



Motion No. M2023-58

Construction Contract for the NE 130th Street Infill Station Finishes

Meeting:	Date:	Type of action:	Staff contact:
Board	07/27/2023	Final action	Brooke Belman, Deputy CEO, Chief Expansion Delivery Officer Ron Lewis, DECM Executive Director Randy Harlow, Executive Project Director - Lynnwood Link Extension Taylor Carroll, Light Rail Development Manager – Lynnwood Link Extension

Proposed action

Authorizes the chief executive officer to execute a contract with Absher Construction Company to construct the finishes for the NE 130th Street Infill Station project in the amount of \$98,270,000, plus a 15 percent contingency of \$14,740,500, for a total authorized contract amount not to exceed \$113,010,500.

Key features summary

- This action will provide for the construction of the finishes package for the NE 130th Street Infill Station under the L230 construction contract. This infill station was part of the ST3 plan and is located along the Lynnwood Link Extension alignment as the northernmost station in the City of Seattle, at NE 130th Street and 5th Avenue NE.
- The station finishes work completes an elevated side platform light rail infill station on the existing elevated Lynnwood Link guideway and includes constructing the platform finishes: plaza, elevator and stairs, station mechanical, electrical and plumbing, landscaping, retaining walls, street improvements, and pedestrian, bike and bus access improvements.
- The NE 130th Street Infill Station construction will not delay the Lynnwood Link Extension revenue service opening. The NE 130th station is planned and scheduled to be constructed during final testing, commissioning, and startup of the Lynnwood Link Extension and during its revenue service.
- In February 2020, the Board authorized advancing Final Design and construction of the station foundations. In August 2021, as part of the realignment process, the Board authorized advancing the project delivery date from 2031. In June 2022, the project baseline budget was established along with a delivery date of Q2 2026.
- This award will support the baseline schedule open for service milestone date of Q2 2026.

Background

The NE 130th Street Infill Station is located along the Lynnwood Link Extension (LLE) alignment, in the City of Seattle north of the Northgate Station and south of the Shoreline South/148th Station in

Shoreline. The aerial, side-platform infill station is a ST3 project with an originally scheduled start date of 2024 and a planned opening of 2031. On August 5, 2021, as part of the Board's actions with realignment, the opening date of this station was advanced.

A station at NE 130th Street was evaluated in the 2015 LLE Final Environmental Impact Statement (EIS) and mitigation commitments for the station are documented in the Federal Transit Administration's Record of Decision (ROD). In September 2018, the Sound Transit Board authorized advancing Preliminary Engineering for the project to determine if all or part of the station could be constructed earlier than planned under ST3, concurrently with LLE. The purpose was to explore opportunities to avoid or minimize future service impacts to LLE, scheduled to open for revenue service in July 2024. New information from the 2019 NE 130th Station Conceptual Design Report was included in the Lynnwood Link Extension Additional Project Refinements / NEPA Re-evaluation and was approved by FTA in January 2020.

In February 2020, the Board authorized advancing Final Design and construction of the station foundations. In August 2021 as part of the realignment process, the Board authorized a project delivery date of 2025. In June 2022, the board authorized the baseline budget and updated the revenue service date to Q2 2026.

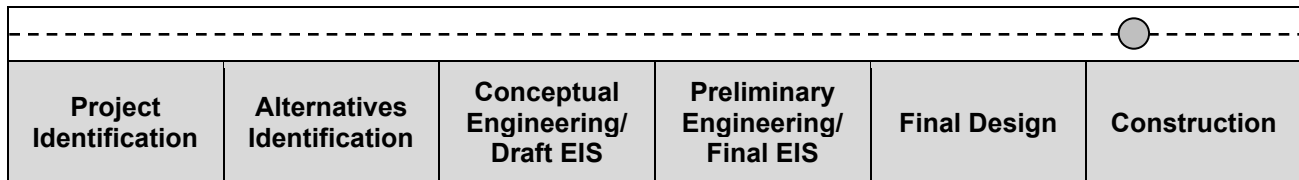
Through April of 2023, the LLE civil construction contractor (L200) completed construction of the NE 130th Station initial package, consisting of the foundations and substructure integrated with the LLE guideway through the station area. As of July 2023, the second package is 75% complete, consisting of platform superstructure and canopy framing, with an anticipated completion date and handover to the L230 contractor of September 15, 2023.

Sound Transit attempted to negotiate the third package (station finishes) with the L200 General Contractor / Construction Manager (GC/CM). However, Sound Transit and the L200 GC/CM were unable to come to a negotiated agreement. As a result, Sound Transit elected to terminate negotiations (as provided for by the GC/CM process) and pursue the procurement via an Invitation for Bids. The result of this process was the receipt of three competitive bids for the construction contract within the proposed baseline project budget allocation.

This contract is utilizing the traditional design-bid-build competitive procurement for construction of the station finishes package. This approach is expected to enable project delivery within the proposed baseline project budget allocation.

In June 2022, the Board authorized a change order to the systems contract, which will follow this station finishes contract. The systems work is scheduled to be completed by Q1 2026, allowing for pre-revenue service and testing to commence.

Project status



Projected completion date for the Construction Phase: 1Q 2026

Project scope, schedule and budget summary are located on page 96 of the May 2023 Agency Progress Report.

Procurement information

This contract was procured in accordance with Washington State requirements for procurements and Sound Transit procedures. An Invitation for Bids (IFB) was issued on February 17, 2023, with an engineer's estimate of \$101,583,178. A pre-bid meeting was conducted on February 24, 2023 followed by a site visit on March 1, 2023. A public bid opening was conducted on April 28, 2023 and three (3) bids were submitted. The bids ranged from \$94,695,000 to \$106,990,223. Sound Transit completed the Bidder Responsiveness and Responsibility review and it was determined that Absher Construction Company was the lowest, responsive and responsible bidder and is therefore recommended for award.

The total contract price is \$98,270,000, which is approximately 3% less than the engineer's estimate. The total contract price is considered to be a fair and reasonable price based upon the engineer's estimate and lowest responsive and responsible bid.

The lowest bid received was rejected and the bidder was determined to be not eligible for award. A bid protest was received on July 6, 2023. The bid protest was carefully reviewed and researched by the Procurement, Contracts and Agreements Division and the protest was denied. An appeal of the decision was also denied. The second lowest bidder was determined to be the lowest responsive responsible bidder for award of this contract.

Sound Transit intends to proceed with executing a contract for this work with Absher Construction Company, subject to approval of this action.

Fiscal information

This action is within the baseline budget and sufficient monies remain after approval of this action to fund the remaining work. This action does not impact the affordability of any other system expansion project.

The baseline budget for the NE 130th Infill station is \$240,155,000. Within the construction phase, \$123,149,000 has been allocated to the budget line item for civil construction of the station finishes package. The action would commit \$113,010,500 to the contract amount for station finishes and leave a budget balance of \$10,138,500.

NE 130th Infill Station

(in thousands)

Project Phase	Baseline Budget	Total Commitment to Date	This Action	Total Commitment Plus Action	Uncommitted / (Shortfall)
Agency Administration	\$8,087	\$3,131		\$3,131	\$4,956
Preliminary Engineering	2,711	2,711		2,711	
Final Design	17,588	16,909		16,909	679
Third Party	1,698	789		789	910
Right of Way	96	3		3	93
Construction	192,084	41,707	113,011	154,717	37,367
Construction Services	17,332	13,672		13,672	3,660
System Start Up & Test	559				559
Total Current Budget	\$240,155	\$78,921	\$113,011	\$191,932	\$48,223
Phase Detail - Construction					
Station Finishes	\$123,149	\$	\$113,011	\$113,011	\$10,139
Other Construction	68,935	41,707		41,707	27,229
Total Phase	\$192,084	\$41,707	\$113,011	\$154,717	\$37,367

Contract Detail	Board Approvals to Date	Proposed Action	Proposed Total for Board Approval	Current Approved Contract Status
L230 Civil Construction Contractor				
L230 Contract	\$	\$98,270	\$98,270	\$
L230 Contingency	0	14,741	14,741	0
Total Contract Amount	\$	\$113,011	\$113,011	\$
Percent Contingency	0%	15%	15%	0%

Notes:

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

Board Approvals = Commitment to Date + Contingency as of Jul 21 2023.

For detailed project information, see page 107 of the 2023 Financial Plan and Adopted Budget.

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. These goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of small businesses/DBEs available to perform such subcontracting work.

For this specific contract, the following goals were set and Absher Construction Company has committed to the following small business/DBE participation:

Small business and disadvantaged business enterprise (DBE) goals	
Sound Transit small business goal: 11%	Small business commitment: 11.31%
DBE goal: 11%	DBE commitment: 11.31%

Apprentice utilization commitment

Apprentice utilization	
Apprentice utilization goal: 20%	Commitment: 20%

Public involvement

Sound Transit's outreach strategy during Preliminary Engineering were combined with the scheduled outreach events for the LLE project and station area planning efforts by the City of Seattle. Sound Transit participated in one LLE open house for Seattle and Shoreline residents and two City of Seattle Office of Planning and Community Development station area planning outreach events. Sound Transit also hosted an online open house in fall 2020 for the 60 percent design and on October 7th, 2021, presented to a north Seattle community group organized by the public. The project team presented the project to the Seattle Design Commission on four occasions: 30 percent design April 16, 2020; 60 percent design for superstructure May 20, 2021; 60 percent design for station finishes February 3, 2022; and 90% design December 1, 2022.

To ensure continued full inclusive outreach and public participation and compliance with Title VI of the Civil Rights Act of 1964 during final design, project staff will continue to coordinate the project outreach plan with the Community Outreach team and the Office of Small Business Development and Labor Compliance. Public involvement and outreach elements will include continued coordination with the LLE project and City of Seattle, utilizing existing and expanded efforts to promote the full and fair participation of affected populations through mailings, various media formats, and via open houses, neighborhood meetings, community fairs and festivals. Creative tactics to engage the community members during non-traditional times and disrupted schedules due to COVID-19 will be employed.

Time Constraints

A one-month delay in approval of this action will delay the scheduled Notice to Proceed for the L230 civil construction contractor.

Prior Board/Committee actions

Resolution No. R2022-17: Adopted the NE 130th Street Infill Station project baseline schedule and budget by (a) increasing the authorized project allocation by \$203,738,000 from \$36,417,000 to \$240,155,000, (b) increasing the annual project budget by \$9,833,027 from \$6,584,030 to \$16,417,057, and (c) establishing an open for service date of Q2 2026.

Environmental review – KH 7/20/23

Legal review – JSA 7/26/23



Motion No. M2023-58

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a contract with Absher Construction Company to construct the finishes for the NE 130th Street Infill Station project in the amount of \$98,270,000, plus a 15 percent contingency of \$14,740,500, for a total authorized contract amount not to exceed \$113,010,500.

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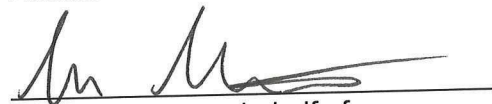
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that (1) the chief executive officer is authorized to execute a contract with Absher Construction Company to construct the finishes for the NE 130th Street Infill Station project in the amount of \$98,270,000, plus a 15 percent contingency of \$14,740,500, for a total authorized contract amount not to exceed \$113,010,500.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 27, 2023.



Dow Constantine
Board Chair

Attest:



Adam Montee, on behalf of
Kathryn Flores
Board Administrator