delay would not create a significant impact to the project schedule.

Prior Board/Committee actions

Motion No. M2019-49: Authorized the chief executive officer to execute a design-build contract with Kiewit Infrastructure West Co. to complete final design and construction of the Federal Way Link Extension in the amount of \$1,285,200,000 with a 10 percent contingency of \$128,520,000 for a total authorized contract amount not to exceed \$1,413,720,000.

Motion No. M2018-109: Authorized the chief executive officer to execute a construction and funding agreement with Washington State Department of Transportation for Sound Transit to design and

construct certain elements related to the SR 509 project, as part of the Sound Transit Federal Way Link Extension design-build contract.

Resolution No. R2018-30: Adopted the Federal Way Link Extension baseline schedule and budget by (a) increasing the authorized project allocation to date by \$2,038,910,000 from \$412,625,000 to \$2,451,535,000 (b) lowering the 2018 annual budget by \$52,612,337 from \$116,533,002 to \$63,920,665; and (c) establishing a project revenue service date of December 31, 2024.

Environmental review – KH 1/6/21

Legal review – JSA 1/11/21



Motion No. M2021-02

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an amendment to a construction and funding agreement with the Washington State Department of Transportation (WSDOT) for Sound Transit to design and construct WSDOT noise walls as part of the Federal Way Link Extension, for which WSDOT will reimburse Sound Transit.

Background

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As the WSDOT project progressed, WSDOT determined that its project would require noise walls in approximately the same locations as the FWLE noise walls along SR 509 and the light rail guideway, between S. 216th Street and SR 516. An analysis performed by the FWLE Design-Builder identified additional WSDOT noise wall requirements in a report that has been reviewed and accepted by both Sound Transit and WSDOT. The project teams have developed optimal noise wall heights that provide efficiency across the two projects. To serve both projects, the height of these walls will be greater than otherwise required solely for the needs of Sound Transit, and two additional noise walls will be designed and constructed for WSDOT.

The amendment to the agreement will provide the terms and conditions for Sound Transit to include the WSDOT noise wall betterment in the FWLE design build contract to realize efficiencies of combining the work, and provide for WSDOT to reimburse Sound Transit for costs incurred related to noise wall betterment work and oversight of the work. The WSDOT noise walls will be located on Sound Transit right of way. Increased long term operations and maintenance costs for the WSDOT noise wall betterments will be considered and are anticipated to be addressed in a separate operations and maintenance agreement.

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administrative and consultant oversight expenditures. Costs to be reimbursed are estimated without consideration for ongoing operations and maintenance costs that will be addressed in a separate agreement.

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Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute an amendment to a construction and funding agreement with the Washington State Department of Transportation (WSDOT) for Sound Transit to design and construct WSDOT noise walls as part of the Federal Way Link Extension, for which WSDOT will reimburse Sound Transit.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on _____.

Kent Keel
Board Chair

Attest:

Kathryn Flores
Board Administrator