



Motion No. M2023-41

A motion of the Board of the Central Puget Sound Regional Transit Authority ratifying the chief executive officer's finding of the existence of an emergency in connection with the Westlake Station tunnel crown that was damaged by third parties on April 25, 2023.

Background

The Board's Procurement and Delegated Authority policy, Resolution No. R2018-40, Section 2.9, authorizes the CEO to declare an emergency and execute any contracts or make purchases necessary to respond to that emergency. The policy requires that the CEO request ratification of the finding of an emergency, and any emergency contracts that exceed the federal simplified acquisition threshold of \$250,000 excluding taxes, at the next regular Board meeting. The policy also requires that the CEO keep the Board informed about the emergency and the progress of any contracts or purchases executed to address the emergency.

On April 28, 2023, CEO Julie Timm declared there was an emergency related to damage caused to the roof structure of Westlake Station in the Downtown Seattle Transit Tunnel (DSTT). The damage took place on April 25, 2023, as a result of third-party contractor work above the station at Pine Street in Downtown Seattle. The third-party contractor was removing the foundation of a clock that was on the sidewalk of Pine Street in downtown Seattle. The roof of Sound Transit's Westlake Station structure is approximately three feet below the street surface in this area. The contractor drilled to remove the foundation of the clock and penetrated the roof structure of the station – damaging structural steel, structural beam, and the waterproofing system. The damage caused the closure of the northbound platform to examine the damage and perform the necessary mitigation measures to prevent falling debris, which caused delays to light rail service in the DSTT. If measures had not been immediately undertaken, additional impairment of performance of essential functions would have likely resulted, in addition to continued damage to property and equipment, risks of injury, and added costs. Westlake Station platforms and regular light rail service were restored on May 9, following implementation of temporary protective measures.

Sound Transit issued a limited notice-to-proceed on April 28, 2023 to Hoffman Construction Co. of Washington to mobilize on-site by May 1, 2023 with a maximum amount of \$250,000 for fabrication and installation of a scaffolding and containment system to prevent falling debris and limit water intrusion into the platform, to protect the damaged area on the street level, provide shoring to prevent further damage, and to provide excavation support for supporting the engineering assessment of damage to the structure. Hoffman was chosen due to their availability, waterproofing experience, and knowledge of Sound Transit's safety and rail operations. This limited notice-to-proceed was executed within the CEO's authority on an emergency basis and does not require Board ratification because it is under the simplified acquisition threshold of \$250,000.

Sound Transit is also utilizing an existing On-Call Architecture and Engineering Consultant Services contract with WSP, USA Inc. for permanent design solutions. A task order with WSP is being executed and will not exceed \$250,000 excluding taxes.

In addition, Sound Transit expects one or more future contracts will be necessary for full mitigation and repair of the damaged station roof. The emergency condition continues to be present for the foreseeable future, and the CEO will seek Board ratification of any future contract award executed under this emergency authority over the simplified acquisition threshold of \$250,000.

Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer's finding of the existence of an emergency and exercise of delegated contracting authority to remediate Westlake Station tunnel damage is ratified, and contracts with Hoffman Construction Company of Washington in an amount not to exceed \$1,000,000, plus applicable taxes, and with WSP, USA Inc, in an amount not to exceed \$250,000, plus applicable taxes, are ratified and authorized for past and future tunnel and Pine Street repair work.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 25, 2023.



Dow Constantine
Board Chair

Attest:



Kathryn Flores
Board Administrator