

Motion No. M2023-24

Contract Modification with Mass Electric Construction Company for the East Link Extensions Systems Construction Contract

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	03/09/2023	Recommend to Board	Ron Lewis, DECM Executive Director
Board	03/23/2023	Final action	Jon Lebo, Executive Project Director – East Link Ben Neeley – Principal Construction Manager - Systems

Proposed action

Authorizes the chief executive officer to increase the contract contingency with Mass Electric Construction Company for the East Link Systems Construction contract in the amount of \$15,000,000, for a new total authorized contract amount not to exceed \$395,450,000, with \$283,556,534 allocated to the East Link Extension, all within the Board approved project budget.

Key features summary

- In April 2017, the Board authorized a Heavy Civil GC/CM construction contract with Mass Electric Construction (MEC) for systems construction of the Northgate Link and East Link extensions. There is a single contract with MEC with costs tracked separately between the extensions.
- This request funds the East Link Starter Line changes and the added ST work described below, as well as replenishes the construction contingency to address future unanticipated changes.
- Delays in completing the predecessor civil contracts resulted in added costs and durations to the E750 MEC contract through December 2021 that were not anticipated in the baseline budget.
- Sound Transit desires to add work to the MEC’s contract, estimated at approximately \$6 million. These changes include:
 - Pedestrian at-grade crossing equipment changes (additional flashers and gates),
 - East Link Starter Line changes: signal, communication, and software changes to convert South Bellevue Station to a terminus and switch heaters at Surrey Downs crossover,
 - Other changes: emergency response matrix and code required radio architecture, and
 - Bellevue Downtown Tunnel cross-passage first responder access door.
- An additional \$1 million is needed for interface issues related to the civil work, including the I-90 Floating Bridge pontoon transformer replacement, Kirkland wye west signal house power, and building management system commissioning interface.
 - This request does not address time-related overhead (TRO) and inefficiency costs MEC may have incurred resulting from civil contractor delays after December 2021. Sound Transit is negotiating with MEC to address any additional TRO and inefficiency cost. The additional cost will be addressed in a future ST Board Action, if necessary.

- It is important to note that to the extent that the extended durations and additional costs such as those referenced here are the result of the action or inactions of our East Link contractors, designers and or construction management consultants, reimbursement of the costs will be aggressively pursued by Sound Transit.

Background

East Link extends light rail 14 miles, with 10 stations from Seattle's International District to Judkins Park, across I-90 to Mercer Island and South Bellevue, through downtown Bellevue and the Bel-Red area to Redmond Technology Station. The original revenue service date was June 2023.

In February 2013, Sound Transit made the decision to combine the Systems construction contract for the Northgate Link and East Link extensions into one construction package based on a value engineering recommendation. The systems construction contract package includes installation of signals, traction electrification, traction power substations, overhead catenary systems (OCS), communications, and SCADA (supervisory control and data acquisition) systems across the Northgate and East Link extensions, covering 18 miles of the light rail system.

Throughout the civil delays, MEC has been able to progress the work through coordination with the civil contractors. This allowed MEC to be ready to complete the remaining work at the earliest possible opportunity and reduced the risk of demobilizing/remobilizing MEC and its specialized subcontractors.

Project status

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

Projected Revenue Service: Spring 2025

Project scope, schedule and budget summary are located on page 23 of the December 2022 Agency Progress Report.

Procurement information

This contract was procured on June 2, 2015, through the GC/CM procurement method. Request for Qualifications (RFQ) were due on July 11, 2015. Sound Transit received four (4) RFQ. The evaluation team shortlisted on September 14, 2015, two (2) most qualified submitters.

The Request for Final Proposal (RFFP) issued to the two (2) finalists. The RFFP was on October 21, 2015. The evaluation team selection MASS Electric as the highest qualified company.

This modification is within the original scope of work executed in the contract.

Fiscal information

This action is within the baseline budget and sufficient monies remain after approval of this action to fund the remaining work. This action does not impact the affordability of any other system expansion project.

The baseline budget for the East Link project is \$3,677,150,000. Within the construction phase, \$287,200,000 has been allocated to E750 East Link Systems. The action would commit an additional \$15,000,000 to this line item and leave a budget balance of \$7,444,133.

East Link Extension

(in thousands)	Total Baseline Budget	Board Approvals*	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Operations and Maintenance	\$7,106	\$7,106		\$7,106	\$
Administration	183,174	129,183		129,183	53,991
Preliminary Engineering	50,874	50,874		50,874	0
Final Design	268,888	247,285		247,285	21,603
Third Parties	49,473	36,988		36,988	12,485
Right of Way	288,516	279,838		279,838	8,678
Construction	2,518,224	2,256,004	15,000	2,271,004	247,220
Construction Services	277,177	250,689		250,689	26,489
System Testing-Start Up	33,718	21,136		21,136	12,582
Total Current Budget	\$3,677,150	\$3,279,102	\$15,000	\$3,294,102	\$383,048

Phase Detail - Construction					
E750 East Link Systems	\$287,200	\$264,756	\$15,000	\$279,756	\$7,444
Other Construction	2,231,024	1,991,248		\$1,991,248	\$239,776
Total Phase	\$2,518,224	\$2,256,004	\$15,000	\$2,271,004	\$247,220

Mass Electric Construction (MEC) Company	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
East Link Contract Amount	\$255,768	\$255,768		\$255,768
East Link Contingency	12,788	12,788	15,000	27,788
Northgate Contract Amount	102,732	102,732		102,732
Northgate Contingency	7,137	7,137		7,137
Convention Place Retrofit Contract	1,929	1,929		1,929
Convention Place Retrofit Contingency	96	96		96
Total Contract Amount	\$380,450	\$380,450	\$15,000	\$395,450
Percent Contingency	6%	6%	100%	10%

Notes:
 Amounts are expressed in Year of Expenditure \$000s.
 For detailed project information, see page 78 of 176 of the 2023 Financial Plan & Proposed Budget.
 * Board Approvals = Commitment and PO Contingency Remaining as of 2/26/2023.

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/Proposer has committed to the following small business/DBE participation:

Disadvantaged business enterprise (DBE) / Small Business goals, commitments, and participation to-date		
	DBE	Small Business
Sound Transit Goal	3%	6%
Prime Commitment	3%	6%
Participation to-date	6.5%	6.7%

Public involvement

Not applicable to this action.

Time constraints

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

Prior Board/Committee actions

Motion No. M2017-49: Authorizes the chief executive officer to execute a construction contract with Mass Electric Construction Company to provide Heavy Civil General Contractor/Construction Manager services for the Northgate Link and East Link Extensions systems construction in the amount of \$360,428,571 with a 5% contingency of \$18,021,429 for a total authorized contract amount not to exceed \$378,450,000.

Motion No. M2015-118: Authorizes the chief executive officer to execute a contract with Mass Electric Construction Company to provide pre-construction services for the Northgate Link and East Link Extensions systems construction in the amount of \$2,993,538, with a 10% contingency of \$299,354, for a total authorized contract amount not to exceed \$3,292,892.

Environmental review – KH 2/24/23

Legal review – JEN 03/01/2023

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A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to increase the contract contingency with Mass Electric Construction Company for the East Link Systems Construction contract in the amount of \$15,000,000, for a new total authorized contract amount not to exceed \$395,450,000, with \$283,556,534 allocated to the East Link Extension, all within the Board approved project budget.

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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 increase the contract contingency with Mass Electric Construction Company for the East Link Systems Construction contract in the amount of \$15,000,000, for a new total authorized contract amount not to exceed \$395,450,000, with \$283,556,534 allocated to the East Link Extension, all within the Board approved project budget.

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

Dow Constantine
Board Chair

Attest:

Kathryn Flores
Board Administrator