

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2003-49

**Construction Management Contract Amendment
For Commuter Rail Track Improvements**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	5/1/03	Discussion/Possible Action	Martin Minkoff, Sounder Commuter Rail Director Eric Kosty, Senior Project Manager	(206) 398-5111 (206) 398-5123

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

4 Applicable to proposed transaction.

OBJECTIVE OF ACTION

Execute a change order for David Evans and Associates, Inc. (DEA) to provide construction support services for the Reservation to Freighthouse Square track improvements.

ACTION

Authorize the Executive Director to execute a contract amendment with David Evans and Associates, Inc. to provide construction support services in the amount of \$141,811, with a contingency of \$14,181 totaling \$155,992, for a new total authorized amount not to exceed \$1,770,937.

KEY FEATURES

- The design consultant team shall perform construction design support services to include responses to Contractor's requests for information, conforming bid documents to "Issue for Construction," review and approval of Contractor submittals, and review and approval of substitution requests.

BUDGET IMPACT SUMMARY

Action Outside of Adopted Budget:	Y/N	Y Requires Comment
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	N	

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

BUDGET DISCUSSION

The total adopted 2003 budget of \$484 million represents the combined construction phase of two projects: Seattle to Auburn Track and Signals (110), and Auburn to Tacoma Dome Track and Signals (120). The activities considered within this motion are split 55/45 between the construction phases of these two projects. These project budgets contain 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 budget.

REVENUE, SUBAREA, AND FINANCIAL PLAN IMPACTS

The proposed action is consistent with the current Board-adopted budget and is affordable within Sound Transit'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: Change order with David Evans & Associates for Reservation to Freighthouse Square Construction Support Services

	Current Board Adopted Budget (A)	Committed To Date* (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
1 Maintenance Yard/Layover	13,923	7,269	-	7,269	6,654
2 Agency Administration	22,076	10,371	-	10,371	11,705
3 Pre-Engineering	10,544	10,363	-	10,363	181
4 Final Design	7,779	8,722	-	8,722	(943)
5 ROW Acquisition	24	24	-	24	-
6 Construction	332,050	321,340	156	321,496	10,554
7 Vehicles	95,575	86,967	-	86,967	8,608
8 Contingency	2,247	-	-	-	2,247
9 Total Current Budget	484,217	437,787	156	437,943	32,352

Phase Budget Detail

10 BNSF	320,900	320,900	-	320,900	-
11 Tacoma Flyover	8,606	-	-	-	8,606
12 Median Safety Barrier	800	-	-	-	800
13 Miscellaneous	1,744	440	156	596	1,148
14 Total Phase	332,050	321,340	156	321,496	10,554

Contract Budget	Current Approved Contract Value (F)	Spent to Date** (G)	Proposed Action (H)	Proposed Total Contract Value (I)
15 David Evans & Associates	1,588	1,484	142	1,730
16 Contingency	41	-	14	55
17 Total	1,629	1,484	156	1,785
18 Percent Contingency	3%	0%	10%	3%

Budget Shortfall

Level	\$ (J)	Potential Revenues (K)	Funding Source (L)
NA	-	-	

*Committed-to-date includes actuals and commitments through April 11, 2003 (HQ).

**This contract covers Preliminary Engineering, Final Design, as well as Construction.

M/W/DBE – SMALL BUSINESS PARTICIPATION

DEA is the prime consultant for this contract and has committed to a 25% M/W/DBE and Small Business goal. The subconsultants have performed 53.1% of the contract. Following is M/W/DBE and Small Business utilization breakdown:

<u>Subconsultant</u>	<u>Business Type</u>	<u>% of Work</u>	<u>Dollar Value</u>
Exeltech Consulting	S/DBE	47.2%	\$307,583
BCE Engineers	SB	1.2%	\$ 10,492
Twin City Signals	SB	4.7%	\$ 31,042

EEO Commitment:

The DEA team includes 43.5% women and 11.8% minorities. DEA workforce demographics are: 31.7% women and 12.1% minorities.

Based on this action DEA plans to continue to Use Exeltech Consulting for structural engineering design support during construction and BCE Engineers for electrical engineering design support during construction. Twin City Signals has finished all work included in their scope for the project. Following is the M/W/DBE and Small Business utilization breakdown for this change order:

<u>Subconsultant</u>	<u>Business Type</u>	<u>% of Work</u>	<u>Dollar Value</u>
Exeltech Consulting	S/DBE	46.4%	\$65,844
BCE Engineers	SB	4.2%	\$ 5,891

The overall utilization of M/W/DBE and Small Business participation on this contract (including this action) will be 50.58%.

HISTORY OF PROJECT

In order to provide commuter rail service to the permanent Tacoma Dome Station, track construction and improvements must occur to connect the Burlington Northern Santa Fe (BNSF) tracks and the Tacoma Rail Mountain Division tracks located in the vicinity of Reservation Junction. Design and construction of improvements within the Tacoma Rail right-of-way between Reservation Junction and Tacoma Dome Station are the responsibility of Sound Transit. The improvements necessary for Sounder to serve the Tacoma Dome Station were negotiated under the signed "Amended License Agreement between the City of Tacoma and the Central Puget Sound Regional Transit Authority" approved by the Sound Transit Board on April 25, 2002.

DEA was awarded the contract for design of these improvements in December 1999. The first change order, executed in January 2000, contained funds for bid and construction support services. However, the project never progressed past beginning preparations for bid documents and was halted for most of 2000 when negotiations between Sound Transit and the City of Tacoma stalled. The funds for bid and construction support services were re-allocated for more design and support during the negotiations. In 2002 an amended agreement with the City of Tacoma that defined the improvements required in the corridor for Sounder service was signed. Since that time DEA has successfully completed the final design and bid documents necessary for a construction bid.

CONSEQUENCES OF DELAY

Notice to Proceed for the construction contractor is expected on May 9, 2003 and construction is to be complete by September 1, 2003. To avoid delays in responding to contractor submittals, requests for information and substitution requests, design support services need to be available.

REGIONAL PARTNERSHIP AND COOPERATION

The City of Tacoma has been actively involved in the design and review of the construction documents for Reservation to Freighthouse Square track construction and improvements. The City of Tacoma Engineering department head participated in the selection of the construction contractor.

PUBLIC INVOLVEMENT

Information regarding the project has been forwarded to property owners affected by the permanent closure of Bay Street near Portland Avenue. Property owners will be kept informed about construction through bi-weekly construction updates that are distributed throughout the community and available on the Sound Transit website.

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2002-14	Authorized the Executive Director to execute a contract amendment to contract RTA/CR 98-99 with DEA to provide final design services for track and signals for the Reservation Junction – Freighthouse Square portion of the Tacoma to Seattle rail line.	2/21/2002
M2000-122	Authorized the Executive Director to execute an agreement with the City of Tacoma for construction and operation of commuter rail facilities located in the Tacoma Rail right of way.	12/14/2000
M2000-123	Authorized the Executive Director to execute a Property Construction Agreement with the City of Tacoma for an interconnection between BNSF and Tacoma Rail.	12/14/2000
M2000-13	Authorized the Executive Director to execute a change order to the contract with DEA for Sounder Tacoma Rail Segment – Phase I Final Design and Construction Support for \$175,269.	2/17/2000

LEGAL REVIEW

Note: Mr. Kosty is serving as Senior Project Manager under his consultant contract.

MB 4/7/03

SOUND TRANSIT

MOTION NO. M2003-49

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a contract amendment with David Evans and Associates, Inc. for Reservation to Freighthouse Square track improvements in the amount of \$141,811, with a contingency of \$14,181, totaling \$155,992, for a new total authorized amount not to exceed \$1,770,937.

Background:

In order to provide commuter rail service to the permanent Tacoma Dome Station, track construction and improvements must occur to connect the Burlington Northern Santa Fe (BNSF) tracks and the Tacoma Rail Mountain Division tracks located in the vicinity of Reservation Junction. Design and construction of improvements within the Tacoma Rail right-of-way between Reservation Junction and Tacoma Dome Station are Sound Transit's responsibility. The improvements for Sounder to serve the Tacoma Dome Station were negotiated under the signed "Amended License Agreement between the City of Tacoma and the Central Puget Sound Regional Transit Authority" approved by the Sound Transit Board on April 25, 2002.

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Motion:

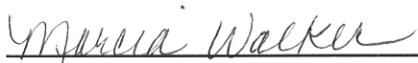
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Executive Director is authorized to execute a contract amendment with David Evans and Associates, Inc. to provide construction support services for Reservation to Freighthouse Square track improvements in the amount of \$141,811, with a contingency of \$14,181, totaling \$155,992, for a new total authorized amount not to exceed \$1,770,937.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 1, 2003.



Kevin Phelps
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator