

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2005-59

Totem Lake Freeway Station/NE 128th

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	6/2/05	Discussion/Possible Action	Agnes Govern, Director, Capital Projects Christine Engler, Construction and HOV Access Program Manager, Capital Projects	(206) 398-5037 (206) 398-5056

ACTION

Direct staff to fund an optional bid item for an artistic wall treatment developed for the Totem Lake Freeway Station/NE 128th project from the project budget, and establish policy for development and funding of artistic wall treatments for future projects.

KEY FEATURES

- Provides a history and description of the coordination that has taken place to develop the art work for the Totem Lake Freeway Station/NE 128th project.
- Describes how an artistic wall treatment was developed for the project and included in the construction contract for the project as an optional bid item.
- Provides a staff recommendation for funding the artistic wall treatment developed for this project.
- Provides a staff recommendation for funding artistic wall treatments for future projects.

BUDGET IMPACT SUMMARY

Project Description: Totem Lake Freeway Station/NE 128th

Current Status: Construction

Projected Completion Date: 4th Quarter 2007

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

This action does not impact the Board-adopted budget for this project. The proposed costs will be absorbed at the Phase level should the staff recommendation for funding the artistic wall treatment for this project be adopted by the Board.

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.

M/W/DBE – SMALL BUSINESS PARTICIPATION

Not applicable for this action.

HISTORY OF PROJECT

Prior Board or Committee Actions and Relevant Board Policies

Motion or Resolution Number	Summary of Action	Date of Action
M2005-35	Authorized execution of Agreement GCA 3361 Task Order #5 with the Washington State Department of Transportation to provide construction and construction management of the Totem Lake Freeway Station Project in the amount of \$52,421,500, with a 5% contingency of \$2,621,075, for a total authorized Task Order amount not to exceed \$55,042,575.	4/28/05
R98-1	Established the Sound Transit Art Program guidelines and adopted a budget policy.	1/22/98
Motion No. 40	Committed to the integration of public art in the implementation of Sound Move.	9/11/97

The Sound Transit Administrative Policies and Procedures for the “STart Program Budget and Accounting” were adopted in August 1999, and were modeled after the art policies established by the Board through adoption of Motion No. 40 in 1997 and Resolution No. 98-1 in 1998. At that time, the art program budget was capped at 1% of the capital construction cost (excluding the cost for tunneling) of the projects in Sound Move. These funds were pooled within the sub-areas. Projects are evaluated for their art potential before funds are allocated to specific projects.

After a set aside of 10% for future maintenance, \$446,400 was budgeted for art for the Totem Lake Freeway Station project. This sum was calculated as 1% of the construction cost estimated in 2004 for this project. Of the \$446,400, \$200,000 has been allocated to an art installation entitled “Circulations” for the pedestrian walkway along the 128th St. over-crossing of I-5.

Following presentations by the Washington State Department of Transportation (WSDOT) promoting Context Sensitive Solutions for the WSDOT I-405 Corridor Project, including artistic wall treatments, the City of Kirkland asked if this remaining art budget could be used to incorporate a unique artist-designed pattern into the walls of the Totem Lake Freeway Station HOV access ramps.

The STart program manager and the project manager agreed to work with the City of Kirkland and WSDOT to try to develop an artistic wall treatment for the HOV access ramps that could be reviewed and approved by all parties, was affordable, and could be incorporated into

construction documents before the project went out to bid. This work was accomplished in accordance with a very aggressive schedule, since the project had passed the 95% design completion milestone when the request was made. In addition, the approval process included the Kirkland Cultural Council, the Kirkland CSS Advisory Committee, the I-405 Aesthetics Advisory Committee, and the Kirkland City Council. The aesthetics of the artistic wall treatment were reviewed and approved by all of these groups before the project went out to bid. The budget, for final design of the artistic wall treatment through fabrication of the artist-designed form liners, was estimated by the artist to be \$177,770, leaving \$68,630 for general construction costs such as increased quantity of concrete and installation. This amount was initially thought to be sufficient. The artistic wall treatment was planned to be bid as part of the overall construction project. This intent was communicated to the City.

Just prior to the scheduled issuance of the IFB for the Totem Lake Freeway Station project, WSDOT opened bids for the state's SR-16 project. Bids for the artistic wall treatment for that project raised concerns that the construction costs for installations of this type may have been grossly underestimated on past projects. Actual cost history was not available because the costs had never been broken out. Based on these observations, Sound Transit and WSDOT determined to bid the artistic wall treatment as an optional bid item that would provide the cost to finish the ramp walls with the artistic treatment. The contract language, reviewed by the City of Kirkland, stated that the option would be awarded with the contract itself, but that the owner reserved the right to delete the option at no cost to the owner.

On May 4, 2005, bids were opened for the Totem Lake Freeway Station project. Bids for the artistic wall treatment ranged from a low of \$250,000 to a high of \$430,000. The contract was awarded to Max J. Kuney Company, the lowest responsive/responsible bidder. Kuney's bid for the artistic wall treatment was \$300,000. This exceeds the *STart* 1% for art budget for this project by \$231,370.

Because:

- The artistic wall treatment for this project will be a significant benefit to a large number of East King County residents traveling the I-405 corridor;
- It is difficult to determine whether or not the forming and placement of concrete for an artistic wall treatment should be considered as part of the normal construction cost of a project rather than as "art"; and
- The circumstances that have led to the development of an optional bid item for the wall treatment for this project are unique.

Staff is recommending that:

- The construction of the artistic wall treatment for this project be funded from the budget for the Totem Lake Freeway Station/NE 128th project, since there is funding available to do so within the authorized construction task order with WSDOT;
- For future projects, an artistic wall treatment may be developed if sufficient *STart* 1% for art budget exists for final design of the artistic wall treatment through fabrication of the artist-designed form liners; and
- For future projects, an optional bid item should be used to capture the cost for construction of an artistic wall treatment and, if sufficient unallocated project budget exists, construction of an artistic wall treatment should be funded from the project budget.

LEGAL REVIEW

JW 6/1/05

SOUND TRANSIT

MOTION NO. M2005-59

A motion of the Board of the Central Puget Sound Regional Transit Authority directing staff to fund an optional bid item for an artistic wall treatment developed for the Totem Lake Freeway Station/NE 128th Project out of the East King County STart budget, requiring a budget transfer from the East King County Program Reserves to the East King County STart budget.

Background:

The Sound Transit Administrative Policies and Procedures for the "STart Program Budget and Accounting" were adopted in August 1999, and were modeled after the art policies established by the Board through adoption of Motion No. 40 in 1997 and Resolution No. 98-1 in 1998. At that time, the art program budget was capped at 1% of the capital construction cost (excluding the cost for tunneling) of the projects in Sound Move. These funds were pooled within the sub-areas. Projects are evaluated for their art potential before funds are allocated to specific projects.

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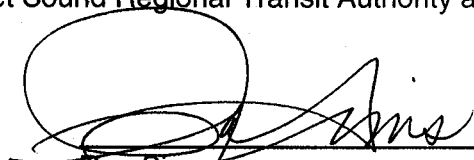
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- The artistic wall treatment for this project will be a significant benefit to a large number of East King County residents traveling the I-405 corridor.
- It is difficult to determine whether or not the forming and placement of concrete for an artistic wall treatment should be considered as part of the normal construction cost of a project rather than as "art."
- The circumstances that have led to the development of an optional bid item for the wall treatment for this project are unique.

Motion:

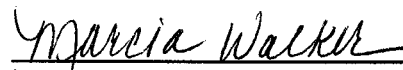
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that construction of the artistic wall treatment for the Totem Lake Freeway Station/NE 128th Project be funded out of the East King County STart budget, requiring a budget transfer from the East King County Program Reserves to the East King County STart budget.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 23, 2005.



Ron Sims
Board Chair Pro Tem

ATTEST:



Marcia Walker
Board Administrator