

**SOUND TRANSIT**

**MOTION NO. M99-76**

**Sounder Commuter Rail – Supply and Delivery of Tactile Tiles Contract Award  
BACKGROUND AND COMMENTS**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	11/4/99	Discussion/Possible Action	Paul Price, Director, Commuter Rail	(206) 398 5111
Finance Committee	12/2/99	Action	Jack Shah, Engineer, Commuter Rail	(206) 398 5123

**ACTION:**

To authorize the Executive Director to execute a contract for supply and delivery of tactile tiles to be used on six-commuter rail station platforms. The requested authorization is for a contract award to Engineered Plastics, Inc. the lowest responsive and responsible bidder, in the amount of \$353,197, plus a contingency amount of 10% (\$35,320) for a total amount not to exceed \$388,517.

**BACKGROUND:**

For the initial Commuter Rail service from Tacoma-to-Seattle, seven stations will be built for the commuter rail service. The King Street station construction is handled by Amtrak. To provide the opportunity for consistency of materials and economy of quantity purchase, a systemwide procurement contract was developed.

Tactile tiles are installed at the edge of Commuter Rail stations to comply with the Americans with Disabilities Act (ADA) requirements. These requirements dictate that raised truncated domes shall be used for detected warning on the walking surface for people with sight disability. These tiles with truncated domes are designed to provide a surface, which can be detected by a cane, felt with shoes or by touch. In addition, it will also serve as a safety strip (2'-0" wide yellow colored) along the platform edge to keep the waiting passenger away from the edge of the platform. This material will be supplied to the Sounder station construction contractors for installation. This contract includes the option to purchase additional tiles for the future commuter rail stations.

Two bids were received, however, the apparent low bidder, Innovative Composites, LLC, was determined non-responsive and its bid was rejected. The Executive Summary details the bid rejection reasoning.

## **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 commuter rail service to be implemented within two to four years of voter approval)

- ◆ Resolution No. 78-1 (April 9, 1998)

(Resolution No. 78-1 grants the Finance Committee authority to execute contracts up to \$5,000,000, and allows the Board to authorize non-standard procurements, such as sole source and special circumstance procurements)

- ◆ Adoption of Resolution No. R98-49, the 1999 Fiscal Year Budget (November 12, 1998)

(Establishes the Sounder program budget for 1999 and through the remaining years of Sound Move implementation.)

## **COST:**

The contract amount is not to exceed \$353,197, and with an additional contingency amount of 10% (\$35,320), for a total amount of \$388,517. With Finance Committee approval, staff will have authority to approve expenditures above the contract award through change orders or contract notifications, up to the maximum contingency amount. If expenditure beyond the 10% contingency limit is required, the matter will be brought before Finance Committee for additional approval.

## **FUNDING:**

Funding for this contract is included in Sound Move Plan and in the respective Sounder station budgets. The approved 1999 budget includes funding for construction of Sounder Commuter Rail stations in the amount of \$22,779,000. Committing these funds does not endanger any other project elements that are to be funded out of the construction phase. Funding for Tactile Tiles supply and delivery is included in the budget, and identified in the construction phase budgets of the six station projects between Seattle and Tacoma, as referenced in the table on the next page:

**SOUNDER COMMUTER RAIL - SEATTLE TO TACOMA STATIONS  
CONSTRUCTION BUDGETS, EXPENDITURES, AND COMMITMENTS**

Sounder Commuter Rail Station	1999 Approved Ten-Year Construction Budget <sup>1</sup>	Life-to-Date Expenditures and Outstanding Commitments <sup>2</sup>	Pending Board and Finance Committee Decisions	Budget Available (A-B-C)	Proposed Board Action <sup>3</sup>
	A	B	C	D	E
<b>Tukwila</b>	\$ 3,644,000	\$ 842,052	\$ 0	\$ 2,801,948	\$ 63,945
<b>Kent</b>	\$ 3,937,000	\$ 712,244	\$ 0	\$ 3,224,756	\$ 63,114
<b>Auburn</b>	\$ 3,066,000	\$ 737,373	\$ 0	\$ 2,328,627	\$ 96,404
<b>Sumner</b>	\$ 1,918,000	\$ 464,623	\$ 0	\$ 1,453,377	\$ 63,945
<b>Puyallup</b>	\$ 2,551,000	\$ 570,675	\$ 0	\$ 1,980,325	\$ 63,944
<b>Tacoma Dome</b>	\$ 7,683,000	\$ 941,256	\$ 0	\$ 6,741,744	\$ 37,165
<b>Total</b>	<b>\$ 22,799,000</b>	<b>\$ 4,268,223</b>	<b>\$ 0</b>	<b>\$ 18,530,777</b>	<b>\$ 388,517</b>

<sup>1</sup>Original Budget did not specifically identify these costs.

<sup>2</sup>Actuals are as of July 31, 1999

<sup>3</sup>Including Contingency of 10%

**EXECUTIVE SUMMARY:**

The award of this contract provides for the lowest responsive and responsible bidder to supply and deliver Tactile Tiles for the six stations located along Tacoma-to-Seattle commuter rail line.

**Scope of work:**

The scope of work for this contract is to supply and deliver the yellow and red tactile tiles to a centralized storage location for the use of various contractors engaged in the construction of commuter rail stations. Two kinds of tiles are to be purchased under this contract: cast in place and retrofit tactile tile. Cast in place tactile tile is installed on the permanent concrete platform edge. The retrofit tactile tile will be used on a temporary station platform (Auburn Commuter Rail station platform only). The temporary platform is being constructed at the Auburn Commuter Rail station to accommodate relocation of BNSF track at a later date.

**Procurement and selection process:**

Bids were solicited by Sound Transit via an invitation for bid (IFB) issued on August 17, 1999. On September 7, 1999, bids were received from two bidders. The bids were opened and read as set forth in the bid document. The Engineer's Estimate for the procurement was \$359,812. The Engineer's Estimate is Sound Transit's estimate of the expected procurement cost, based on the estimated quantity needed for six commuter rail stations. The estimate draws on variety of resources including regional price for the materials, sales tax information, schedules, quantity of requirements, special delivery requirements and recent experience on similar work.

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

	<b>ESTIMATE/BIDDER</b>	<b>TOTAL BID PRICE</b>	<b>RANK</b>
1	Engineer's Estimate	\$ 359,812	
2	Innovative Composites, LLC	\$ 289,674	1
3	Engineered Plastics, Inc.	\$ 353,197	2

Innovative Composites, LLC was announced as the apparent low bidder at the bid opening. However, upon review of the bid, Sound Transit determined that the bid of the Innovative Composites, LLC was non-responsive because the bid guaranty bond, a requirement, was not included with its bid. Innovative Composites, LLC subsequently submitted a protest requesting that the bid guaranty bond be waived and that the qualifications to determine responsibility of a bidder also be revised or deleted or to negotiate a mutually acceptable resolution. The protest was denied based on the level of risk associated with awarding a contract without a bid bond.

**ALTERNATIVES:**

At least three alternative actions exists:

1. Request new bid on this procurement contract in hope of a better bid price, although the selected bid came under Sound Transit's estimate for the procurement. This alternative would cause a delay in the station construction schedule and it is not expected the bid would be any lower.
2. Reject the bid and include the procurement in station contracts. This will entail change orders to the contracts that are already awarded and bid document changes to the contracts yet to be advertised. This alternative would also cause a delay in the construction schedule and it is expected that costs would be higher.
3. Take no action at this time, which will cause station construction delay.

**CONSEQUENCES OF DELAY:**

This bid for the supply of tactile tiles is an important element of the commuter rail stations. Tactile tiles are required to comply with ADA criteria prior to commuter rail service. Delay in the award of this contract will impact timely completion of the commuter rail stations. The station construction schedules are arranged to meet the Sounder service start date.

**LEGAL REVIEW:**

The Legal Department has reviewed and approved the Background and Comments and the Motion.

**SOUND TRANSIT**

**MOTION NO. M99-76**

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a contract with Engineered Plastics, Inc for supply and delivery of tactile tiles to be used on six (6) commuter rail station platforms, in an amount not to exceed \$353,197, with an additional contingency amount of 10% (\$35,320), for a total amount of \$388,517.

**Background:**

For the initial Commuter Rail service from Tacoma-to-Seattle, seven stations will be built for the commuter rail service. The King Street station construction is handled by Amtrak. To provide the opportunity for materials consistency and economy of quantity purchase, a systemwide procurement contract was developed.

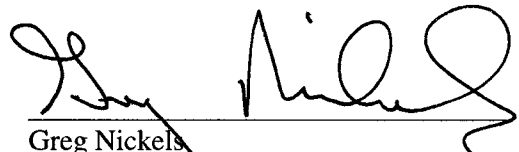
Tactile tiles are installed at the edge of Commuter Rail stations to comply with the Americans with Disabilities Act (ADA) requirements. These requirement dictates that raised truncated domes shall be used for detected warning on the walking surface for people with seeing disability. These tiles with truncated domes are designed to provide a surface, which can be detected by a cane, felt with shoes or by touch. In addition, it will also serve as a safety strip (2'-0" wide yellow colored) along the platform edge to keep the waiting passenger away from the edge of the platform. This material will be supplied to the Sounder station construction contractors for installation. This contract has the option to purchase additional tiles for the future commuter rail stations.

The contract amount is not to exceed \$353,197, and with an additional contingency amount of 10% (\$35,320), for a total amount allocated towards this contract of \$388,517.


**Motion:**

It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Executive Director be authorized to execute a contract with Engineered Plastics, Inc for supply and delivery of Tactile Tiles to be used on six (6) commuter rail station platforms. In an amount not to exceed \$353,197, with approval an additional contingency amount of 10% (\$35,320), for a total amount allocated for this contract of \$388,517.

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

  
Greg Nickels  
Finance Committee Chair

ATTEST:

  
Marcia Walker  
Board Administrator