

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2005-66**

**Increase Contingency for Contract with BOAS, Inc. for Link Archaeological Monitoring**

<b>Meeting:</b>	<b>Date:</b>	<b>Type of Action:</b>	<b>Staff Contact:</b>	<b>Phone:</b>
Finance Committee	6/16/05	Discussion/Possible Action	Ahmad Fazel, Link Director James Irish, Link Environmental Program Manager <b>Lauren Swift, Link Environmental Planner</b>	(206) 398-5389 (206) 398-5140 (206) 398-5445

<b>Contract/Agreement Type:</b>	<input checked="" type="checkbox"/>	<b>Requested Action:</b>	<input checked="" type="checkbox"/>
Competitive Procurement	<input checked="" type="checkbox"/>	Execute New Contract/Agreement	
Sole Source		Amend Existing Contract/Agreement	<input checked="" type="checkbox"/>
Interlocal Agreement		Contingency Funds (Budget) Required	
Purchase/Sale Agreement		Budget Amendment Required	

*✓ Applicable to proposed transaction.*

**ACTION**

Authorizes the Chief Executive Officer to increase the authorized contract contingency for the contract with BOAS, Inc. for archaeological services associated with construction of the Central Link Light Rail project in the amount of \$350,000, for a new total authorized amount not to exceed \$1,752,500.

**KEY FEATURES**

- Because most of the original contract contingency was spent to address an archaeological site discovered in Tukwila during pre-construction investigations, an increase in the contingency now will enable a rapid response to authorize work in the event that another archaeological site is discovered during construction.
- The expenditure of these funds from the contingency would not be authorized without approval from staff in the event that an archaeological site is discovered during construction.

**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 proposed action would authorize an increase to the contract contingency approved for BOAS, Inc. to provide archaeological services associated with environmental mitigation of construction in Tukwila in the amount of \$350,000, increasing the total not to exceed authorized contract amount to \$1,752,500.

The adopted 2005 lifetime capital budget for the Initial Segment is \$2.07 billion. This proposed action specifically addresses environmental mitigation on construction contract C755, where the majority of additional archaeological monitoring work remains.

Within that budget, \$3,420,000 has been set aside to provide environmental mitigation for construction contract C755 (Tukwila Freeway Route) within the construction phase. To date commitments for this line item total \$646,000. Should the proposed action be approved, there would be a remaining balance of \$2,424,000 for this budget line item.

## **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 subarea financial capacity. The action will have no new revenue impact on Sound Transit.

## **BUDGET TABLE**

**Action Item:** BOAS, Inc. (increase authorized contingency for archaeological services associated with construction of the Tukwila Segment (C755) within the Initial Segment)

**(Year of Expenditure \$000)**

<b>Initial Segment</b>	<b>Amended 2005 Budget (A)</b>	<b>Committed To Date (B)</b>	<b>This Action (C)</b>	<b>Total Committed &amp; Action (D)</b>	<b>Uncommitted (Shortfall) (E)</b>
1 Agency Administration	218,780	112,637		112,637	106,143
2 Preliminary Engineering	34,000	33,492		33,492	508
3 Final Design	143,523	140,291		140,291	3,232
4 Right of Way	225,516	182,440		182,440	43,076
5 Construction	1,172,066	1,041,370	350	1,041,720	130,346
6 Construction Services	83,892	80,424		80,424	3,468
7 Third Party Agreements	58,916	53,749		53,749	5,167
8 Vehicles	133,307	131,799		131,799	1,508
9 <b>Total Current Budget</b>	<b>2,070,000</b>	<b>1,776,201</b>	<b>350</b>	<b>1,776,551</b>	<b>293,449</b>

### **Construction Phase Detail**

10 Environmental Mitigation (C755)	3,420	646	350	996	2,424
11 Other Tukwila C755	297,210	265,729		265,729	31,480
12 Other construction segments	871,436	774,994		774,994	96,442
13 <b>Total Phase</b>	<b>1,172,066</b>	<b>1,041,370</b>	<b>350</b>	<b>1,041,720</b>	<b>130,346</b>

(A) AMENDED 2005 BUDGET reflects Board Resolution R2005-08 to transfer \$4 million to the Construction Phase from the ROW phase within the Initial Segment, approved by the ST Board 3/10/05.

<b>Contract Amount</b>	<b>Board Approvals to Date (K)</b>	<b>Current Approved Contract Value (L)</b>	<b>Proposed Action (M)</b>	<b>Proposed Total for Board Approval (N)</b>	<b>Proposed Contract Value (O)</b>
14 Contract Amount	1,275	1,259	-	1,275	1,259
15 Contingency	128	144	350	478	494
16 <b>Total Sound Transit</b>	<b>1,403</b>	<b>1,403</b>	<b>350</b>	<b>1,753</b>	<b>1,753</b>
18 Contingency	10%	11%	0%	37%	39%

## **M/W/DBE – SMALL BUSINESS PARTICIPATION**

### **Prime Consultant/Contractor**

BOAS, Inc. is an M/W/DBE, 100% woman-owned firm. Because this action item is to replenish contingency rather than authorize specific work, there is not a current scope on which to base a utilization breakdown.

## **HISTORY OF PROJECT**

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

<b>Motion or Resolution Number</b>	<b>Summary of Action</b>	<b>Date of Action</b>
M2000-79	Executed a contract with BOAS for archaeological services associated with construction of the Central Link Light Rail project for a contract amount of \$1,275,000 and a 10% contingency of \$127,500, for a total authorized amount not to exceed \$1,402,500.	9/7/00

Section 106 of the National Historic Preservation Act of 1966, requires that federal agencies identify and assess the effects of federally assisted undertakings on historic resources, archaeological sites, and traditional cultural properties, and to consult with interested parties to find acceptable ways to avoid or mitigate adverse effects. To comply with Section 106 regulations, the Federal Transit Administration (FTA) and Sound Transit have consulted with the State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (ACHP) to determine the project's potential adverse effects on historic archaeological resources during construction of the Central Link Light Rail project and have agreed to appropriate mitigation measures. Consultations were also completed with interested parties, including the Suquamish, Muckleshoot, and Duwamish Tribes.

The scope of the BOAS contract consists of 1) documentation of oral history data; 2) sub-surface testing at specified locations prior to construction; 3) monitoring of specified construction locations to prevent the destruction of significant archaeological deposits; and 4) a treatment and monitoring plan. The work in the original contract has been underway since 2001. All tasks have been completed except monitoring of construction for certain contract sections of the Initial Segment. The Board initially approved the not to exceed amount for this work at \$1.4 million, including a 10% contingency. After negotiations with the contractor, less than the authorized amount was needed for the tasks. As a result, the funds not allocated to specific task in the contract were placed in contingency in the event that an archaeological site was uncovered, increasing contingency from \$127,500 to \$359,847.

In October 2004, an archaeological site was discovered in Tukwila during pre-construction sub-surface testing. Addressing this site according to the requirements of Section 106 of the National Historic Preservation Act and the Programmatic Agreement among the FTA, SHPO, and ACHP required use of most of the existing \$359,847 contract contingency. Prior to discovery of the archaeological site, contingency had not been used. The availability of the contingency enabled a rapid response to the discovery, which was important to addressing the resource without disrupting the construction schedule. An increase in the contingency now will enable a rapid response to authorize work in the event that another archaeological site is discovered during construction.

## **CONSEQUENCES OF DELAY**

Significant delay in replenishing the contingency could result in a delay in addressing any archaeological resources uncovered during construction, and, as a result, a potential delay in the construction schedule. The availability of contingency will enable the potential for a rapid response in the approval of funds to address any archaeological resources discovered during construction of the Central Link Light Rail project.

## **PUBLIC INVOLVEMENT**

If an archaeological discovery is made during construction, Link will work with Link Outreach staff and Communications staff to inform the public as appropriate. Link staff in coordination with Communications staff will consult with state and federal agencies and affected Indian Tribes pursuant to Section 106 of the National Historic Preservation Act.

## **LEGAL REVIEW**

JW 6/1/05

## **SOUND TRANSIT**

### **MOTION NO. M2005-66**

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the Chief Executive Officer to increase the authorized contract contingency for the contract with BOAS, Inc. for archaeological services associated with construction of the Central Link Light Rail project in the amount of \$350,000, for a new total authorized amount not to exceed \$1,752,500.

#### **Background:**

Section 106 of the National Historic Preservation Act of 1966, requires that federal agencies identify and assess the effects of federally assisted undertakings on historic resources, archaeological sites, and traditional cultural properties, and to consult with interested parties to find acceptable ways to avoid or mitigate adverse effects. To comply with Section 106 regulations, the Federal Transit Administration (FTA) and Sound Transit have consulted with the State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (ACHP) to determine the project's potential adverse effects on historic archaeological resources during construction of the Central Link Light Rail project and have agreed to appropriate mitigation measures. Consultations were also completed with interested parties, including the Suquamish, Muckleshoot, and Duwamish Tribes.

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#### **Motion:**

It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the Chief Executive Officer is authorized to increase the authorized contract contingency for the contract with BOAS, Inc. for archaeological services associated with construction of the Central Link Light Rail project in the amount of \$350,000 for a new total authorized amount not to exceed \$1,752,500.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority  
at a regular meeting thereof held on June 16, 2005.

  
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Kevin Phelps  
Finance Committee Chair

ATTEST:

  
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Marcia Walker  
Board Administrator