Motion No. M2023-81

Increase Contract Contingency for Follow-on Package 1 Contract for the East Link Extension Project

<table>
<thead>
<tr>
<th>Meeting:</th>
<th>Date:</th>
<th>Type of action:</th>
<th>Staff contact:</th>
</tr>
</thead>
<tbody>
<tr>
<td>System Expansion Committee</td>
<td>9/14/2023</td>
<td>Final action</td>
<td>Brooke Belman, Chief Expansion Delivery Officer</td>
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<td>Tracy Reed, Acting DECM Executive Director</td>
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<td>Jon Lebo, Executive Project Director, East Link</td>
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<td>Chad Brown, Deputy Executive Project Director, East Link</td>
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Proposed action

Authorizes the chief executive officer to increase the contingency for the Follow-On Package 1 contract with Balfour Beatty Construction LLC dba Howard S. Wright for the East Link Extension project in the amount of $3,000,000 for a new total contract amount not to exceed $6,010,460, to perform additional follow-on and closeout work, including tile replacement work at the South Bellevue Station.

Key features summary

- South Bellevue Station was constructed by Shimmick-Parsons Joint Venture (SPJV), and the contractor achieved substantial completion in August 2022. Major defects have been identified with the platform tile installation at the South Bellevue Station and replacement is required. SPJV has refused to complete these repairs despite a demand to do so.

- Sound Transit entered into a construction contract with Balfour Beatty Construction LLC dba Howard S. Wright in February 2023, to complete miscellaneous follow-on construction work at the ten stations in the East Link Extension. This contract included fare paid zone implementation and miscellaneous platform tile work at the stations.

- This added contingency is needed to complete additional follow-on work, including the platform tile replacement work at the South Bellevue Station. Sound Transit will track the cost of platform tile replacement and seek reimbursement from SPJV for this work.

- The platform tile replacement needs to be expedited to avoid impacting the start of revenue service for the East Link Starter Line.

Background

East Link extends light rail 14 miles, with 10 stations from Seattle's International District to Judkins Park, across I-90 to Mercer Island and South Bellevue, through downtown Bellevue and the Bel-Red area to Redmond Technology Station. Revenue service for the East Link Extension is anticipated to begin in 2025, and revenue service for the East Link Starter Line is planned for Spring 2024.

Sound Transit entered into a construction contract with Balfour Beatty Construction LLC dba Howard S. Wright in February 2023, to complete miscellaneous follow-on construction work at the ten stations in
the East Link Extension. This contract includes fare paid zone implementation and miscellaneous platform tile work at various stations.

During the process of completing the work, the Contractor Balfour Beatty dba Howard S Wright discovered construction deficiencies in the platform tile installation at the South Bellevue Station, constructed by SPJV. After further investigation, Sound Transit determined that all the platform tile and supporting mortar bed needs to be replaced on the platform and mezzanine areas at the South Bellevue Station.

Shimmick Parsons JV disagrees with Sound Transit’s determination of defective work and refuses to complete the necessary repairs. To expedite the platform tile replacement work and avoid delay to the East Link Starter Line revenue service, Sound Transit would execute the work with Balfour Beatty dba Howard S Wright. Sound Transit will seek reimbursement from SPJV for the cost of platform tile reconstruction work.

Project status

<table>
<thead>
<tr>
<th>Project Identification</th>
<th>Alternatives Identification</th>
<th>Conceptual Engineering/ Draft EIS</th>
<th>Preliminary Engineering/ Final EIS</th>
<th>Final Design</th>
<th>Construction</th>
</tr>
</thead>
</table>

Projected completion date for East Link Extension Construction: Q2 2025

Project scope, schedule and budget summary are located on page 30 of the July 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 November 30, 2022. A pre-bid meeting was conducted via Microsoft Teams on December 6, 2022. A public bid opening was conducted via Microsoft Teams on December 23, 2022.

The Contract was recommended for award by the Concurrence Review Application (CoRA) committee on February 8, 2023. The effective date of Notice-to-Proceed (NTP) was March 13, 2023.

Fiscal information

This is a concurrent action with Contract Modification of Post Acceptance to Revenue Maintenance Program Motion M2023-81.

This action is within 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 East Link Extension project is $3,677,150,000. Within that amount, $2,518,224,000 has been set aside for the construction phase. Within the construction phase, $10,474,388 has been allocated to the budget line item for Construction Miscellaneous. The action would commit an additional $3,000,000 to this line item to provide construction services and leave a budget balance of $2,512,778.
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 established, and the successful Bidder/Proposer has committed to the following small business/DBE participation:

<table>
<thead>
<tr>
<th>Small business and disadvantaged business enterprise (DBE) goals</th>
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<tbody>
<tr>
<td>Sound Transit Small business goal: 0%</td>
</tr>
<tr>
<td>DBE goal: 7%</td>
</tr>
<tr>
<td>Small business commitment: 14.84%</td>
</tr>
<tr>
<td>DBE commitment: 14.53%</td>
</tr>
<tr>
<td>Current Small Business Participation: 0%</td>
</tr>
<tr>
<td>Current DBE Participation: 0%</td>
</tr>
</tbody>
</table>

Public involvement

Not applicable to this action.
Time constraints
To support the timely execution of the platform tile replacement work at South Bellevue Station to avoid impacting the East Link Starter Line revenue service date, approval of this action is needed in the month of September.

Environmental review – KH 8/24/23
Legal review – JEN 9/08/23
Motion No. M2023-81

A motion of the System Expansion Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to increase the contingency for the Follow-On Package 1 contract with Balfour Beatty Construction LLC dba Howard S. Wright for the East Link Extension project in the amount of $3,000,000 for a new total contract amount not to exceed $6,010,460, to perform additional follow-on and closeout work, including tile replacement work at the South Bellevue Station.

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The platform tile replacement needs to be expedited to avoid impacting the start of revenue service for the East Link Starter Line.
Motion

It is hereby moved by the System Expansion Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to increase the contingency for the Follow-On Package 1 contract with Balfour Beatty Construction LLC dba Howard S. Wright for the East Link Extension project in the amount of $3,000,000 for a new total contract amount not to exceed $6,010,460, to perform additional follow-on and closeout work, including tile replacement work at the South Bellevue Station.

APPROVED by the System Expansion Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 14, 2023.

Claudia Balducci
System Expansion Committee Chair

Attest:

Kathryn Flores
Board Administrator