

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2001-90

**Supplemental Agreement with the Washington State Department of Transportation for
Final Design of SE 8th Interchange Improvements in Bellevue"**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	9/6/01	Discussion/Possible Action	Agnes Govern, Director Regional Express Jim Edwards, Program Manager, Capital Projects Bill Guenzler, Project Manager, Capital Projects	(206) 398-5037 (206) 398-5436 (206) 398-5041

OBJECTIVE OF ACTION

- Provides funds for Washington State Department of Transportation (WSDOT) to pay \$136,990 for additional services in connection with WSDOT-administered design of SE 8th Street Interchange improvements.
- Provides \$254,222 for WSDOT to respond to an appeal of a permit relating to the construction of improvements to the SE 8th Street Interchange in Bellevue.

ACTION

- Finance Committee is requested to authorize the Executive Director to execute a supplement to an existing agreement with WSDOT in the total amount of \$391,213.

KEY FEATURES

- Provides funds for WSDOT to pay a pending request for payment of \$136,990 from WSDOT's contractor for additional design services in connection with the design of SE 8th Interchange improvements.

Additional task — Stormwater site plan	\$ 63,027
Changed condition — temporary signal/illumination	\$ 54,764
Additional effort to respond to review comments	\$ 14,474
Coordination with Bellevue Transit Center consultant	\$ 4,725
TOTAL	\$136,990

- Provides reimbursement for WSDOT activities relating to the State Shoreline Hearing Board Appeals 01-012 and 01-014.

Respond to Shoreline permit appeals	\$111,130
Update plans/contract specifications and advertise	\$143,092
TOTAL	\$254,222

BUDGET AND FINANCIAL IMPACTS

The following table shows the available budget as it relates to expenditures, commitments, and the impact of this action.

Column A	Column B	Column C	Column D	Column E
Total Project Budget	Budget for Final Design Phase	Obligated to Date	Total Amount Requested	Remaining Budget (B-[C+D])
\$107,014,000	\$12,159,000	\$2,301,965	\$391,213	\$9,465,822

All figures shown are in year of expenditure (YOE\$).

The project budget contains sufficient funds for this effort and committing these funds does not endanger any other project elements that are to be funded out of the overall project. The budget amounts shown are based on the current Adopted 2001 Budget (reference project number 145, page 182 of budget document). Obligations to date (column C) include expenditures and commitments through July 31, 2001.

HISTORY OF PROJECT

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
R98-32 (GCA 1310)	Preliminary Engineering (\$3,191,913)	07/23/98
M99-73 (GCA 2182)	Final Design of First Phase (SE 8th \$2,288,300)	10/28/99
M2001-27	Construction of First Phase (SE 8th \$1,908,610 Sound Transit Share)	04/05/01

The proposed supplement would increase the amount of the agreement authorized under Motion No. M99-73 (GCA 2182) from \$2,288,300 to \$2,679,513.

Design Cost Reimbursement:

WSDOT retained a private consultant to design the roadway portion of the SE 8th Interchange improvements while designing the bridge structure with in-house personnel.

WSDOT's design consultant has made a request for payment relating to its portion of the initial design. The staff at WSDOT have evaluated the consultant's request and negotiated the proposed compensation at \$136,990. WSDOT is requesting a supplement to the agreement to be able to pay this amount.

Responding to Shoreline Permit Appeals:

WSDOT completed the design of improvements to the first phase of the Bellevue Direct Access Project and obtained permits prior to advertising the construction contract on April 23, 2001.

Bellevue residents Geoffrey Bidwell and Renay Bennett representing FAIR (Fiscal Accountability Involving Residents), appealed the shoreline permit to the State Shoreline Hearings Board. The hearing has been set for October 16 and 17, 2001. The appeal identified issues relating to Shoreline Management Act and environmental processes.

Pursuant to Section V of the final design agreement between Sound Transit and WSDOT (GCA 2182), WSDOT is responsible for acquiring necessary permits. Section V further provides that Sound Transit agrees to fund WSDOT costs. WSDOT estimates that approximately \$5,000 has already been expended by the State Attorney General's Office (as of July 25, 2001) to respond to the State Shorelines Hearing Official. After the appeal is decided, WSDOT will be required to modify or update the construction contract, re-apply for permits, and advertise the project. The proposed supplement includes \$254,222 to provide WSDOT the funding necessary to (1) participate in the appeals process and (2) to implement the actions of the State Hearings Office.

Section III of the agreement between Sound Transit and WSDOT (GCA 2182) provides that Sound Transit will conduct a final audit to make an independent determination as to appropriateness of all billings. Any required adjustments will be reflected in a final payment.

CONSEQUENCES OF DELAY

WSDOT is awaiting Board authorization prior to beginning work on repackaging the plans and construction contract specifications. Should the Board delay its decision about the proposed supplement delay, WSDOT staff indicates there will very likely be a corresponding delay in re-advertising the construction contract for SE 8th Interchange improvements.

REGIONAL PARTNERSHIP AND COOPERATION

This project involves the City of Bellevue, King County Metro, WSDOT, and FHWA. The project provides benefits to general-purpose traffic and will receive considerable financial support from grants, City of Bellevue, and WSDOT. Bellevue will finance design and construction of related improvements on the City street system. WSDOT will direct the final design and construction, and the Washington State Legislature will provide \$10M toward project costs in addition to the funding approved by the Transportation Improvement Board (TIB).

PUBLIC INVOLVEMENT

A scoping meeting was held on March 22, 1994. There have been four open houses, one public hearing, and numerous meetings before the Bellevue City Council and Bellevue Transportation Commission. The staff has provided several newsletters as well as on-going information in Bellevue's "It's Your City" newsletter that is mailed to every address in Bellevue. The final EIS was published by FHWA in the Federal Register and a notice of availability was published twice in local newspapers in November of 2000.

The City of Bellevue also holds monthly meetings with an advisory committee including two city council members and representatives of the community and business groups. This committee is expected to meet for the duration of the project providing advice on managing construction impacts and communicating with the public.

LEGAL REVIEW

MLB 8/27/2001

**SOUND TRANSIT
MOTION NO. M2001-90**

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a supplement to the agreement with the Washington State Department of Transportation (WSDOT) for final design of the SE 8th Interchange improvements in an amount not to exceed \$391,213 for a new total contract amount not to exceed \$2,679,513.

Background:

The proposed supplement would increase the amount of the agreement authorized under Motion No. M99-73 (GCA 2182) from \$2,288,300 to \$2,679,513.

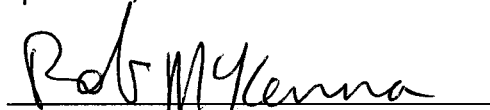
WSDOT retained a private consultant to design the roadway portion of the SE 8th Interchange improvements while designing the bridge structure with in-house personnel. WSDOT's design consultant has made a request for payment relating to its portion of the initial design. The staff at WSDOT have evaluated the consultant's request and negotiated the proposed compensation. WSDOT is requesting a supplement to the agreement to be able to pay this amount.

WSDOT completed the design of improvements to the first phase of the Bellevue Direct Access Project and obtained permits prior to advertising the construction contract on April 23, 2001. The Shoreline permit was appealed to the State Shoreline Hearings Board. The hearing has been set for October 16 and 17, 2001. The appeal identified issues relating to the Shoreline Management Act and environmental processes.

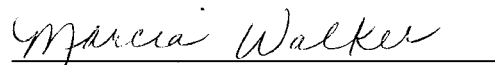
Motion:

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 supplement to the agreement between Sound Transit and WSDOT for final design of the SE 8th Interchange improvements in an amount not to exceed \$391,213. The supplement shall provide (1) payment to WSDOT of \$136,990 to cover the request for payment by WSDOT's consultant for additional design services and (2) payment to WSDOT of \$254,222 to respond to the Shoreline permit appeals process and to implement the actions of the State Shoreline Hearings Board. The new total authorized contract amount is not to exceed \$2,679,513.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 6th day of September, 2001.


Rob McKenna
Finance Committee Vice Chair

ATTEST:


Marcia Walker
Board Administrator