

**SOUND TRANSIT
STAFF REPORT**

MOTION NO. M2009-31

Contract Amendment for Artists Services for Link Light Rail Construction

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Finance Committee	4/16/09	Discussion/Possible Action	Barbara Luecke, Public Art Administrator	(206) 398-5059

Contract/Agreement Type:		Requested Action:	
Competitive Procurement	✓	Execute New Contract/Agreement	✓
Sole Source		Amend Existing Contract/Agreement	✓
Agreement with Other Jurisdiction(s)		Budget Amendment	
Real Estate		Property Acquisition	

PROPOSED ACTION

Authorizes the chief executive officer to execute a contract amendment with Bill Bell dba Subliminary Artworks, Inc. to complete fabrication of Beacon Hill tunnel artwork in the amount of \$3,000, with a contingency of \$20,300 for a new total authorized contract amount not to exceed \$223,300.

KEY FEATURES of PROPOSED ACTION

- Authorizes and increase in authorized contract amount for completion of “Lightsticks,” a technology-based artwork for the Beacon Hill tunnel. An increase is needed due to changes in LED technology that occurred while the project approached final design and because of changes in the construction schedule.
- The contract amendment will allow Sound Transit to take advantage of more energy efficient, longer lasting technology systems for the artwork, resulting in future cost savings in maintenance.
- This action would creates a 10% contingency fund based on the overall contract amount of \$203,000. The contingency will support increased labor and equipment costs in the event that the artwork must be installed on a third (graveyard) shift, over multiple off-hour shifts, and/or with a schedule subject to change due to train testing.

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.

Sound Transit Art Budget

Resolution No. R98-1 states that,

“Establishment of a Sound Transit art program will not result in an addition to the current Sound Transit budget.

In keeping with local precedents and FTA guidelines, the Sound Transit budget for art will be calculated as 1% of capital construction costs, excluding the cost of tunneling. The funds generated for art will be pooled within each subarea. Opportunities for integrating art will be evaluated for the system as a whole before determining where art is most

appropriate and how much money should be allocated for art at specific locations within each subarea.

The 1% for art policy will allow the art program to begin without committing to specific dollar amounts until cost estimates for specific construction projects are more firmly established. Because it is anticipated that much of the art will be completely integrated into construction, determining the specific costs attributable to the art budget may not be possible. Costs will be reasonably assigned based on the best judgment of those collaborating on the Sound Transit art and design tasks.”

BUDGET and FINANCIAL PLAN DISCUSSION

The proposed action would amend the Bill Bell dba Subliminary Artworks, Inc. contract increasing it by \$23,300 for a new total contract amount of \$223,300. The Adopted 2009 Budget for North King County sub area artwork is \$6,757,156 of which \$4,888,387 has been spent. The balance remaining after this action will be \$1,845,469. There is a concurrent board action that would commit an additional \$65,852 to the North King County sub area art budget.

There are sufficient funds to complete this action within the project budget. Committing these funds will not endanger any other project elements that are to be funded out of the overall project.

BUDGET TABLE

Summary for Board Action

Action Item: Artwork for Central Link Light Rail - Bill Bell dba Subliminary Artworks, Inc.

Contract Budget:	Current Approved Contract Value	Spent to Date	Balance	Proposed Action	Proposed Total Contract Value
Artwork for Central Link Light Rail	200,000	60,000	140,000	3,000	203,000
Contingency	-	-	-	20,300	20,300
Total	200,000	60,000	140,000	23,300	223,300
Percent Contingency					10%

ST Art Budget

	(A)	(B)	(C)	(D)
Accounts to be charged	Adopted 2009 Lifetime Budget ¹	Spent to Date ²	Proposed Action	Balance
1 ST Art North King County	6,757,156	4,888,387	23,300	1,845,469
2 Total	6,757,156	4,888,387	23,300	1,845,469

Notes

¹ Project budget is located on page two hundred and twenty seven of the adopted 2009 Budget book. The 2009 Budget was adopted by the Board on December 11, 2008.

² Spent to date amount includes actual outlays through January 31, 2009.

SMALL BUSINESS PARTICIPATION

Subliminary Artworks, Inc is a sole-proprietor, small business enterprise and will be self performing 100% of the work.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Subliminary Artworks, Inc. (Bill Bell) was commissioned in 2006 through a competitive artist selection process in which a panel reviewed prequalified artists in the Sound Transit Artist Roster. Because any artwork in the tunnel must meet the maintenance, safety and operations requirements of the Link system, the selection panel consisted of Link architecture manager, Link technical consultant and Link system artists.

The panel reviewed all of the artists in the roster whose work seemed appropriate for the tunnel and unanimously selected Bill Bell. The selection was based on the uniqueness of his art, its dynamic quality, durability, and ease of maintenance. His final design will project an array of changing images in the dark tunnel as trains approach the Beacon Hill Station.

Although construction of the Beacon Hill tunnel did not generate 1% for art, Board policy allows the pooling of art dollars so that art can be integrated wherever appropriate within the system. The art program, the Internal Design Review Group, the Light Rail Review Panel, and the Link Executive Director all expressed a desire to explore the opportunities for art in the tunnel. The goal is to enliven an otherwise dark space and to add interest for the riders.

At the time of the original notice to proceed, it was anticipated that the station would be ready to receive the artwork in late 2007 to early 2008. Due to changes in the construction schedule, the artwork is now expected to be installed in late spring 2009. Over the multi-year lapse, material costs and technology have changed. Materials have escalated at an average rate of 4% per year.

As this project approached final design and coordination with the systems contractor, LED technologies were in transition. Due to the complexity of working inside the tunnel, the project has gone through extensive design revision to keep costs as close to the original budget as possible while maintaining the original impact and scope of the project. Changes in technology will allow Sound Transit to take advantage of more energy efficient, longer lasting systems, resulting in future cost savings in maintenance of the artwork. The increase cost material is reasonable for the timeframe.

This action would establish a 10% contingency. Train testing and trackway safety regulations dictate site access for installation. STart is working in coordination with the light rail activation team and the Beacon Hill construction team to determine a window for installation of the work. The contingency is intended to support increased labor and equipment costs in the event that the artwork must be installed on a third (graveyard) shift, over multiple off-hour shifts, and/or with a schedule subject to change due to train testing.

Prior Board/Committee Actions on this Project

Motion/Resolution Number and Date	Summary of Action
R98-1 01/22/98	Established the Sound Transit Art Program guidelines and adopted a budget policy
Motion No. 40 09/11/97	Committed to the integration of public art in the implementation of Sound Move

CONSEQUENCES of DELAY

Construction of the light rail system is nearing completion. A delay in action will result in the artwork not being completed in time for integration into the completed light rail line before launch of the system.

In order to work efficiently and cost effectively with the tunnel electrical crews, the project has gone through extensive design development and scope modification. If the requested amendment is not approved, further lighting elements would need to be removed and the project installation would be at risk.

PUBLIC INVOLVEMENT

Not applicable to this action.

ENVIRONMENTAL COMPLIANCE

SK 4-1-09

LEGAL REVIEW

JW 4/9/09

SOUND TRANSIT

MOTION NO. M2009-31

A motion of the Finance Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract amendment with Bill Bell dba Subliminary Artworks, Inc. to complete fabrication of Beacon Hill tunnel artwork in the amount of \$3,000, with a contingency of \$20,300 for a new total authorized contract amount not to exceed \$223,300.

Background:

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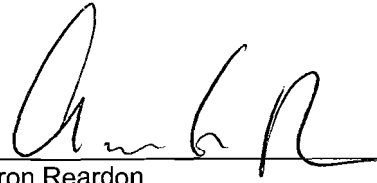
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Motion:

It is hereby moved by the Finance Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract amendment with Bill Bell dba Subliminary Artworks, Inc. to complete fabrication of Beacon Hill tunnel artwork in the amount of \$3,000, with a contingency of \$20,300 for a new total authorized contract amount not to exceed \$223,300.

APPROVED by the Finance Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 16, 2009.



Aaron Reardon
Finance Committee Chair

ATTEST:



Marcia Walker
Board Administrator