

**SOUND TRANSIT  
STAFF REPORT**

**MOTION NO. M2009-82**

**Construction Services for the Kirkland Transit Center/3<sup>rd</sup> Project**

| <b>Meeting:</b>   | <b>Date:</b> | <b>Type of Action:</b>                                        | <b>Staff Contact:</b>                                                                | <b>Phone:</b>  |
|-------------------|--------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------|
| Finance Committee | 9/17/09      | Discussion/Possible Action to Recommend Board Approval Action | Jim Edwards, Director, Capital Projects<br><b>Carol Rhodes, Construction Manager</b> | (206) 398-5436 |
| Board             | 9/24/09      |                                                               |                                                                                      | (206) 398-5056 |

| <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    | <input checked="" type="checkbox"/> |
| Sole Source                          | <input type="checkbox"/>            | Amend Existing Contract/Agreement | <input type="checkbox"/>            |
| Agreement with Other Jurisdiction(s) | <input type="checkbox"/>            | Budget Amendment                  | <input type="checkbox"/>            |
| Real Estate                          | <input type="checkbox"/>            | Property Acquisition              | <input type="checkbox"/>            |

**PROJECT NAME**

Kirkland Transit Center/3<sup>rd</sup>

**PROPOSED ACTION**

Authorizes the chief executive officer to execute a contract with Bayley Construction Company to provide construction services for the Kirkland Transit Center/3<sup>rd</sup> Project in the amount of \$5,976,179, with a 10% contingency of \$597,618, for a total authorized contract amount not to exceed \$6,573,797.

**KEY FEATURES of PROPOSED ACTION**

- The proposed action authorizes the construction of the Kirkland Transit Center/3<sup>rd</sup> Project, which includes a new transit center and pedestrian shelters, utilities, and improved pedestrian amenities connecting the new transit center with downtown and Peter Kirk Park.
- Sound Transit received six bids through a competitive bid process, which were opened on August 18, 2009. Bayley Construction was the low bidder at \$5,976,179, which is \$3,063,868 (34%) below the engineer's estimate of \$9,040,047.

**BUDGET IMPACT SUMMARY**

Current Project Phase: Construction  
Projected Completion Date: 2010

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 and FINANCIAL PLAN DISCUSSION**

The Adopted 2009 Budget for this project is \$13,300,000, with a construction phase budget of \$8,314,006. The proposed action is to authorize the execution of a contract with Bayley Construction Company in an amount not to exceed \$6,573,797. This action will leave a construction phase balance of \$269,314 and a remaining project balance of \$1,557,252.

There are sufficient funds to complete this action. 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 (Year of Expenditure \$000)

Project: 142 - Kirkland Transit Center/3rd

|                             | 2009 Adopted<br>Budget <sup>1</sup><br>(A) | Committed To<br>Date <sup>2</sup><br>(B) | This Action<br>(C) | Total<br>Committed &<br>Action<br>(D) | Uncommitted<br>(Shortfall)<br>(E) |
|-----------------------------|--------------------------------------------|------------------------------------------|--------------------|---------------------------------------|-----------------------------------|
| Agency Administration       | \$ 692                                     | \$ 692                                   | \$ -               | \$ 692                                | \$ -                              |
| Preliminary Engineering     | \$ 1,138                                   | \$ 1,187                                 | \$ -               | \$ 1,187                              | \$ (49)                           |
| Final Design                | \$ 2,529                                   | \$ 1,650                                 | \$ -               | \$ 1,650                              | \$ 878                            |
| Right of Way                | \$ 628                                     | \$ 169                                   | \$ -               | \$ 169                                | \$ 459                            |
| Construction                | \$ 8,314                                   | \$ 1,471                                 | \$ 6,574           | \$ 8,045                              | \$ 269                            |
| Contingency                 | \$ -                                       | \$ -                                     | \$ -               | \$ -                                  | \$ -                              |
| <b>Total Current Budget</b> | <b>\$ 13,300</b>                           | <b>\$ 5,169</b>                          | <b>\$ 6,574</b>    | <b>\$ 11,743</b>                      | <b>\$ 1,557</b>                   |

Phase Budget Detail

|                    |              |              |              |              |            |
|--------------------|--------------|--------------|--------------|--------------|------------|
| Construction       | 6,574        | -            | 6,574        | 6,574        | -          |
| Misc. Activity     | 1,740        | 1,471        | -            | 1,471        | 269        |
| <b>Total Phase</b> | <b>8,314</b> | <b>1,471</b> | <b>6,574</b> | <b>8,045</b> | <b>269</b> |

| Contract Budget             | Current<br>Approved<br>Contract Value<br>(F) | Spent to Date<br>(G) | Proposed<br>Action<br>(H) | Proposed Total<br>Contract Value<br>(I) |
|-----------------------------|----------------------------------------------|----------------------|---------------------------|-----------------------------------------|
| Bayley Construction Company | \$ -                                         | \$ -                 | \$ 5,976                  | \$ 5,976                                |
| Contingency                 | \$ -                                         | \$ -                 | \$ 598                    | \$ 598                                  |
| <b>Total</b>                | <b>\$ -</b>                                  | <b>\$ -</b>          | <b>\$ 6,574</b>           | <b>\$ 6,574</b>                         |
| <b>Percent Contingency</b>  | <b>0%</b>                                    | <b>0%</b>            | <b>10%</b>                | <b>10%</b>                              |

**Notes:**

<sup>1</sup> Project budget is located on page 157 of the Adopted 2009 Budget book. The 2009 Budget was adopted by the Board on December 11, 2008.

<sup>2</sup> Committed to date amount includes actual outlays and commitments through July 31, 2009, construction commitments include an amount for another pending board action that is being proposed concurrently with this action to amend the INCA Engineers Inc. contract.

**SMALL BUSINESS PARTICIPATION**

Prime Consultant/Contractor

Bayley Construction Company is the prime consultant for this contract. Bayley committed to a 20.04% Small Business goal.

Utilization Breakdown Table

| Subcontractor       | Business Type | % of Work    | Dollar Value     |
|---------------------|---------------|--------------|------------------|
| Belarde Concrete    | MBE           | 10.47        | \$525,844        |
| CHG                 | DBE           | 1.39         | \$ 85,280        |
| Precision           | DBE           | 2.78         | \$166,063        |
| Stripe-Rite         | DBE           | 0.72         | \$ 42,902        |
| General Sheet Metal | DBE           | 0.46         | \$ 27,260        |
| Pacific Glass       | DBE           | 2.03         | \$121,239        |
| Highridge           | DBE           | 1.69         | \$101,000        |
| Iron Mountain       | DBE           | 0.50         | \$ 30,000        |
| <b>Total</b>        |               | <b>20.04</b> | <b>1,177,618</b> |

Equal Employment Workforce Profile (% Women/People of Color)

Bayley Construction Company workforce demographics are 11% women and 11% minorities.

Apprentice Utilization Commitment

Bayley Construction and its subcontractors have committed to a 20% utilization of apprentices on this project.

**PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION**

The Kirkland Transit Center/3<sup>rd</sup> Project will construct a new transit center along two blocks of 3<sup>rd</sup> Street in downtown Kirkland. The project will repave and widen the existing street, add new sidewalks, landscaping, hardscaping, shelters, and bus stop zones.

The project also includes construction of utility pipeline work in anticipation of King County's planned pump station upgrade, and replacement of a water main for the City of Kirkland. King County's utility pipeline design has been incorporated in a separate volume and bid schedule in the Kirkland Transit Center bid documents. Both parties will reimburse Sound Transit for actual construction costs.

The competitive bid process for this project was opened on August 18, 2009, and resulted in six submitted bids. The submitted bids ranged from Bayley Construction's \$5,976,179 to the highest bid of \$9,647,202. The low bid is \$3,063,868 (34%) below the engineers' estimate of \$9,040,047.

Sound Transit received a bid protest from the second-lowest bidder. That protest is currently being resolved through the administrative bid protest procedures, and Sound Transit will not execute a contract with Bayley Construction until the protest process is completed and execution of a contract is allowed under state law.

Construction is anticipated to begin in October 2009 and completed by December 2010.

**Prior Board/Committee Actions**

| Motion/Resolution Number and Date | Summary of Action                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| M2009-63<br>8/6/09                | Authorized the chief executive officer to execute an agreement with the City of Kirkland for 1) the design, construction, operation, and maintenance of the Kirkland Transit Center; and 2) reimbursement to the city for design and construction of intersection improvements for a total authorized amount not to exceed \$1,338,304 and for construction of a temporary transit facility for a total authorized amount not to exceed \$30,000. |
| M2009-49<br>6/18/09               | Authorized the chief executive officer to execute an agreement with King County to reimburse Sound Transit for costs related to construction of King County's Wastewater Treatment District utility pipeline work to be built as part of the Kirkland Transit Center/3 <sup>rd</sup> Street Project.                                                                                                                                              |
| M2009-45<br>6/4/09                | Authorized the chief executive officer to execute a contract with URS Corporation to provide construction management services for the Kirkland Transit Center/3 <sup>rd</sup> Street project in the amount of \$777,647, with a 10% contingency of \$77,765, for a total authorized contract amount not to exceed \$855,412.                                                                                                                      |

**CONSEQUENCES of DELAY**

A delay beyond September 24 will delay the start of construction and could move weather sensitive work activities into the winter weather months.

## **PUBLIC INVOLVEMENT**

In addition to a number of city council and community presentations, mailings, and website updates were held to provide details about the project to the public.

## **ENVIRONMENTAL COMPLIANCE**

SSK 9-04-09

## **LEGAL REVIEW**

LA 9-10-09

**SOUND TRANSIT**

**MOTION NO. M2009-82**

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract with Bayley Construction Company to provide construction services for the Kirkland Transit Center/3rd Project in the amount of \$5,976,179, with a 10% contingency of \$597,618, for a total authorized contract amount not to exceed \$6,573,797.

**Background:**

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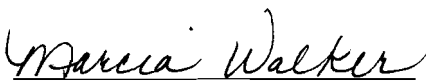
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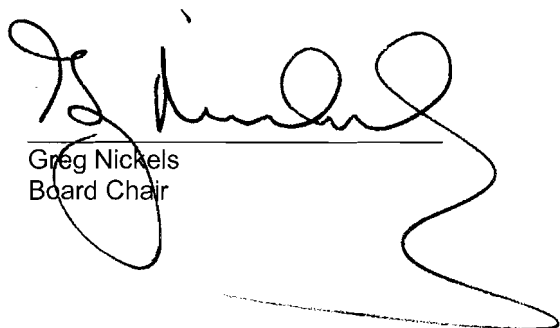
**Motion:**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a contract with Bayley Construction Company to provide construction services for the Kirkland Transit Center/3rd Project in the amount of \$5,976,179, with a 10% contingency of \$597,618, for a total authorized contract amount not to exceed \$6,573,797.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 24, 2009.

ATTEST:

  
\_\_\_\_\_  
Marcia Walker  
Board Administrator

  
\_\_\_\_\_  
Greg Nickels  
Board Chair