

**SOUND TRANSIT**

**MOTION NO. M99-59**

***Sounder Kent Commuter Rail Station Construction Contract Award***  
**BACKGROUND AND COMMENTS**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	9/2/99	Discussion/Possible Action	Val Batey Paul Price	(206) 398-5117 (206) 398-5111

**ACTION:**

To authorize the Executive Director to execute a contract for construction of the Sounder Kent commuter rail station. The requested authorization is for a contract award to Merlino Construction Company, Inc., the lowest responsive and responsible bidder, in the amount of \$3,178,395.00 plus a contingency amount of 15% (\$476,759.25) for a total amount not to exceed \$3,655,154.25.

**BACKGROUND:**

The Kent commuter rail station is one of seven initial stations to be built for the Tacoma-to-Seattle line. The station is projected to serve up to 1400 daily boardings by 2010. The station will also provide connections to ST Express and King County Metro bus routes.

*Sounder* commuter rail service in the Tacoma-to Seattle corridor is planned to start at the end of 1999. Design of the Kent station was completed in June 1999 by the station design team led by MBT Architecture of Seattle. The construction documents were advertised for bid on July 15, 1999. Seven bids were received. Bids were opened on August 12, 1999. Merlino Construction was determined to be the lowest responsive and responsible bidder.

Construction management services will be separately provided by O'Brien-Kreitzberg, Inc., under a separate contract approved by the Board on April 22, 1999 (Motion No. M99-20).

**RELEVANT BOARD POLICIES AND PREVIOUS ACTIONS TAKEN:**

- ◆ Adoption of *Sound Move*, the Ten-Year Regional Transit System Plan (May 31, 1996). Sound Move calls for the implementation of Commuter rail service within 2 to 4 years of voter approval.
- ◆ Resolution No. R98-41, authorizing contract for design of the Kent commuter rail station (July 23, 1998).
- ◆ Motion No. M98-81 of the Finance Committee, approving award of final design contracts for the Tacoma to Seattle Commuter Rail Stations (November 5, 1998).
- ◆ Resolution No. R98-49, adopting the fiscal year 1999 budget, providing \$9.118 million for the implementation of the Kent commuter rail station of which \$3.937 million is available for construction and \$1 million is available for construction contingencies (November 12, 1998).
- ◆ Motion No. M99-20, authorizing a contract with O'Brien-Kreitzberg for construction management services at commuter rail stations (April 22, 1999).

Estimate for the project is \$3,423,500. The Engineer's Estimate is the Sound Transit estimate of the expected construction cost, based on the final design of the station. The estimate draws on a variety of resources including prevailing wages, regional prices for materials, sales tax information, schedules, estimating manuals, and recent local experience on similar work.

The bidders listed in order of bid price, from lowest to highest, are listed in the table below:

<b>Bidder</b>	<b>Bid Price</b>
Merlino Construction Company, Inc.	\$3,178,395
Lumpkin General Contractors	\$3,344,132
PCT Construction, Inc.	\$3,352,098
Cree Construction, Inc.	\$3,364,250
Magnolia Contractors, Inc.	\$3,394,500
Harbor Pacific Contractors	\$3,461,500
Lugo Construction, Inc.	\$3,501,598

Merlino Construction Company, Inc., the low bidder, was determined to be responsive and responsible.

**Small business participation:**

Sound Transit promotes and encourages small business participation, which may include minority and women-owned businesses, disadvantaged business enterprises and businesses owned by persons with disabilities. Sound Transit is interested in bids that involve the use of small businesses as prime contractors, joint venture partners, subcontractors and suppliers serving commercially useful functions.

The following goal has been established by Sound Transit's Diversity Program for small business participation: 25% of total bid price. Merlino Construction Company Inc.'s stated small business goal for this contract is 22.9%.

Gary Merlino Construction Co., Inc committed a total of 22.9 % of their bid price towards small businesses. This figure is based on award of Schedules A, B and C. The breakdown of the small business participation for each bidding schedule is as follows:

Schedule A and B (Station platform construction and environmental abatement and cleanup)	21.5%
Schedule C-1 (Parking Lot A, the Northeast lot)	32.3%
Schedule C-2 (Parking Lot C, the Northwest lot)	36.8%

In cases where the bidder has committed to less than the 25% goal, the bidder's good faith efforts are evaluated by Sound Transit staff to determine whether the bidder has taken all necessary and reasonable steps to attain the level of participation specified.

Gary Merlino Construction Co., Inc.'s good faith efforts were evaluated by Sound Transit. Information provided by Gary Merlino Construction Co., Inc. and verified by Sound Transit, document efforts made by Gary Merlino Construction Co., Inc. during the bid process to solicit small businesses participation. Gary Merlino Construction Co. provided additional information demonstrating that addition to its efforts evidencing good faith, it has committed to using small businesses not included in its bid that will exceed the small business goal. That information included countersigned letters of intent to award subcontracts to small businesses comprising its 22.9% bid commitment, and additional subcontractors. Based on its supporting documents, Staff concludes that Gary Merlino Construction Co. has made a good faith effort to meet the 25% goal.

**SOUND TRANSIT**

**MOTION NO. M99-59**

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Director to execute a contract for construction of the Sounder Kent commuter rail station to Gary Merlino Construction Company, Inc. in the amount of \$3,178,395 plus a contingency amount of 15% (\$476,759) for a total amount not to exceed \$3,655,154.

**Background:**

Sounder commuter rail service in the Tacoma-to Seattle corridor is planned to start at the end of 1999. Design of the Kent station was completed in June 1999. The construction documents were advertised for bid on July 15, 1999. Seven bids were received. Bids were opened on August 12, 1999. Gary Merlino Construction Company, Inc. was determined to be the lowest responsive and responsible bidder.

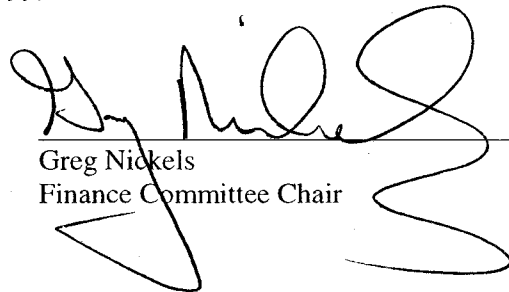
The contractor will perform construction of the Kent Station in accordance with the bid documents (designs, specifications) and contract. Major components of the Kent Station include two platforms with wheelchair accessible platforms, canopies for weather protection, a clock tower sculpture and other art, bicycle lockers and racks, lighting for convenience, safety and security, landscaping, surface parking, and various street and pedestrian improvements to improve and enhance safe access to the station.

Construction management services will be separately provided by O'Brien-Kreitzberg, Inc., under a separate contract approved by the Board on April 22, 1999 (Motion No. M99-20).

**Motion:**


It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to execute a contract with Gary Merlino Construction Company, Inc. for construction of the Kent commuter rail station in the amount of \$3,178,395, plus a contingency amount of 15% (\$476,759) for a total amount not to exceed \$3,655,154.

Approved by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof on the 2nd day of September, 1999.



Greg Nickels  
Finance Committee Chair

ATTEST:

  
Marcia Walker  
Board Administrator