

## Motion No. M2021-25

### Use of Alternative Technical Concept / Notices to Designer Allowance Contingency for the Federal Way Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	04/08/2021	Recommend to Board	Ron Lewis, DECM Executive Director
Board	04/22/2021	Final action	<b>Linneth Riley-Hall, Executive Project Director – Federal Way Link Extension</b> <b>Sepehr Sobhani, Deputy Project Director – Federal Way Link Extension</b>

### Proposed action

Authorizes use of contingency identified for Alternative Technical Concept / Notices to Designer for the Federal Way Link Extension in the amount of \$48,500,000 for an optimized design of the Federal Way Transit Center.

### Key features summary

- Consistent with Motion No. M2020-54, the proposed action seeks Board approval for use of \$48,500,000 of the existing \$100,000,000 Alternative Technical Concept (ATC) / Notice to Designer (NTD) allowance to execute a change order for an alternate layout to the Federal Way Transit Center Station. The requested amount of this change order is within the approved Federal Way Link Extension baseline budget. Pursuant to the motion, any expenditure that exceeds \$5,000,000 would be brought to the Board for approval.
- The change order for alternate layout of the ATC would extend construction of the station by 108 days, which is within the approved baseline schedule for the Federal Way Link Extension (FWLE). The revenue service date of December 2024 remains unchanged. The alternate layout to the Federal Way Transit Center (FWTC) Station relocates the agency’s existing bus transit center from adjacent to the existing parking garage to the new FWTC Station location.
- The proposed alternate layout includes, but is not limited to expansion of the roadway network for the Federal Way City Center, relocation of the bus layover facility, adjustments to the final grade of the site, modifications to the light rail station ancillary spaces, and demolition of the existing transit center.
- The alternate layout is a substantial change to the Federal Way Transit Center design, resulting in the following significant improvements to:
  - Passenger Experience – The alternate design reduces the distance for light rail riders who will use buses and paratransit to connect to light rail at this station. It will also limit exposure to undesirable weather conditions our riders face the majority of the year and further enhance safety by reducing the number of at-grade street crossings.
  - Operational Efficiency – The alternate design provides the ability to consolidate support spaces, such as restrooms and janitor rooms at the station. Demolition of the existing FWTC bus island reduces the Total Cost of Ownership by eliminating maintenance for the

pedestrian bridge and corresponding elevator on the bus island, , and eliminates the large existing bus island canopy.

- Improved Transit-Oriented Development (TOD) Potential – The bus layover area is updated to no longer be centrally located in the future development area adjacent to the station, but now on the periphery of the station area and obscured by the guideway. This solution is preferred by Sound Transit Operations and the City of Federal Way and increases both the development area as well as development potential in the city center.
- Staff worked collaboratively with the City of Federal Way, King County Metro (KCM), and Pierce Transit to develop the alternate layout. This layout has been accepted by all parties as an optimized transit hub that supports the City of Federal Way's vision for the city center. The Federal Way City Council approved changes to the Development Agreement related to this change order on March 2, 2021.

## **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 and includes 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 services is schedule to begin in December 2024.

The FWLE Final Environmental Impact Statement was issued on November 18, 2016, pursuant to the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA) and completing the SEPA process. The Sound Transit Board selected the project route, profile, and stations on January 26, 2017. The Federal Transit Administration (FTA) issued a Record of Decision on March 6, 2017, and the Federal Highway Administration issued a Record of Decision on March 9, 2017, completing the NEPA process. In January 2021 Sound Transit and the FTA reviewed additional environmental information for the alternate layout at the Federal Way Transit Center and determined that no additional environmental review is required.

On March 13, 2018, Sound Transit began the procurement phase for the FWLE contract; the Request for Proposal (RFP) was issued on September 14, 2018. During the procurement phase, ST conditionally accepted ATC-03 (Optimized Operations at FWTC Station) which included substantial changes to the Federal Way Transit Center scope of work included in the original RFP. After award of the contract, the project team heard concerns from the city of Federal Way, KCM, Pierce Transit, and other internal stakeholders regarding the ATC-03 30% design. The project team collaborated with the respective parties to address their concerns and continued to progress the design.

During progression of the design, substantial changes were proposed to explore an alternate layout that would meet new design criteria standards, improve operational efficiency, further enhance safety, and meet agency passenger experience standards for the FWTC Station.

The alternate design includes substantial changes from ATC-03. The largest driver of these changes is a requirement that defines the acceptable distance for bus connections to light rail at 500 feet. To achieve this, the alternate design relocates the existing bus transit center adjacent to the new light rail station. This change in layout requires revisions to the roadway network of the Federal Way City Center, relocation of the bus layover facility, adjustments to the final grade of the site, modifications to the light rail station ancillary spaces, and demolition of the existing transit center.

Motion 2020-54 increased the contract contingency for the design-build contract with Kiewit by \$100,000,000 using the ATC/NTD allowance within the Federal Way Link Extension baseline budget.

The intended use of these contingency funds is to allow Sound Transit and Kiewit to refine and implement the ATCs and NTDs as part of the planned execution of this contract. This action requests use of these contingency funds to incorporate an alternate layout of ATC-03 for improved functionality of Federal Way Transit Center Station.

**Project status**

○					
<b>Project Identification</b>	<b>Alternatives Identification</b>	<b>Conceptual Engineering/ Draft EIS</b>	<b>Preliminary Engineering/ Final EIS</b>	<b>Final Design</b>	<b>Construction</b>

Projected completion date for Design and Construction: 2024

Project scope, schedule, and budget summary located on page 89 of the January 2021 Link Light Rail Program Progress Report.

**Procurement information**

A Request for Qualification (RFQ) was issued on April 12, 2018 to procurement for a Design Builder for the Federal Way Link Extension project. On June 7, 2018, three Statements of Qualification (SOQ) were received. On June 27, 2018, the evaluation panel determined that the three firms that submitted SOQ's were qualified and within the competitive range. On August 17, 2018, Sound Transit issued a draft Request for Proposal (RFP) to the three shortlisted proposers for their review. The final RFP was issued on September 14, 2018. During the RFP period, Sound Transit held individual one-on-one meetings with the proposer to facilitate development of Alternative Technical strategies for successful execution of the project. ATCs that were approved or conditionally approved by Sound Transit could subsequently be included in an offeror's proposal. In total 104 ATCs were reviewed by the project team and each offeror included some of the approved/conditional approved ATCs in their proposals.

On March 20, 2019, Sound Transit received proposals from each of the three offerors. The evaluation panel was convened to review technical proposals. Based on the technical evaluation and the price score equation, Kiewit Infrastructure West Co was determined to be the highest-ranked responsive and responsible proposer.

On April 1, 2019, the Design Build Contract Proposal Commitments document which included Exhibit A was signed by Sound Transit and Kiewit Infrastructure West Co. ATC-03 was included in Exhibit A of the Commitment document. All items in Exhibit A were included in the original contract amount.

After award of the contract, the project team heard concerns from the city of Federal Way, KCM, Pierce Transit, and other internal stakeholders regarding the ATC-03 30% design. After discussions between Sound Transit and the AHJ it was determined ATC-03 Federal Way Transit Center would be re-designed to better achieve desired operational, safety, and TOD objectives.

Negotiation between Sound Transit and Kiewit Infrastructure West Co began to determine the cost of the re-design and construction of the alternate layout. The final negotiated price of \$48,500,000 is deemed fair and reasonable.

**Fiscal Information**

This action is within the baseline budget and sufficient monies remain after approval of this action to fund the remaining work in the construction phase as contained in the current cost estimates.

The baseline budget for the Federal Way Link Extension is \$2,451,535,000. This action will allocate \$48,500,000 from Contingency for Alternative Technical Concepts (ATCs) and Notice to Designers (NTDs) that was previously approved in M2020-54. The remaining contingency is projected to be sufficient to cover any additional ATCs and NTDs.

**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 DBE and Small Business 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 DBEs and Small Businesses available to perform such subcontracting work.

For this specific contract, the following Sound Transit goals were set and Kiewit committed to the listed DBE/Small Business participation on the contract.

<b>Design DBE/Small Business goals, commitments, and payment-to-date</b>		
	<b>DBE</b>	<b>Small Business</b>
Sound Transit goal	5%	15%
Kiewit commitment	12.03%	15.05%
Payment-to-date	7.38%	9.30%

**Apprentice utilization commitment**

<b>Apprentice utilization</b>	
Apprentice utilization goal: 20%	Commitment: 20%

**Public involvement**

Extensive public outreach efforts have taken place on behalf of the Federal Way Link Extension over the last several years. Authorization to proceed with this change order will allow community engagement and media relations staff to help educate the public about the work in the coming years to construct this improved layout.

**Time constraints**

The work associated with this action is on the critical path for the FWLE construction contract. Timely approval is required to maintain the baseline schedule.

**Prior Board/Committee actions**

Motion No. M2020-54: Authorized the chief executive officer to increase the contract contingency for the Federal Way Link Extension design-build contract with Kiewit Infrastructure West Company in order to incorporate Alternative Technical Concepts and Notices to Designers through cost-effective measures that reduce construction risk, enhance operational safety, and/or improve passenger experience in the amount of \$100,000,000 for a new total authorized contract amount not to exceed \$1,513,720,000.

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 3/26/21**

**Legal review – JSA 4/5/21**



## Motion No. M2021-25

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing use of contingency identified for Alternative Technical Concept / Notices to Designer for the Federal Way Link Extension in the amount of \$48,500,000 for an optimized design of the Federal Way Transit Center.

### Background

The Federal Way Link Extension (FWLE) 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 and includes stations at Kent/Des Moines, South 272nd/ Star Lake Park and Ride, and the Federal Way Transit Center (FWTC). New parking structures will be constructed at each of the three stations. Revenue services is schedule to begin in December 2024.

The FWLE Final Environmental Impact Statement was issued on November 18, 2016, pursuant to the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA) and completing the SEPA process. The Sound Transit Board selected the project route, profile, and stations on January 26, 2017. The Federal Transit Administration (FTA) issued a Record of Decision on March 6, 2017, and the Federal Highway Administration issued a Record of Decision on March 9, 2017, completing the NEPA process. In January 2021 Sound Transit and the FTA reviewed additional environmental information for the alternate layout at the Federal Way Transit Center FWTC and determined that no additional environmental review is required.

On March 13, 2018, Sound Transit began the procurement phase for the FWLE contract; the Request for Proposal (RFP) was issued on September 14, 2018. During the procurement phase, ST conditionally accepted Alternative Technical Concept (ATC)-03 (Optimized Operations at FWTC Station) which included substantial changes to the Federal Way Transit Center FWTC scope of work included in the original RFP. After award of the contract, the project team heard concerns from the city of Federal Way, King County Metro (KCM), Pierce Transit, and other internal stakeholders regarding the ATC-03 30% design. The project team collaborated with the respective parties to address their concerns and continued to progress the design.

During progression of the design, substantial changes were proposed to explore an alternate layout that would meet new design criteria standards, improve operational efficiency, further enhance safety, and meet agency passenger experience standards for the FWTC Station.

The alternate design includes substantial changes from ATC-03. The largest driver of these changes is a requirement that defines the acceptable distance for bus connections to light rail at 500 feet. To achieve this, the alternate design relocates the existing bus transit center adjacent to the new light rail station. This change in layout requires revisions to the roadway network of the Federal Way City Center, relocation of the bus layover facility, adjustments to the final grade of the site, modifications to the light rail station ancillary spaces, and demolition of the existing transit center. The substantial changes result in the following improvements to:

- Passenger Experience – The alternate design reduces the distance for light rail riders who will use buses and paratransit to connect to light rail at this station. It will also limit exposure to undesirable weather conditions our riders face the majority of the year and further enhance safety by reducing the number of at-grade street crossings.
- Operational Efficiency – The alternate design provides the ability to consolidate support spaces, such as restrooms and janitor rooms at the station. Demolition of the existing FWTC bus island

reduces the Total Cost of Ownership by eliminating maintenance for the pedestrian bridge and corresponding elevator on the bus island, , and eliminates the large existing bus island canopy.

- Improved Transit-Oriented Development (TOD) Potential – The bus layover area is updated to no longer be centrally located in the future development area adjacent to the station, but now on the periphery of the station area and obscured by the guideway. This solution is preferred by Sound Transit Operations and the City of Federal Way and increases both the development area as well as development potential in the city center.

Motion No. M2020-54 increased the contract contingency for the design-build contract with Kiewit by \$100,000,000 using the ATC / Notice to Designer (NTD) allowance within the Federal Way Link Extension baseline budget. The intended use of these contingency funds is to allow Sound Transit and Kiewit to refine and implement the ATCs and NTDs as part of the planned execution of this contract. This action requests use of these contingency funds to incorporate an alternate layout of ATC-03 for improved functionality of Federal Way Transit Center Station.

Consistent with Motion No. M2020-54, the proposed action seeks Board approval for use of \$48,500,000 of the existing \$100,000,000 ATC / NTD allowance to execute a change order for an alternate layout to the Federal Way Transit Center Station. The requested amount of this change order is within the approved Federal Way Link Extension baseline budget. Pursuant to the motion, any expenditure that exceeds \$5,000,000 would be brought to the Board for approval.

The change order for alternate layout of the ATC would extend construction of the station by 108 days, which is within the approved baseline schedule for the FWLE. The revenue service date of December 2024 remains unchanged.

The Federal Way City Council approved changes to the Development Agreement related to this change order on March 2, 2021.

## **Motion**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that use of contingency identified for Alternative Technical Concept / Notices to Designer for the Federal Way Link Extension is authorized in the amount of \$48,500,000 for an optimized design of the Federal Way Transit Center.

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