



Motion No. M2023-81

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

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

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.

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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

○					
Project Identification	Alternatives Identification	Conceptual Engineering/ Draft EIS	Preliminary Engineering/ Final EIS	Final Design	Construction

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.

East Link Extension

(in thousands)	Total Baseline Budget	Board Approvals*	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Operations and Maintenance	\$7,106	\$7,106		\$7,106	\$
Administration	183,174	137,260		137,260	45,914
Preliminary Engineering	50,874	50,874		50,874	0
Final Design	268,888	256,296		256,296	12,593
Third Parties	49,473	40,097		40,097	9,376
Right of Way	288,516	280,462		280,462	8,054
Construction	2,518,224	2,358,692	3,000	2,361,692	156,532
Construction Services	277,177	257,272		257,272	19,905
System Testing-Start Up	33,718	28,625		28,625	5,093
Total Current Budget	\$3,677,150	\$3,416,683	\$3,000	\$3,419,683	\$257,467

Phase Detail - Construction					
Const. Misc. / Follow-on (S Bellevue to SR-520)	\$10,474	\$4,962	\$3,000	\$7,962	\$2,513
Other Construction	2,507,750	2,353,730	0	2,353,730	154,019
Total Phase	\$2,518,224	\$2,358,692	\$3,000	\$2,361,692	\$156,532

Balfour Beatty Construction LLC	Board Approvals to Date	Proposed Action	Proposed Total for Board Approval	Current Approved Contract Status
Contract Amount	\$2,618	\$	\$2,618	\$2,618
Contract Contingency	393	3,000	3,393	\$393
Total Contract Amount	\$3,010	\$3,000	\$6,010	\$3,010
Percent Contingency	15%	100%	130%	15%

Notes:
 Amounts are expressed in Year of Expenditure \$000s.
 For detailed project information, see page 78 of 176 of the 2023 Financial Plan & Proposed Budget.
 * Board Approvals = Commitment and PO Contingency Remaining as of 8/30/2023.

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:

Small business and disadvantaged business enterprise (DBE) goals	
Sound Transit Small business goal: 0 %	DBE goal: 7 %
Small business commitment: 14.84%	DBE commitment: 14.53%
Current Small Business Participation: 0%	Current DBE Participation: 0%

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



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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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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