



## Motion No. M2021-67

### Construction Contract for the Mercer Island Transit Integration Project as part of the East Link Extension

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	11/10/2021	Final action	Ron Lewis, DECM Executive Director <b>Mike Bell, Senior Executive Project Director – East Link</b>

### Proposed action

Authorizes the chief executive officer to execute a contract with Johansen Construction Company for construction of the Mercer Island Transit Integration project as part of the East Link Extension in the amount of \$5,922,391, with a 15 percent contingency of \$890,000 for a total authorized contract amount not to exceed \$6,812,391.

### Key features summary

- The Mercer Island Transit Integration (MITI) project is comprised of transit improvements on Mercer Island adjacent to the Mercer Island light rail station.
- Permit disputes with the City of Mercer Island forced Sound Transit to abandon the prior authorization and rebid the work. The previous solicitation did not result in award of a contract.
- MITI project improvements will enhance bus/rail transfers and connect pedestrians and cyclists to the light rail station. The project scope includes:
  - A roundabout at 77th Ave SE and North Mercer Way and curb space to better integrate bus and light rail service.
  - Additional streetscape modifications along North Mercer Way to accommodate bus pick-up, drop-off, and layover operations.
  - A lighted and landscaped pathway along 80th Ave SE.
  - Widening the I-90 pedestrian/bike trail and adding new crosswalks.
  - Tree replacement and landscaping north of the roundabout.
- Funding for this contract is included in the East Link Extension baseline budget. The requested amount covers the entire scope of the construction contract, including any applicable taxes, plus a 15 percent contingency. The MITI project is scheduled for completion by the fourth quarter of 2022.

### Background

East Link Extension extends light rail 14 miles from downtown Seattle to downtown Bellevue and the Overlake area of Redmond via I-90, with stations serving Rainier Avenue/I-90, Mercer Island, South Bellevue, Downtown Bellevue, Overlake Hospital, the Bel-Red Corridor, Overlake Village, and the Overlake Transit Center. Revenue service between Seattle and the Overlake Transit Center is forecasted for 2023.

The MITI bus/rail integration project is an essential element of the 2017 Settlement Agreement between Sound Transit and the City of Mercer Island. The MITI project is comprised of construction of a new traffic roundabout, sidewalks, storm water vault, landscaping, and transit layover areas adjacent to the Mercer Island light rail station that will enhance bus/rail transfers and connect pedestrians and cyclists.

The construction includes grading, drainage, concrete roadway construction, retaining walls, new curbs/gutters/sidewalks, roadway illumination, signage, roadside planter and landscaping areas, irrigation, and all other associated construction activities for the construction of the roundabout and transit curb space areas.

Environmental review of the MITI configuration was completed as part of the 2011 East Link Final EIS and 2017 SEPA Addendum to the Final EIS.

**Project status**

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

Projected completion date for East Link Extension: 2Q 2023

Project scope, schedule and budget summary are located on page 26 of the September 2021 Agency Progress Report.

**Procurement information**

An invitation for Bid (IFB) was selected as the procurement method based on the independent cost estimate, and the statement of work. The IFB was issued on September 15, 2021. A public bid opening was conducted on October 15, 2021 and six (6) bids were submitted. The bidder Responsiveness and Responsibility review was completed on October 20, 2021, at which time it was determined that Johansen Construction Company was a responsible and responsive bidder.

The total bid price is \$5,922,391, which is under the Independent Cost Estimate. The bid was reviewed by the Contract Specialist and a Principal Construction Manager and deemed to be fair and reasonable based on the competitive bids received and the independent estimate prepared.

The As Read Bid Abstract and Bid Verification Worksheet are in the Procurement file.

**Fiscal information**

Originally, the MITI project was to be included in the East Link E130 contract. The work was removed and identified as a separate project, E135, to allow adequate time for development of the MITI design. 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.

The baseline budget for the East Link project is \$3,677,150,000. Within the construction phase, \$8,500,000 has been allocated to the E135 Transit Integration for construction of the Mercer Island Transit Integration project. The action would commit \$6,812,391 to this budget line item and leave a budget balance of \$1,687,609.

## East Link Extension

(in thousands)	Total Baseline Budget	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Administration	\$186,200	\$104,702		\$104,702	\$81,498
Preliminary Engineering	55,900	54,776		54,776	1,124
Final Design	283,000	255,486		255,486	27,514
Third Parties	52,150	39,282		39,282	12,868
Right of Way	298,150	278,865		278,865	19,285
Construction	2,544,300	2,346,076	6,812	2,352,889	191,411
Construction Services	257,450	214,912		214,912	42,538
<b>Total Current Budget</b>	<b>\$3,677,150</b>	<b>\$3,294,100</b>	<b>\$6,812</b>	<b>\$3,300,912</b>	<b>\$376,238</b>

### Phase Detail - Construction

E135 Transit Integration	\$8,500		\$6,812	\$6,812	\$1,688
Other Construction Phase Work	2,535,800	2,346,076	0		189,724
<b>Total Phase</b>	<b>\$2,544,300</b>	<b>\$2,346,076</b>	<b>\$6,812</b>	<b>\$2,352,889</b>	<b>\$191,411</b>

C.A. Carey Corporation	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract Amount	\$	\$	\$5,922	\$5,922
Contingency	0	0	890	890
<b>Total Contract Amount</b>	<b>\$</b>	<b>\$</b>	<b>\$6,812</b>	<b>\$6,812</b>
Percent Contingency	0%	0%	15%	15%

#### Notes:

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

\* Board Approvals = Commitment and PO Contingency Remaining as of 10/31/21.

For detailed project information, see page 98 of the 2021 Financial Plan & Proposed 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). 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 has committed to the following small business/DBE participation. This specific contract has an 11% DBE goal. Only firms certified by the Office of Minority and Women's Business Enterprises (OMWBE) as DBE firms will count toward the 11% DBE goal.

Small business and disadvantaged business enterprise (DBE) goals	
Sound Transit DBE goal: 11%	DBE commitment: 11.898%

Subcontractor	Business Type	Amount
Pearson Drilling, Inc.	DBE	\$170,631
Ashford Electric & Construction Co.	DBE	\$534,000
<b>Total</b>		<b>\$704,631</b>

## Apprentice utilization commitment

Apprentice utilization	
Apprentice utilization goal: 20%	Commitment: 20%

## Public involvement

Sound Transit has maintained a robust public involvement effort for the Mercer Island Transit Integration project. This has included participating in numerous public meetings and briefings, answering hundreds of requests for information from the public, hosting an open house in 2020, providing briefings to the Mercer Island Chamber of Commerce, a retirement facility, and a homeowners association. Additionally, Sound Transit maintains a project website, with all public materials posted, a published response to comments for the 2020 open house and a public involvement contact person assigned to Mercer Island.

## Time constraints

A one-month delay would create a significant impact to the project schedule.

The project schedule calls for construction to begin in the first quarter of 2022. In March 2021, the System Expansion Committee approved the previous procurement and Notice to Proceed (NTP) was anticipated in the second quarter of 2021. It is important to move forward with the new Board action to allow the contractor to achieve substantial completion on a compressed schedule.

## Prior Board/Committee actions

Resolution No. R2019-12: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the East Link Extension

Motion No. M2017-96: Authorized the chief executive officer to negotiate and execute a settlement agreement with Mercer Island to settle pending litigation through payment of certain reimbursable expenses not to exceed \$10,050,000, all as provided in this motion.

Resolution No. R2015-04: (1) Adopted the East Link Extension baseline schedule and budget, which constitutes Board approval of Gate 5 within Sound Transit's Phase Gate process by (a) amending the project Lifetime Budget from \$798,346,894 to \$3,677,150,000, and (b) amending the project 2015 Annual Budget from \$142,944,766 to \$165,636,000; (2) approved Gate 6 within Sound Transit's Phase Gate process to allow the project to proceed to construction; (3) confirmed that the alignment selected by the Board in 2013 includes a 120th Avenue Station in a retained cut; (4) incorporated the Overlake Village Bridge project into the East Link Extension by (a) amending the Lifetime budget from \$5,185,585

to \$0 and (b) amending the annual budget from \$1,163,000 to \$0 to reflect the transfer of budget to the East Link Extension; and (5) established a project revenue service date of June 2023.

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**Environmental review** – KH 11/1/21

**Legal review** – JSA 11/3/21

## **Motion No. M2021-67**

A motion of the System Expansion Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract with Johansen Construction Company for construction of the Mercer Island Transit Integration project as part of the East Link Extension in the amount of \$5,922,391, with a 15 percent contingency of \$890,000 for a total authorized contract amount not to exceed \$6,812,391.

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Funding for this contract is included in the East Link Extension baseline budget. The requested amount covers the entire scope of the construction contract, including any applicable taxes, plus a 15 percent contingency. The MITI project is scheduled for completion by the fourth quarter of 2022.

**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 with Johansen Construction Company for construction of the Mercer Island Transit Integration project as part of the East Link Extension in the amount of \$5,922,391, with a 15 percent contingency of \$890,000 for a total authorized contract amount not to exceed \$6,812,391.

APPROVED by the System Expansion Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on \_\_\_\_\_.

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Claudia Balducci  
System Expansion Committee Chair

**Attest:**

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Kathryn Flores  
Board Administrator