

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2002-124

Award Contract No. RTA/LR 66-02 for Tacoma Link Light Rail Double Diamond Crossing Construction

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	11/7/02	Discussion/Possible Action	Ahmad Fazel, Link Light Rail Director Stephanie Kirby, Link Civil Engineer Henry Cody, Tacoma Link Project Manager	(206) 398-5389 (206) 689-3324 (206) 398-5377

Contract/Agreement Type:	3	Requested Action:	3
Competitive Procurement	3	Execute New Contract/Agreement	3
Sole Source		Amend Existing Contract/Agreement	
Memorandum of Agreement		Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- To authorize a construction contract for the Tacoma Link Double Diamond Crossing.

ACTION

- Authorize the Executive Director to award contract No. RTA/LR 66-02 for the Tacoma Link Light Rail Double Diamond Crossing to Gary Merlino Construction Company (GMCC) in the amount of \$815,350 plus a 10% contingency of \$81,535 for a total authorized amount not to exceed \$896,885.

KEY FEATURES

- Authorizes the Executive Director to award contract No. RTA/LR 66-02 for the Tacoma Link Light Rail Double Diamond Crossing to Gary Merlino Construction Company in the amount of \$815,350.
- Creates a 10% contract contingency of \$81,535.
- The construction of the special trackwork is required for Tacoma Link Light Rail to cross the Burlington Northern Santa Fe (BNSF) tracks and includes the reconstruction of the full BNSF crossing of Pacific Avenue. The work also includes reconstruction pavement and sidewalks adjacent to the rail, and electrical conduits and duct bank work required for energizing the light rail and proposed signals.
- Funds for this contract are available within the Tacoma Link Light Rail budget.

BUDGET IMPACT SUMMARY

Project Description: Tacoma Link Light Rail

Current Status: Under Construction

Projected Completion Date: 09/03

Action Outside of Adopted Budget:	Y/N	Y Requires Comment
This Line of Business	N	
This Project	N	
This Phase	N	
This Task	Y	Requires a transfer from uncommitted funds within the contingency phase.
Budget amendment required	N	
Key Financial Indicators:	Y/N	Y Requires Comment
Contingency funds required	Y	Requires a transfer from uncommitted funds within the contingency phase.
Subarea impacts	N	
Funding required from other parties other than what is already assumed in financial plan	N	

N = Action is assumed in current Board-adopted budget. Requires no budget action or adjustment to financial plan

BUDGET DISCUSSION

The total adopted budget for Tacoma Link, as amended, is \$80.4 million. Within that budget, the activity contemplated within this motion is identified within the Construction phase. A budget line item of \$945,000 was earmarked for the BNSF trackwork. Under previous Board authorization (Motion No. M2002-51 for \$252,428), the "double diamond" fabricated material was procured as a part of the scope of this budget item, leaving a remaining budget of \$692,572.

Should the Board authorize the execution of this contract, the total commitment for the BNSF trackwork (including the previous motion) will exceed the total task budget by \$204,313. Staff proposes to transfer funds from contingency to cover this amount.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current board adopted budget and is affordable within the agency's current long-term financial plan and sub-area financial capacity. The action will have no new revenue impacts on Sound Transit

SUMMARY FOR BOARD ACTION

Summary for Board Action (Year of Expenditure \$000)

Action Item: Merlino

Tacoma Link	Current Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	4,552	3,906		3,906	645
2 Preliminary Engineering	6,242	6,242		6,242	-
3 Final Design	6,007	4,449		4,449	1,558
4 Right of Way	2,944	3,566		3,566	(622)
5 Construction	49,498	43,468	693	44,161	5,337
6 Vehicles	9,485	7,993		7,993	1,492
7 System Testing and Startup	760	324		324	436
8 Contingency	928	-	204	204	723
9 Total Current Budget	80,416	69,949	897	70,846	9,570

Phase Budget Detail

10 Double Diamond Crossing Construction	945	252	897	1,149	(204)
11 Other Construction	48,553	43,216		43,216	5,337
Contingency	-	-	(204)	(204)	204
12 Total Phase	49,498	43,468	693	44,161	5,337

Project Contingency

13 Double Diamond Crossing Construction	-	-	204	204	(204)
14 Other Contingency	928	-		-	928
15 Total Project Contingency	928	-	204	204	723

Contract Budget

	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
16 Double Diamond Crossing Construction			815	815
17 Contingency			82	82
18 Total	-	-	897	897
19 Percent Contingency	0%	0%	10%	10%

M/W/DBE – SMALL BUSINESS PARTICIPATION

The goal for small business participation on this contract is 15%. GMCC has committed to a small business participation goal of 33%. The same goal applies to all changes executed under the terms of the contract.

HISTORY OF PROJECT

The double diamond crossing is within the city limits of Tacoma on Pacific Avenue and 17th Street. The construction of the special trackwork is required for Tacoma Link Light Rail to cross the BNSF tracks and includes the reconstruction of the full BNSF crossing of Pacific Avenue. The work also includes reconstruction of pavement and sidewalks adjacent to the rail, and

electrical conduits and duct bank work required for energizing the light rail and proposed signals.

The engineer's estimate for completion of this work was \$658,000. Sound Transit received two bids for this work on September 26, 2002. The apparent low bid was \$625,950 with a small business commitment of 5%. Following evaluation of additional material and an interview, it was determined that the apparent low bid proposal was non-responsive because it did not meet the small business goal and did not demonstrate that it made sufficient good faith efforts to meet the goal. Approval of this motion would authorize the Executive Director to award this contract for construction of the Tacoma Link Light Rail Double Diamond Crossing to Gary Merlino Construction Company in the amount of \$815,350 plus a 10% contingency of \$81,535 for a total authorized amount not to exceed \$896,885.

The double diamond crossing is the final civil construction contract for Tacoma Link Light Rail. Following award of this contract the only remaining construction work will be the construction of the BNSF signal improvements. Tacoma Link Light rail is 75% complete, and will start operations on Labor Day, 2003.

**Prior Board or Committee Actions
and Relevant Board Policies**

Motion Number	Summary of Action	Date of Action
M2002-51	Authorized the Executive Director to execute a contract with L.B. Foster Company for the manufacture of a double diamond crossing for the Tacoma Link Light Rail crossing of BNSF track at 17 th Street and Pacific Avenue in downtown Tacoma in the amount of \$229,480 plus a 10% contingency of \$22,948 for a total authorized amount not to exceed \$252,428.	5/2/02
M2001-122	Authorized the Executive Director to execute a contract with Totem Electric to furnish, install and construct Tacoma Link systems equipment in the amount of \$4,444,500, plus a 10% contingency of \$444,450, for a total authorized amount not to exceed \$4,888,950	11/15/01
M2000-114	Authorized the Executive Director to execute a contract with Gary Merlino Construction for the construction of Tacoma Link Light Rail, Contract 910. The action authorizes a base contract amount of \$22,924,382, with Alternate A Streetscape Improvements and Alternate Street Lighting as an additional contract amount of \$473,266, and a 10% contingency of \$2,339,764 for a total authorized amount not to exceed \$25,737,413.	2/8/01
M2000-118	Authorized the Executive Director to execute a contract with Impulse NC, Inc., for the purchase of Traction Power Substations for the Tacoma Link Light Rail Project for \$721,662 and a 10% contingency of \$72,166 for a total authorized amount not to exceed of \$793,828	11/30/00
M2000-115	Authorized the Executive Director to execute a contract with Berschauer Phillips Construction Company for the construction of the Tacoma Link Operations and Maintenance Facility authorizing a contract amount of \$3,982,961 plus a 10% contingency of \$398,296 for a total authorization not to exceed \$4,381,257	11/30/00

CONSEQUENCES OF DELAY

- Delay by the Board in approving this action could result in a delay to follow-on signal installation work, and potential delays to the entire project.

REGIONAL PARTNERSHIP AND COOPERATION

- Sound Transit has worked cooperatively with the City of Tacoma, Pierce Transit, WSDOT, local businesses and interest groups on the Tacoma Link Light Rail Project. The ongoing cooperation and teamwork exhibited by these groups has been critical to the success of the project. The BNSF is an important agency partner of the Sounder program.

PUBLIC INVOLVEMENT

- Sound Transit staff continues to work to keep local and area residents informed about the status of the project and the impact of construction on the neighborhoods.

LEGAL REVIEW

JDW 10/23/02

SOUND TRANSIT

MOTION NO. M2002-124

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to award contract No. RTA/LR 66-02 for the Tacoma Link Light Rail Double Diamond Crossing to Gary Merlino Construction Company (GMCC) in the amount of \$815,350 plus a 10% contingency of \$81,535 for a new total authorized contract amount not to exceed \$896,885.

Background:

The double diamond crossing is within the city limits of Tacoma on Pacific Avenue and 17th Street. The construction of the special trackwork is required for Tacoma Link Light Rail to cross the Burlington Northern Santa Fe (BNSF) tracks and includes the reconstruction of the full BNSF crossing of Pacific. The work also includes reconstruction of pavement and sidewalks adjacent to the rail, and electrical conduits and duct bank work required for energizing the light rail and proposed signals.

The engineer's estimate for completion of this work was \$658,000. Sound Transit received two bids for this work on September 26, 2002. The apparent low bid was \$625,950 with a small business commitment of 5%. Following evaluation of additional material and an interview, it was determined that the apparent low bid proposal was non-responsive because it did not meet the small business goal and did not demonstrate that it made sufficient good faith efforts to meet the goal. Approval of this motion would authorize the Executive Director to award this contract for construction of the Tacoma Link Light Rail Double Diamond Crossing to Gary Merlino Construction Company in the amount of \$815,350 plus a 10% contingency of \$81,535 for a new total authorized contract amount not to exceed \$896,885.

The double diamond crossing is the final civil construction contract for Tacoma Link Light Rail. Following award of this contract the only remaining construction work will be the construction of the BNSF signal improvements. Tacoma Link Light rail is 75% complete, and will start operations on Labor Day, 2003.

Motion:

It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to award contract No. RTA/LR 66-02 for the Tacoma Link Light Rail Double Diamond Crossing to Gary Merlino Construction Company (GMCC) in the amount of \$815,350 plus a 10% contingency of \$81,535 for a new total authorized contract amount not to exceed \$896,885.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on November 7, 2002.



Kevin Phelps
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator