

**MOTION NO. M2011-34****Ratification of the Chief Executive Officer's Finding of an Emergency**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>	<b>PHONE:</b>
Board	04/28/11	Final Action	Celia Kupersmith, Acting CEO	206-398-5037

**PROPOSED ACTION**

Ratifies the chief executive officer's action to amend a contract with JEM Contractors, Inc. to provide for emergency repairs of frozen fire protection standpipes within Central Link and Airport Link in the amount of \$237,538.27, for a new total authorized contract amount not to exceed \$2,471,464.51.

**KEY FEATURES**

- In December 2009, damage due to freezing temperatures was discovered in fire standpipe systems used for fire/life/safety systems on Link light rail. The CEO found that the damaged system constituted an emergency and authorized repair work in accordance with authority delegated under Resolution 78-1.
- Resolution 78-1 requires the CEO to request Board ratification of the finding of an emergency and any contracts awarded.
- This emergency work was done through a contract amendment to an existing on-call contract with JEM Contractors, Inc. \$237,538.27 was added to the contract amount to cover the cost of the repair work.

**PROJECT DESCRIPTION**

The 14-mile Initial Segment of the Central Link light rail line has a northern terminus in the Pine Street Stub Tunnel (PSST), with passenger service beginning at Westlake Station serving downtown Seattle, the SODO industrial area, Beacon Hill, Rainier Valley, and Tukwila. Passenger stations include Westlake, University Street, Pioneer Square, International District/Chinatown, Stadium, SODO, Beacon Hill, Mount Baker, Columbia City, Othello Rainier Veatch, and Tukwila International Boulevard.

Airport Link is a 1.7-mile light rail extension between the Tukwila International Boulevard Station and the SeaTac International Airport. The Airport Link route is a combination of elevated and at-grade guideway, and includes a light rail station near the main terminal of the Airport, a pedestrian bridge, and a pick-up and drop-off facility located on the east side of International Boulevard in the City of SeaTac.

**FISCAL INFORMATION**

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.

**SMALL BUSINESS PARTICIPATION**

Not applicable for this action.

## **BACKGROUND**

In December 2009, Sound Transit discovered a number of fire standpipe systems that were damaged by freezing temperatures. The fire standpipes are a critical element of the fire/life/safety systems on Link light rail, and facilitate the fighting of fires on the elevated guideway. After consultation with the City of Tukwila and SeaTac fire departments, Sound Transit took action to investigate the scope and causes of the damage and appropriate repair methods. Under the chief executive officer's authority for handling emergencies, \$100,000 was initially authorized to begin repair procedures under an existing construction contract with JEM Contractors, Inc. An emergency repair authorization was signed by the chief executive officer on December 11, 2009, and the Board was notified of the emergency action by the chief executive officer on January 14, 2010. The Board was informed that the estimated total cost would not exceed \$250,000. The final cost of the repairs was \$237,538.27.

Given the possible dangerous consequences to public safety that could have arisen as a result of the damaged standpipes, the repair work was undertaken on an emergency basis. The primary concern of Sound Transit was to ensure the safety of the public. The circumstances were unusual and urgent, and the chief executive officer's declaration of an emergency was appropriate under both Resolution 78-1 and FTA guidelines.

## **ENVIRONMENTAL COMPLIANCE**

Not applicable for this action.

## **PRIOR BOARD/COMMITTEE ACTIONS**

Motion No. M2009-42 - Authorized the chief executive officer to execute a contract amendment with JEM Contractors, Inc. to provide on-call construction, maintenance, and repair services for the Central Link light rail Initial Segment project in the amount of \$1,500,000 for a new total authorized contract amount not to exceed \$2,277,700.

Motion No. M2008-62 – Authorized the chief executive officer to execute a one-year contract with one one-year option with JEM Contractors, Inc., to provide on-call construction and repair services for the Central Link light rail Initial Segment project in the amount of \$707,000, with a 10% contingency of \$70,700, for a total authorized contract amount not to exceed \$777,700.

## **TIME CONSTRAINTS**

Not applicable for this action.

## **PUBLIC INVOLVEMENT**

Not applicable for this action.

## **LEGAL REVIEW**

JW 4/21/11

**MOTION NO. M2011-34**

A motion of the Board of the Central Puget Sound Regional Transit Authority ratifying the chief executive officer's action to amend a contract with JEM Contractors, Inc. to provide for emergency repairs of frozen fire protection standpipes within Central Link and Airport Link in the amount of \$237,538.27, for a new total authorized contract amount not to exceed \$2,471,464.51.

**BACKGROUND:**

In December 2009, Sound Transit discovered a number of fire standpipe systems that were damaged by freezing temperatures. The fire standpipes are a critical element of the fire/life/safety systems on Link light rail, and facilitate the fighting of fires on the elevated guideway. After consultation with the City of Tukwila and SeaTac fire departments, Sound Transit took action to investigate the scope and causes of the damage and appropriate repair methods. Under the chief executive officer's authority for handling emergencies, \$100,000 was initially authorized to begin repair procedures under an existing construction contract with JEM Contractors, Inc. An emergency repair authorization was signed by the chief executive officer on December 11, 2009, and the Board was notified of the emergency action by the chief executive officer on January 14, 2010. The Board was informed that the estimated total cost would not exceed \$250,000. The final cost of the repairs was \$237,538.27.

Given the possible dangerous consequences to public safety that could have arisen as a result of the damaged standpipes, the repair work was undertaken on an emergency basis. The primary concern of Sound Transit was to ensure the safety of the public. The circumstances were unusual and urgent, and the chief executive officer's declaration of an emergency was appropriate under both Resolution 78-1 and FTA guidelines.

**MOTION:**

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer's action to amend a contract with JEM Contractors, Inc. to provide for emergency repairs of frozen fire protection standpipes within Central Link and Airport Link in the amount of \$237,538.27, for a new total authorized contract amount not to exceed \$2,471,464.51 is ratified.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 28, 2011.

  
Aaron Reardon  
Board Chair

ATTEST:

  
Marcia Walker  
Board Administrator