



Motion No. M2023-15

Contract Modification with Kimley-Horn & Associates, Inc. for the Everett Link Extension and OMF North

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee Board	02/09/2023 02/23/2023	Recommend to Board Final action	Don Billen, Executive Director – Planning, Environment & Project Development Eric Widstrand, North Corridor Development Director

Proposed action

Authorizes the chief executive officer to execute contract modifications with Kimley-Horn and Associates, Inc. to a) provide additional project development services for Phase 1 of the Everett Link Extension and Operations and Maintenance Facility North project in the amount of \$1,175,600 and b) exercise the option for Phase 2 services in the amount \$68,401,479, with a 10 percent contingency of \$6,828,971 totaling \$75,230,450, for a new total authorized contract amount not to exceed \$93,212,897.

Key features summary

- This action would authorize additional funding for work required for completion of Phase 1: Alternatives Development. Phase 1 will culminate in Board identification of a Preferred Alternative(s) and other alternatives to study in the DEIS, later in 2023. The majority of the remaining Phase 1 effort is project management, engineering, environmental, external engagement and completion of an aerial survey of the project corridor.
- This action would also exercise a contract option for Phase 2 work for the project including preparation of the Draft Environmental Impact Statement (EIS) and conceptual engineering of alternatives.
- In addition to supporting the Draft EIS effort, the Phase 2 scope includes advancing some activities to support discussions with agency partners and stakeholders that may lead to early design and planning concurrence, including advancing engineering to approximately 20% design.
- The initial contract with Kimley-Horn for Phase 1 of project development included contract options for the completion of Phases 2 and 3. This authorization would exercise Sound Transit's option to proceed with Phase 2 for an amount not to exceed the amount negotiated.
- Phase 2 is assumed to take approximately 24 months to complete; completion of all three phases is assumed by 2026. The project team is working with the Federal Transit Administration to confirm the environmental review schedule.

Background

The Everett Link Extension (EVLE) is part of the ST3 Plan, funding for which was approved by voters in 2016. The EVLE ST3 representative alignment extends Link light rail transit approximately 16 miles from Lynnwood City Center station to Everett Station. The representative project includes six stations; one unfunded provisional station; two parking facilities; an operations and maintenance facility; and

allowances for system access, sustainability and transit-oriented development. The Board adopted target schedule for the project is 2037; the affordable schedule is 2037 to SW Everett Industrial Center and 2041 to Everett Station, with an affordability gap of \$500 million in 2022\$.

The project development process has three phases. Phase 1 included alternatives development, environmental scoping and identification of a preferred alternative and other alternatives. Phase 2 includes the preparation of a Draft EIS and conceptual engineering of a preferred alternative and other alternatives as identified through alternatives development. Phase 3 will include the preparation of a Final EIS, including responses to public and agency comments on the Draft EIS, and preliminary engineering of the preferred alternative.

This action is to fund the remaining work elements of Phase 1, and fund Phase 2. The Board authorized execution for Phase 1 of the contract with Kimley-Horn, with options for Phases 2 and 3, in October 2020. Initial activities in Phase 1 were delayed due to realignment, resulting in extension of the Phase 1 schedule and additional scope, including analysis related to overall alternative schedule and cost considerations, modifying technical memos, and additional design and public engagement. There is also an increase to direct costs to complete an aerial survey of the project corridor. The Phase 1 modification will complete development and review of project alternatives, informed by these efforts.

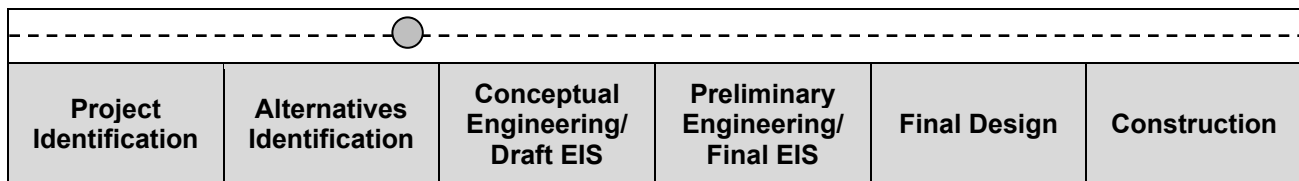
To maintain eligibility for federal funding, the project will comply with the requirements of the National Environmental Policy Act (NEPA). Sound Transit is the lead agency for compliance with the State Environmental Policy Act (SEPA). A decision to identify a preferred alternative and other alternatives for detailed study in the Draft EIS will be part of a separate motion for Board consideration in June. Following Board action on a preferred alternative and other alternatives for detailed study in the Draft EIS, Kimley-Horn will begin preparation of the Draft EIS and conceptual engineering of alternative alignments and stations.

The specific alignments, station locations, and station development programs for each alternative will be further defined at the beginning of Phase 2 work. Alternatives will be defined in enough detail to allow the impacts and benefits to be identified and compared in the EIS consistent with NEPA and SEPA requirements. Outreach activities will be conducted related to release of the Draft EIS and will also include ongoing engagement with established stakeholder groups and the public.

The contract modification for Phase 2 includes supplemental tasks to advance some engineering and station design beyond the 10% Conceptual Engineering level to approximately 20% level, to the degree that preferred station and alignment locations are known, at a cost of approximately \$11 million.

Kimley-Horn is completing Phase 1 work satisfactorily and was invited to negotiate the scope of work and cost for the Phase 2 Draft EIS and conceptual engineering. This contract amendment approves additional Phase 1 consultant services scope, and Phase 2 scope of work and adds funds to complete both.

Project status



Projected completion date for Phase 1: 2Q 2023

Projected completion date for Phase 2: 2025

Project scope, schedule and budget summary are located on page 45 of the November 2022 Agency Progress Report.

Procurement information

This is a professional services cost plus fixed fee contract procured in accordance with requirements for A/E contracting. Sound Transit advertised the Request for Qualifications (RFQ No. RTA/AE 0179-19) for three phases of the project development process on December 17, 2019. Sound Transit received three Statements of Qualifications (SOQs) on January 27, 2020. The SOQs were reviewed and evaluated per the criteria in the RFQ: Firm Experience and History, Knowledge and Experience of Key Individuals, Capacity and Project Organization, Project Understanding and Approach, Good Faith Efforts and Commitment to DBEs and other Small Businesses, and Equal Employment Opportunity (EEO) Commitment. Based on these evaluations, two submitters were invited for interviews. The Kimley-Horn and Associates, Inc. team was determined to be the highest ranked firm based on qualifications to perform all three phases of project development and was invited to enter into negotiations for the contract for Phase 1. Exercise of Options for other phases will be at the sole discretion of Sound Transit. Sound Transit executed the contract with Kimley-Horn and Associates, Inc. on October 8, 2020, for the Phase 1 scope of work.

The Phase 1 contract modification continues work authorized by the procurement for the Everett Link Extension with added time. It also amends the existing contract with Kimley-Horn and Associates, Inc. to proceed with additional scope elements. Procurements and Contracts has determined that the scope of work for this action is within the general scope of work originally procured. The not to exceed negotiated price for this modification is consistent with the Sound Transit independent cost estimate for this work and has been determined fair and reasonable.

The contract with Kimley-Horn and Associates, Inc. included an option for Phase 2 for the Draft Environmental Impact Statement (EIS) and conceptual engineering. Sound Transit has successfully negotiated a not to exceed price for the Phase 2 Option work. The negotiated price is higher than the Sound Transit independent cost estimate for this work but represents an improved understanding of the complexity of particular scope elements and clarity on the level of effort required. Procurement and Contracts has determined the negotiated not to exceed price fair and reasonable.

Fiscal information

This action is within the authorized project allocation and sufficient monies remain after approval of this action to fund the remaining work in the preliminary engineering phase.

The authorized project allocation for the Everett Link Extension is \$196,942,000. Within the preliminary engineering phase, \$18,004,000 has been allocated to Phase 1 Alternative Design and \$75,240,000 has been allocated to Phase 2 Draft Environmental Impact Statement and Conceptual Engineering. This action would commit an additional \$76,406,050 and leave a Phase 1 and Phase 2 budget balance of \$21,553 and \$9,550, respectively.

Everett Link Extension
(in thousands)

Project Phase	Authorized Project Allocation	Board Approvals*	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$34,170	\$6,080	\$	\$6,080	\$28,090
Preliminary Engineering	128,472	17,497	76,406	93,903	34,569
Final Design					
Third Party Agreements	13,200	415		415	12,785
Right of Way	20,100	343		343	19,757
Construction	1,000	640		640	360
Construction Services					
Vehicles					
Total Current Budget	\$196,942	\$24,975	\$76,406	\$101,381	\$95,561
Phase Detail					
Preliminary Engineering					
Alternative Development (Phase 1)	\$18,004	\$16,807	\$1,176	\$17,982	\$22
DEIS / CE (Phase 2)	75,240		75,230	75,230	10
Other Preliminary Engineering	35,228	690		690	34,538
Total Phase	\$128,472	\$17,497	\$76,406	\$93,903	\$34,569

Contract Detail	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Kimley-Horn & Associates, Inc.				
Contract Amount	\$15,364	\$16,755	\$69,577	\$84,941
Contingency	1,443	52	6,829	8,272
Total Contract	\$16,807	\$16,807	\$76,406	\$93,213
Percent Contingency	9%	9%	10%	10%

Notes:

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

* Board Approvals = Commitment and PO Contingency Remaining as of 12/31/2022

For detailed project information, see page 76 of the 2023 Financial Plan & Proposed Budget.

The current cost estimate for the Everett Link Extension project is \$5.882 billion in 2022\$ and is affordable within the Agency's Finance Plan by 2041. Staff are managing the project toward the Target Schedule of 2037 while working to address agency and project affordability gaps. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-21 and does not impact the affordability of any other system expansion project.

The current cost estimate for the OMF North project is \$1.479 billion in 2022\$ and is affordable within the Agency's Finance Plan. Staff are managing the project toward a 2034 delivery, consistent with both Affordable and Target Schedules. This action is consistent with the schedule and financial plan adopted by the Board in Resolution No. R2021-05 and does not impact the affordability of any other system expansion project.

Disadvantaged and small business participation

Participation by small businesses and disadvantaged business enterprises (DBEs)

Sound Transit promotes and encourages small business participation, which also includes disadvantaged business enterprises (DBEs). Consistent with Sound Transit Policies and federal regulations, Sound Transit has established small business/DBE goals for this contract/agreement. These goals are based upon an examination of subcontracting opportunities contained in the work of this contract/agreement and the number of small businesses/DBEs available to perform such subcontracting work.

For this specific contract, the following goals were set, and the successful Bidder/Proposer has committed to the following small business/DBE participation:

Small business and disadvantaged business enterprise (DBE) goals	
Sound Transit small business goal: 15%	Small business commitment: 15.50%
Sound Transit DBE goal: 5%	DBE commitment: 14%

Public involvement

Sound Transit is committed to actively seeking public feedback at all project stages for the Everett Link Extension project with the overarching goal of fostering public trust through transparent communication, meaningful involvement and being responsive to concerns and issues. The project team will continue reaching out to communities, businesses, stakeholders and agencies to shape the project by asking questions, holding conversations with project staff and seeking out ideas and comments.

This contract amendment will continue extensive community engagement and outreach that began in Phase 1, Alternatives Development, including public meetings, briefings, public hearings and drop-in sessions. The proposed budget for this action supports online and in-person communications to evaluate the alternatives that will be studied in the Draft EIS and solicit feedback.

Time constraints

A delay in approval of this action would result in an equivalent delay in the subsequent completion of Phase 1 and the production and review of the Draft EIS.

Prior Board/Committee actions

Motion M2021-62: Authorized the chief executive officer to execute a contract modification with Kimley-Horn and Associates, Inc. to increase the contract amount for the Everett Link Extension & Operations & Maintenance Facility North project for Phase 1 Alternatives Development in the amount of \$934,000 for work to fulfill the agreement for the Federal Transit Administration’s Transit-Oriented Development Pilot Program grant, for a new total authorized contract amount not to exceed \$16,806,847.

Motion M2020-60: Authorized the chief executive officer to execute a contract with Kimley-Horn and Associates, Inc. to provide project development services for the Everett Link Extension & Operations & Maintenance Facility (OMF) North project for Phase 1 - Alternatives Development in the amount of \$14,429,861, with a 10 percent contingency of \$1,442,986, for a total authorized contract amount not to exceed \$15,872,847.

Environmental review – KH 2/1/23

Legal review – JSA 2/3/23



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A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute contract modifications with Kimley-Horn and Associates, Inc. to a) provide additional project development services for Phase 1 of the Everett Link Extension and Operations and Maintenance Facility North project in the amount of \$1,175,600 and b) exercise the option for Phase 2 services in the amount \$68,401,479, with a 10 percent contingency of \$6,828,971 totaling \$75,230,450, for a new total authorized contract amount not to exceed \$93,212,897.

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Phase 2 is assumed to take approximately 24 months to complete; completion of all three phases is assumed by 2026. The project team is working with the Federal Transit Administration to confirm the environmental review schedule.

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 contract modifications with Kimley-Horn and Associates, Inc. to a) provide additional project development services for Phase 1 of the Everett Link Extension and Operations and Maintenance Facility North project in the amount of \$1,175,600 and b) exercise the option for Phase 2 services in the amount \$68,401,479, with a 10 percent contingency of \$6,828,971 totaling \$75,230,450, for a new total authorized contract amount not to exceed \$93,212,89.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on February 23, 2023.



Dow Constantine
Board Chair

Attest:



Kathryn Flores
Board Administrator