

RESOLUTION NO. R2011-14**Competitive Bidding Waiver and Task Order Authorization for Noise Walls**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	10/13/11	Recommendation to Board	Ahmad Fazel, DECM Executive Director
Board	10/27/11	Final Action	Jim Edwards, DECM Deputy Executive Director Barry Alavi, Project Manager

PROPOSED ACTION

(1) Waives competitive bidding requirements due to special facilities and market conditions, and (2) authorizes the chief executive officer to execute a task order under the King County Operating Agreement to install a steel bracing system for new noise walls along the Initial Segment project guideway in the City of Tukwila in the amount of \$498,600, with a 10% contingency of \$49,900, for a total authorized task order amount not to exceed \$548,500.

KEY FEATURES

- This action waives state law requirements to competitively bid a contract to install a steel bracing system for new noise walls along a portion of the Link elevated guideway that passes through the City of Tukwila, near the Duwamish River crossing.
- Based on a November 2010 Noise and Vibration Testing Results report, 2,700 feet of Type 1 noise wall will be installed in the vicinity of the Duwamish River where noise levels are close to impact levels with the current mitigation.
- State law authorizes the Board to waive competitive bidding requirements when special facilities or market conditions exist. This work meets those conditions for the reasons set forth below. The work will be performed by King County Light Rail Operations employees who are familiar with the operating environment and who can more efficiently perform specific elements of the noise wall construction.
- The operating agreement between Sound Transit and King County provides the framework for the county to operate and maintain the light rail system. The noise wall work is not specifically called out in the agreement, so it will be performed through this task order.

PROJECT DESCRIPTION

The 14-mile Initial Segment of Central Link 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. Some areas in the Rainier Valley and Tukwila have experienced noise levels above the federal criteria. Sound Transit implemented different noise mitigation measures designed to deal with the specific noise issues, including rail grinding, rail lubricators, and Type 2 noise barriers in the Tukwila area.

The 2010 Noise and Vibration Testing Results report provides information on noise levels along the Link guideway in Tukwila after installation of these noise mitigation measures. The report indicates that noise levels in the residential neighborhood south of the Duwamish River, while below FTA criteria, are close to impact levels even with the current mitigation measures. Based on that information, 2,700 feet of Type 1 noise wall will be installed in the vicinity of the Duwamish River to further reduce noise levels in the areas identified in the report as previously having noise impacts.

FISCAL INFORMATION

Project Budget

Initial Segment	2011 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	184,333	184,852		184,852	(519)
Preliminary Engineering	33,275	33,269		33,269	6
Final Design	144,142	143,877		143,877	265
Right of Way	206,729	205,249		205,249	1,480
Construction	1,235,597	1,230,343	549	1,230,892	4,705
Construction Services	104,912	105,635		105,635	(723)
Third Party Agreements	61,409	61,920		61,920	(512)
Vehicles	131,803	131,802		131,802	1
Total Current Budget	2,102,200	2,096,948	549	2,097,496	4,704

Phase Detail

Construction

Noise Abatement Program - Noise Wall	-	-	549	549	(549)
Other Construction	1,212,618	1,208,516		1,208,516	4,102
Construction Unallocated Contingency	22,979	21,827		21,827	1,151
Total Phase	1,235,597	1,230,343	549	1,230,892	4,705

Contract Detail

Contract Detail	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract Amount	-	-	499	499
Contingency	-	-	50	50
Total	-	-	549	549
Percent Contingency	0%	0%	10%	10%

Budget Shortfall	549
Construction Unallocated Contingency	549
Total Funding	549

Notes:

Amounts are expressed in Year of Expenditure \$000s.

Committed includes pending Board Actions.

Board Approvals = Committed To-Date + Contingency.

Project Budget is located on page 48 of the 2011 Transit Improvement Plan (TIP), as amended by the ST Board in July 2011.

SMALL BUSINESS PARTICIPATION

King County Light Rail Operations employees will complete 100% of the work under this task order.

EQUAL EMPLOYMENT WORKFORCE PROFILE

King County Light Rail Operations has 182 employees; 14% of which are women.

BACKGROUND

2,700 feet of Type 1 noise wall will be installed on a portion of the elevated light rail guideway that passes through the City of Tukwila, near the Duwamish River crossing to mitigate noise impacts.

The mitigation will use the existing stanchions and a new bracing system to support these new noise wall panels. The Type 1 noise walls are three-and-a-half foot high composite panels that provide more sound insulation than the existing Type 2 noise barriers. The bracing system will be fabricated and attached to the track supports, known as plinths. The design is similar to other

areas of the guideway where Type 1 noise wall is already installed. The project will be executed in three phases:

- Phase 1: Sound Transit will procure the steel bracing that will need to be attached to the existing plinths.
- Phase 2 (this motion): King County will install the pre-fabricated steel bracing system on to the plinths during non-revenue hours.
- Phase 3: Sound Transit will procure a separate contract for fabrication and installation of the noise walls onto the stanchions and the bracing that was installed during phase 2.

Justification for Waiving Competitive Procurement

RCW 39.04.280(1)(b) allows the Board to waive the requirement to competitively bid public works such as the steel brace installation. Waiving the requirement allows the work to be performed by King County through a task order. The statute provides exemptions from competitive bidding requirements when “special facilities or market conditions” are involved. Based on Sound Transit’s legal review and recommendation, market conditions exist that are sufficient under state law to exempt Sound Transit from competitively bidding this work, subject to Board approval.

The justifications for waiving competitive bidding requirements are as follows:

- This work must be accomplished outside of revenue service hours, that is, between 1:00 and 4:00 AM every day because the bracing system will be attached to the track supports in the guideway.
- King County Light Rail Operations employees have detailed knowledge and familiarity with train operations and safety requirements specifically relating to working on the guideway. Moreover, King County owns the necessary equipment and tools to perform this work.
- Cost savings will approach \$1.5 million because an outside contractor would need special training prior to working on the guideway and special inspection. Training would be conducted by King County Light Rail Operations employees. In addition, outside contractors would need to be accompanied and supervised by King County Light Rail Operations employees while working on the guideway. Using King County employees saves Sound Transit from paying for time those employees would spend to train and supervise an outside contractor and provides work efficiencies needed to maximize use of the short work hours.

ENVIRONMENTAL COMPLIANCE

JI 9/20/2011

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2003-06 – Authorized the Executive Director to execute an intergovernmental agreement with King County for (1) the operation and maintenance of Central Link Light Rail (including the Downtown Seattle Transit Tunnel) and the provision of complementary paratransit services for a term commencing with passenger service and running for five years (or until December 31, 2015, whichever is earlier) for an estimated amount of \$124.1 million (YOE\$); and (2) the performance of start-up activities for an estimated amount of \$17.36 million (YOE\$) in capital funds.

TIME CONSTRAINTS

A one month delay would not create a significant impact to the project schedule.

PUBLIC INVOLVEMENT

During system testing in the spring of 2009 and after the July 2009 startup, Sound Transit received complaints about noise in Tukwila, mostly in the Allentown neighborhood just south of the Duwamish River and along 52nd Avenue S.

In 2009, Sound Transit mailed multiple postcards to 2,000 residents near the light rail guideway to acknowledge complaints and outline actions that would be taken to reduce track noise including nighttime rail grinding to reduce track noise.

In 2010, Sound Transit informed area residents that track lubricators would be installed and additional rail grinding would be performed. A public meeting was held with residents on June 24, 2010 and additional postcards were mailed to inform residents of the results of the noise mitigation work. Residents were informed that noise levels are now within federal noise limits.

Another public meeting will be held in late October 2011 to inform residents about the work described in this action in order to obtain a noise variance permit. The permit is needed to perform this work at night while the light rail is not operating.

LEGAL REVIEW

JN 10/7/11

RESOLUTION NO. R2011-14

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority (1) waiving competitive bidding requirements due to special facilities and market conditions, and (2) authorizing the chief executive officer to execute a task order under the King County Operating Agreement to install a steel bracing system for new noise walls along the Initial Segment project guideway in the City of Tukwila in the amount of \$498,600, with a 10% contingency of \$49,900, for a total authorized task order amount not to exceed \$548,500.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under RCW Chapters 81.104 and 81.112 for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, operation of the 14-mile Initial Segment of the Central Link light rail line created noise issues in Rainier Valley and Tukwila; and

WHEREAS, the 2010 Noise and Vibration Testing Results report indicates that noise levels in the residential neighborhood south of the Duwamish River, while below FTA criteria, are close to impact levels with the current mitigation; and

WHEREAS, 2,700 feet of Type 1 noise wall is recommended in the vicinity of the Duwamish River to provide further noise reduction for the 16 residences identified in the report as previously having noise impacts; and

WHEREAS, the proposed mitigation would use existing stanchions and a new bracing system to support new Type 1 noise wall panels; and

WHEREAS, installation of the pre-fabricated steel bracing system on the light rail guideway could be done King County Light Rail Operations employees in order to realize savings approaching \$1.5 million; and


WHEREAS, RCW 39.04.280(1)(b) allows the Board to waive the requirement for competitive bidding to allow the steel brace installation work to be performed by King County; and

WHEREAS, subject to Board approval, Sound Transit's legal review determined that market conditions exist which meet conditions under state law to exempt Sound Transit from competitively bidding this work.


NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that:

- 1) Competitive bidding requirements due to special facilities and market conditions are waived.
- 2) The chief executive officer is authorized to execute a task order under the King County Operating Agreement to install a steel bracing system for new noise walls along the Initial Segment project guideway in the City of Tukwila in the amount of \$498,600, with a 10% contingency of \$49,900, for a total authorized task order amount not to exceed \$548,500.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on October 27, 2011.


Fred Butler
Board Vice Chair

ATTEST:


Marcia Walker
Board Administrator