

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2002-41

**Fourth Supplement to Memorandum of Agreement (MOA)
between Sound Transit and the City of Seattle**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	4/4/02	Discussion/Possible Action to Recommend Board Approval Action	Ahmad Fazel, Link Director	(206) 398-5389
Board	4/11/02		Ron Lewis, Project Development Manager	(206) 689-4905

Contract/Agreement Type:	3	Requested Action:	3
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	4
Memorandum of Agreement	4	Contingency Funds Required	
Purchase/Sale Agreement		Budget Amendment Required	

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

- The purpose of this agreement is to define the tasks, deliverables, schedule and reimbursement amount for services provided by the City of Seattle to support the Link Light Rail project from April 2002 through December 2002.

ACTION

- Authorizes the Executive Director to execute the Fourth Supplement to the Memorandum of Agreement (MOA) with the City of Seattle reimbursing the City for project related services in support of the Central Link Light Rail project within City of Seattle's jurisdiction. These services will be provided by the City of Seattle in the areas of public works, public safety, and business and community assistance and program management, for a total estimated amount not to exceed \$2,935,977 (which includes the amount of \$332,842 remaining from the First Supplement budgeted for contingency purposes under this Agreement) for the period from April 2002 through December 2002.

KEY FEATURES

- Authorizes a supplement to the agreement between the City of Seattle (City) and Sound Transit reimbursing the City for certain Central Link Light Rail project related expenses.
- Requires Sound Transit to reimburse the City for certain project related costs and expenses associated with public works, public safety, and business and community assistance and program management services to directly support the Link project as defined in the MOA.
- Authorizes a total amount not to exceed \$2,935,977.
- Covers the period from April 2002 through December 2002.

- Allocates unexpended funds from the First Supplement in the amount of \$332,842 to a contingency category in this Fourth Supplement to cover costs of work resulting from unforeseen circumstances or additional work requested by Sound Transit.
- Reflects the progress of the project in achieving advanced stages of design and the initiation of construction.

BUDGET IMPACT SUMMARY

Project Description: North Link and Initial Segment

Current Status: North Link: Alternative route analysis, Initial Segment: PE, FD, and Construction

Projected Completion Date: North Link, 9/03; Initial Segment, 7/09

Action Outside of Adopted Budget:	Y/N	Y	Requires Comment
This Department/LOB	N		
This Project	N		
This Phase	N		
This Task	N		
Budget amendment required	N		
Key Financial Indicators:	Y/N	Y	Requires Comment
Contingency funds required	N		
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

Budget for the proposed action is included within the North Link and the Initial Segment for Link Light Rail. Within the North Link project, the activity is budgeted for within the Third Parties phase. Within the Initial Segment, Seattle City Light design and construction activities are included within the construction phase and all other activities are included within the Third Parties phase. This proposed action is consistent with the current Board adopted budget.

REVENUE, SUBAREA, AND FINANCIAL 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 subarea 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: City of Seattle

North Link	Current Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Agency Administration	5,810			-	5,810
2 Preliminary Engineering	12,940	8,605		8,605	4,335
3 Final Design				-	-
4 Right of Way				-	-
5 Construction				-	-
6 Construction Services				-	-
7 Third Party Agreements	2,030	102	50	152	1,878
8 Vehicles				-	-
9 Total Historic Costs	89,220	89,220		89,220	-
10 Total Current Budget	110,000	97,927	50	97,977	12,023

Phase Budget Detail	A	B	C	D	E
11 City of Seattle	1,000	0	50	50	950
12 Other Third Parties	1,030	102		102	928
13 Total Phase	2,030	102	50	152	1,878

Contract Budget	Current Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
14 City of Seattle	0		50	50
15 Contingency			6	6
16 Total	0	0	56	56
17 Percent Contingency	0%	0%	10%	10%

- A Provisional budget based on estimates of historic costs to be allocated between the initial segment and North Link (n Convention Place). Upon completion of recoding costs to the current project structure, a finalized phase-level budget be presented to the Board.
- B Commitments reflect total commitments for Central Link as estimated to be allocated to the Initial Segment and to the North Link Extension.
- 1 Budget in this phase is for the 18 - 24 month alternative study only.
- 2 Budget in this phase is for the 18 - 24 month alternative study only.
- 7 Budget in this phase is for the 18 - 24 month alternative study only.
- 9 Current estimate of historical costs to be allocated to the North Link Extension. When allocations are completed, the costs will appear in Administration, PE, Final Design, ROW, and Construction phases.
- 14 Reflects the portion of the contract pertaining to North Link only. See lines 37 - 42 for total contract summary.
- 43 From line 38
- 44 From line 37
- 45 From line 11
- 46 Remaining contract balance from supplement 1 is proposed to be rolled forward as contingency for supplement 4. B for this line is included within the committed to date amount (line 38).

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

Action Item: City of Seattle

Initial Segment	Current Board Adopted Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
18 Agency Administration	226,200	8,375		8,375	217,825
19 Preliminary Engineering	37,992	21,000		21,000	16,992
20 Final Design	116,340	71,694		71,694	44,646
21 Right of Way	233,000	61,716		61,716	171,284
22 Construction	1,175,092	-	866	866	1,174,226
23 Construction Services	77,500	-	-	-	77,500
24 Third Party Agreements	58,800	11,349	1,687	13,036	45,764
25 Vehicles	145,076	3		3	145,073
26 Contingency				-	-
27 Total Current Budget	2,070,000	174,136	2,553	176,690	1,893,310

Construction

Phase Budget Detail

	A	B	C	D	E
28 Work by Seattle City Light	17,204	-	866	866	16,338
29 Other Civil Construction	889,217			-	889,217
30 Systems Construction	197,248	-	-	-	197,248
31 Testing & Startup	16,726	-	-	-	16,726
32 Other Construction	54,697	-	-	-	54,697
33 Total Phase	1,175,092	-	866	866	1,174,226

Third Party Agreements

Phase Budget Detail

	A	B	C	D	E
34 City of Seattle	21,312	9,011	1,687	10,698	10,614
35 Other Third Party Agreements	37,488	2,339		2,339	35,150
36 Total Phase	58,800	11,349	1,687	13,036	45,764

Contract Budget

	Current Approved Contract Value (F)	Spent to Date (G)	Estimate at End of 3rd Supplement (H)	Proposed Action (I)	Proposed Total Contract Value (J)
37 Work by Seattle City Light	0	0	0	866	866
38 Third Party Agreements	9,011	7,613	8,678	1,687	10,365
40 Contingency				327	327
41 Total	9,011	7,613	8,678	2,880	11,558
42 Percent Contingency	0%	0%		11%	3%

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

Action Item: City of Seattle

Contract Budget	Current Approved Contract Value (F)	Spent to Date (G)	Estimate at End of 3rd Supplement (H)	Unspent Funds to be Reauthorized (I)	Proposed Action (I)	Proposed Total Contract Value (J)
43 Initial Segment - Thrid Parties	9,011	7,613	8,678	333	1,687	10,365
44 Initial Segment - Work by SCL	0	0	0	0	866	866
45 North Link - Third Parties	0	0	0	0	50	50
46 Contingency					333	333
47 Total	9,011	7,613	8,678	333	2,936	11,614
48 Percent Contingency	0%	0%	0%	0%	11%	3%

HISTORY OF PROJECT

MOA/Supplement	Amount	Time Period	Services Delivered
Original MOA	\$2,500,000	1998	GIS services, environmental review, station area planning, land use planning, design process input
1 st Supplement	\$4,919,821	1999-2000	Design review, design development support, utility coordination, implementation coordination, mitigation identification and analysis
2 nd Supplement	Not executed	Not executed	Not executed
3 rd Supplement	\$1,590,792	May 2001 – present	Design review, design development support, utility coordination and relocation, implementation coordination, construction plan review, permitting, public safety, fiscal management, business assistance

On April 20, 1998, the City of Seattle and Sound Transit entered into a Memorandum of Agreement for Intergovernmental Cooperation in the amount of \$2,500,000 (Motion No. M98-15, March 12, 1998). The First Supplement to Memorandum of Agreement for Intergovernmental Cooperation, adopted by the Sound Transit Board on July 8, 1999, by Motion No. M99-33, covered project related services performed by the City during 1999 and 2000. Unexpended resources from the agreement continued to fund project related City activities through April 2001. The First Supplement included reimbursement to various City departments for services including design review, design development support, utility coordination, implementation coordination, mitigation identification, analysis, and developmental support in an estimated amount not to exceed \$4,919,821.

The City and Sound Transit then negotiated an agreement titled “Second Supplement to Memorandum of Agreement for Intergovernmental Cooperation... for the Central Link Light Rail Transit Project” (“Second Supplement”). That agreement was approved by the City Council but was never executed by the Sound Transit Board due to the recalibration of the project during the December 2000 and January 2001 timeframe.

The Third Supplement was executed on May 10, 2001 by Motion No. M2001-41 and included services to be provided by the City in three major areas: Public Works, Public Safety, and Program Management and Business and Community Assistance from May 2001 through December 2001. Resources from the Third Supplement continue to support these project-related activities during the first quarter of 2002.

The City of Seattle is responsible for administering station and local transportation and land use laws and development regulations for the Central Link Light Rail project within the City of Seattle jurisdiction. The purpose of this Fourth Supplement to the MOA is to define tasks, deliverables, and schedule and reimbursement amounts for City services to support the Link Light Rail project from April 2002 through December 2002. Under the proposed agreement, Sound Transit will reimburse the City for project related expenses associated with public works (Seattle City Light, Seattle Public Utilities, Parks, Seattle Transportation, Department of Design, Construction, and Land Use.), public safety (Fire and Police), program management and business and community assistance (Executive). The Fourth Supplement defines tasks and reimbursement amounts for City services performed April 2002 through December 2002 in the amount of \$2,935,977 (which includes the amount of \$332,842 remaining from the First Supplement budgeted for contingency purposes under this Agreement).

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

Motion or Resolution Number	Summary of Action	Date of Action
M98-15	Authorized the Executive Director to enter into a Memorandum of Agreement with the City of Seattle	3/12/98
M99-33	Authorizing the Executive Director to execute a First Supplement to the April 20, 1998 Memorandum of Agreement between the City of Seattle and Sound Transit; and providing for reimbursement to City Departments for certain design and design review costs in connection with the Link Light Rail project during calendar years 1999 and 2000, for an estimated amount of \$4,919,821	7/8/99
M2001-41	Authorizing the Executive Director to execute a Third Supplement to the Memorandum of Agreement (MOA) with the City of Seattle reimbursing the City for project related expenses for the Central Link Light Rail project within City of Seattle jurisdiction. These expenses are to be associated with public works, public safety, and program management and business and community assistance services for a total estimated amount not to exceed \$1,590,792	5/10/01

DESCRIPTION OF SERVICES

Under this Fourth Supplement, the City agrees to provide expedited design review, construction assistance, design and construction services to meet the major milestones of the Central Link Light Rail project in the following areas.

PUBLIC WORKS

Public Works services will be provided by City departments including Seattle City Light, Seattle Public Utilities, Parks & Recreation Department, Seattle Transportation, and Department of Design, Construction, and Land Use.

Seattle City Light (City Light)

City Light will provide the following primary support services: planning and design for City Light relocations, design support for Link systems requirements, and construction of specific City Light facilities as a result of Link project impacts.

Seattle Public Utilities (SPU)

SPU will provide expedited plan reviews for utility infrastructure including water, sewer, and drainage systems and will assist Sound Transit and its consultants with specific utility design, construction, and service coordination issues.

Parks and Recreation

Parks and Recreation will provide expedited plan review and coordination to identify and resolve Parks related issues associated with final design of the Project in the vicinity of the McClellan Station area, Beacon Hill Tunnel, and Martin Luther King Jr. Way South.

Seattle Transportation

Seattle Transportation is responsible for citywide coordination of Sound Transit design review, construction, and permitting including managing citywide review of contract packages, and providing on-site construction and permit coordination for work within City right-of-way related to Contracts 600 and 700.

Department of Design, Construction and Land Use (DCLU)

DCLU is responsible for conducting plan and design review; issuing expedited land use, building, electrical, and noise-related permits that are critical to construction of the Project; and performing inspections during construction.

PUBLIC SAFETY

Seattle Fire Department

The Seattle Fire Department will review Sound Transit plans, participate in the Fire Life Safety Committee, and prepare a Beacon Hill Tunnel rescue proposal to support the design and construction of a safe Link Light Rail system that meets Seattle Fire Code requirements.

Seattle Police Department

The Seattle Police Department will review Sound Transit plans, participate in the Fire Life Safety Committee, and advise Sound Transit's development of security plans during construction and for operations. Seattle Police will also provide work site traffic control at construction intersections in the vicinity of the maintenance base construction.

BUSINESS AND COMMUNITY ASSISTANCE AND PROGRAM MANAGEMENT

Strategic Planning Office (SPO)

SPO will manage all City efforts conducted under this Supplement, coordinate resolution of Project policy issues, produce an integrated monthly report and monitor the agreements financials, and provide technical assistance (e.g., traffic modeling) as needed.

Office of Economic Development (OED)

OED will work with Sound Transit to implement a business assistance program that helps those businesses that will be displaced or otherwise impacted by construction of Sound Transit's Project. The goals of the business assistance program are to aid displaced businesses in successfully relocating within the City of Seattle and to help impacted (but non-dislocated) businesses in remaining viable during construction. This scope includes one FTE to provide Community Development Fund (CDF) technical assistance, which will be reimbursed to Sound Transit by the CDF.

CONSEQUENCES OF DELAY

The agreement is planned for reimbursement of services from April 2002 through December 2002. A delay in executing this agreement would push forward the starting date for the agreement, thereby delaying the provision of services needed to maintain the project schedule.

REGIONAL PARTNERSHIP AND COOPERATION

The City of Seattle and Sound Transit have been working closely to draft the Fourth Supplement to the agreement.

PUBLIC INVOLVEMENT

N/A

LEGAL REVIEW

BN 3-21-02

SOUND TRANSIT

MOTION NO. M2002-41

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute the Fourth Supplement to the Memorandum of Agreement (MOA) with the City of Seattle (City) reimbursing the City for project related services in support of the Central Link Light Rail project within the City of Seattle. These services shall be provided by the City in the areas of public works, public safety, and business and community assistance and program management, for a total estimated amount not to exceed \$2,935,977 (which includes the amount of \$332,842 remaining from the First Supplement budgeted for contingency purposes under this Agreement) for the period from April 2002 through December 2002.

Background:

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\$2,935,977 (which includes the amount of \$332,842 remaining from the First Supplement budgeted for contingency purposes under this Agreement).

Motion:


It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to execute the Fourth Supplement to the Memorandum of Agreement with the City of Seattle reimbursing the City for project related services in support of the Central Link Light Rail project within the City of Seattle. These services shall be provided by the City of Seattle in the areas of public works, public safety, and business and community assistance and program management, for a total estimated amount not to exceed \$2,935,977 (which includes the amount of \$332,842 remaining from the First Supplement budgeted for contingency purposes under this Agreement) for the period from April 2002 through December 2002.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 11, 2002.



Ron Sims
Board Chair

ATTEST:


Marcia Walker
Board Administrator