

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2005-47

**Everett Station Layover Track
Increase to Construction Contract Contingency**

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	4/21/05	Discussion/Possible Action	Agnes Govern, Director Capital Projects Christine Engler, Capital Projects Construction Program Manager, Ron Perrone, Capital Projects Construction Manager	(206) 398-5037 (206) 398-5056 (206) 398-5079

Contract/Agreement Type:	✓	Requested Action:	✓
Competitive Procurement		Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	
Interlocal Agreement		Contingency Funds (Budget) Required	✓
Purchase/Sale Agreement		Budget Amendment Required	

✓ *Applicable to proposed transaction.*

ACTION

Authorizes the addition of \$100,000 to the approved contingency amount for the construction contract with Clearcreek Contractors, Inc., to provide construction services for a layover track at the Everett Station, for a new total contingency amount of \$143,522, and a total authorized contract amount not to exceed \$361,134.

KEY FEATURES

- Motion No. M2005-31 authorized the contract to construct 516 feet of new track on concrete ties for use as layover for train two on the Everett-Seattle Sounder service.
- Motion No. M2005-31 authorized contingency at 20%, for an amount of \$43,522, because the contract provides for the likelihood that material classified as hazardous and/or contaminated will be encountered and need to be removed. Sound Transit had no cost-effective way of quantifying this material during design. This contingency was requested to address this issue timely in the field during the very short contract time allowed for completion of the work.
- Materials exceeding MTCA Method A industrial soil cleanup concentrations have been discovered during the required excavation for the layover track. These materials must be properly disposed. The contract unit price per ton for disposal is \$90.00. The estimated amount of material that must be removed and disposed is 1,370 tons. Thus, the total estimated cost to respond to this issue is \$123,300, which exceeds the authorized contingency by \$79,778. This amount, plus a replenishment of general contract contingency, is required to support the contract work. Therefore, an additional \$100,000 in contract contingency is being requested.

- Construction of the layover track is essential to the start of service for the second train on the Everett-Seattle line. Currently there is not enough space to store a second train at Everett Station overnight.
- In accordance with the agreement between Sound Transit and Burlington Northern Santa Fe Railway (BNSF), a second round trip is planned to be added to the Everett-Seattle service schedule in the third quarter of this year.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET DISCUSSION

The budget for the Layover project contains a total of \$20,653,000 for construction. Of this, \$14,655,000 has been obligated. This action, in the amount of \$100,000, can be completed within the construction phase 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 the subarea financial capacity.

BUDGET TABLE

Action Item: Execute contract for construction for Everett Layover Track for Commuter Rail Layover Project (#140), \$s in thousands

	2005 Adopted Budget ⁽¹⁾ (A)	Committed To Date ⁽²⁾ (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	509	\$ 509	\$ -	\$ 509	\$ 0
Preliminary Engineering	156	11		11	145
Final Design	375	0	-	0	375
Right of Way	750	-		-	750
Construction	20,653	14,665	100	14,765	5,888
Vehicles	-	-	-	-	-
Contingency	650	-	-	-	650
Total Current Budget	23,092	\$ 15,185	\$ 100	\$ 15,285	\$ 7,808

Phase Budget Detail

Construction	\$ 20,653	\$ 14,665	\$ 100	\$ 14,765	\$ 5,888
Total Phase	\$ 20,653	\$ 14,665	\$ 100	\$ 14,765	\$ 5,888

Contract Budget

	Approved Contract Value (F)	Spent to Date (G)	Proposed Action (H)	Proposed Total Contract Value (I)
Construction contract	\$ 218	\$ -	\$ -	\$ 218
ST Contingency	44	-	\$ 100	144
Total	\$ 261	\$ -	\$ 100	\$ 361
Percent Contingency	20%			

Budget Shortfall

Level	Shortfall Amt (J)	Potential Funds (K)	Funding Source (L)
N/A	-	-	N/A

Notes:

- (1) Project budget is located on page 92 of the Adopted 2005 book. Amounts shown reflect the combined Layover budget for Snohomish, South King and Pierce counties.
- (2) Committed to-date amount includes actual outlays and commitments for the Layover project in Snohomish, South King and Pierce counties combined, through April 20, 2005. Budget and commitments for construction include \$12.7 million for the Amtrak passthrough.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Prime Consultant/Contractor

Sound Transit's goal for Small Business participation is 19% of the total contract price. Clearcreek Contractors, Inc. is the prime contractor for this contract. Clearcreek Contractors, Inc. is a certified Small Business and is committed to a 100% Small Business goal.

Utilization Breakdown Table

	Business Type	% of Work	Dollar Value
Clearcreek Contractors, Inc.	SB	50	\$108,806
Coast Rail, Inc.	SB	49	\$106,630
Seal Rite Enterprises, LLC.	SB	1	\$ 2,176
Total		100%	\$217,612

HISTORY OF PROJECT

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2005-31	Authorized execution of a construction contract with Clearcreek Contractors, Inc. for a layover track at the Everett Station.	3/17/05
M2004-31	Authorized acquisition of permanent property rights for Everett Station.	4/8/04
M2004-22	Authorized execution of a contract with KBA, Inc. for construction management services for Everett Station Phase 2.	3/18/04
M2004-14	Authorized a contract amendment with ZGF to complete final design and provide support during construction.	3/18/04
M2002-93	Authorized a Memorandum of Agreement with Amtrak for cost reimbursement for the construction of commuter rail elements at the Everett Station.	9/12/02
M2001-105	Authorized Supplemental Agreement No. 2 to the Memorandum of Agreement between the City of Everett and Sound Transit for cost sharing of commuter rail related elements constructed by the City of Everett.	10/25/01
M2001-45	Authorized a contract amendment with ZGF for final design of station.	5/12/01
M2001-19	Authorized execution of a contract with ZGF for preliminary engineering	3/15/01
M2000-33	Authorized Supplemental Agreement No. 1 to the Memorandum of Agreement between the City of Everett and Sound Transit to reimburse the City for design costs of commuter rail related station elements.	4/20/00
R2000-03	Authorizing acquisition, disposal or lease of certified property interests as necessary for construction of Everett Station.	3/23/00
R99-5	Authorized Memorandum of Agreement between Sound Transit and the City of Everett For Everett Sounder facilities.	2/11/99

The contract for construction of the layover track at Everett Station was advertised on January 24, 2005. Sound Transit received a total of two bids on February 23, 2005. The lowest responsive and responsible bidder is Clearcreek Contractors, Inc.

All environmental compliance to support the Board's approval of this contract has been completed.

The City of Everett issued a Public Works Permit for this project on January 24, 2005.

CONSEQUENCES OF DELAY

Any delay in authorization of sufficient contingency funds to resolve the issue of disposal and replacement of the hazardous contaminated materials in the field will delay the contractor and the start of second train service from Everett-Seattle, and will likely require additional contract funds to resolve time impacts to the contractor.

PUBLIC INVOLVEMENT

The layover track was included in the Everett Station project described in the 1999 NEPA Final Environmental Impact Statement for the Everett-Seattle Commuter Rail Project prepared by Sound Transit. The public comment period on the Everett-Seattle Commuter Rail Project Draft EIS ran from June through August 1999. As a part of the EIS process, Sound Transit held a number of public outreach events including a scoping meetings in February 1998 and hearings on the Draft EIS in July 1999. An open house on Everett Station planning was held by the City of Everett in March 1999.

LEGAL REVIEW

JW 4/20/05

SOUND TRANSIT

MOTION NO. M2005-47

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the addition of \$100,000 to the approved contingency amount for the construction contract with Clearcreek Contractors, Inc., to provide construction services for a layover track at the Everett Station, for a new total contingency amount of \$143,522, and a total authorized contract amount not to exceed \$361,134.

Background:

Motion No. M2005-31 authorized the contract to construct 516 feet of new track on concrete ties for use as layover for train two on the Everett-Seattle Sounder service. Construction of the layover track is essential to the start of service for the second train on the Everett to Seattle Sounder Commuter Rail service. Currently there is not enough space to store a second train at the Everett Station overnight. In accordance with the agreement between Sound Transit and Burlington Northern Santa Fe Railway (BNSF), a second round trip is planned to be added to the Everett to Seattle service in the third quarter of this year.

Contract contingency is currently authorized at 20%, for a current authorized total contingency amount of \$43,522, because the contract provides for the likelihood that material classified as hazardous and/or contaminated will be encountered and need to be removed. Sound Transit had no cost-effective way of quantifying this material during design. This contingency was requested to address this issue timely in the field during the very short contract time allowed for completion of the work. Materials exceeding MTCA Method A industrial soil cleanup concentrations have been discovered during the required excavation for the layover track. The cost to dispose of these materials is estimated to greatly exceed the current authorized contingency. Additional contingency is required to dispose of these hazardous materials and to provide a general contingency reserve to support the remaining work of the contract.

Motion:

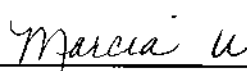
It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that an additional \$100,000 is authorized to be added to the approved contingency amount for the construction contract with Clearcreek Contractors, Inc., to provide construction services for a layover track at the Everett Station, for a new total contingency amount of \$143,522, and a total authorized contract amount not to exceed \$361,134.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 21, 2005.



Kevin R. Phelps
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator