

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute Amendment No. 8 to Contract #8584 with West Coast Code Consultants for Regulatory Plan Review and Inspection Services for Light Rail Facilities
DEPARTMENT:	Planning & Community Development City Manager's Office
PRESENTED BY:	Ray Allshouse, Building Official Juniper Nammi, Sound Transit Project Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The City of Shoreline originally contracted (Contract #8584) with West Coast Code Consultants, Inc. (WC-3) in November of 2016 for plan review and construction inspection services on the Sound Transit Lynnwood Link Light Rail Extension project (LLE Project). This contract has been amended seven times to date. Council last authorized amendments at the November 1, 2021, meeting to extend the agreement through the end of 2022 and to increase the total not-to-exceed amount to \$1,558,298.90. Now an Eighth Amendment to this contract with WC-3 is proposed (Attachment A).

That last contract amount increase was based on the costs of reviews and inspections in the preceding years of this contract, adjusting for additional inspection and support services anticipated in 2022 with some contingency. The actual costs for plan reviews and combination building inspections significantly exceeded these estimates. Contributing factors include higher than estimated volumes of deferred and revision submittals and comment cycles, as well as much higher-than-expected time for inspections, inspection report management, and resolving inspection related issues. A rate increase is also proposed to adjust for inflation and to allow for annual update to rates.

An increase in this contract amount by \$173,976.67 is necessary to continue review and inspection services to the LLE Project through the end of 2024. The remaining balance under this contract is expected to be expended by the first quarter of 2023. The new total not-to-exceed amount proposed is \$1,732,275.57.

RESOURCE/FINANCIAL IMPACT:

This contract amendment does not impact the budget at this time. Sufficient budget authority is available in the 2023-2024 Light Rail Stations Budget adopted by Council November 21, 2022. The work performed by WC-3 under this service contract is

revenue-backed by Sound Transit through the end of the existing Expedited Permitting, Reimbursement, and Construction Services agreement (#8629), which was approved for amendment at the November 21, 2022, Council meeting. City staff is negotiating an additional amendment to the Reimbursement agreement with Sound Transit that will be brought to Council in first quarter of 2023 to fund the balance of the Light Rail Program expenditures for City services in support of the LLE Project through to revenue service.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute Amendment No. 8 to Contract #8584 with West Coast Code Consultants, Inc. for Regulatory Plan Review and Inspection Services for Light Rail Facilities through December 2024 in the amount of \$173,976.67 for a total contract amount of \$1,732,275.57.

Approved By: City Manager **JN** City Attorney **MK**

INTRODUCTION

Final Design and permit review for Sound Transit's Lynwood Link Extension project (the LLE Project) began in May 2016. The City entered into a negotiated Expedited Permitting and Reimbursement Agreement with Sound Transit in September 2016 to provide funding for the additional staffing and consultant services needed to provide the expedited review requested by Sound Transit. West Coast Code Consultants (WC-3) was selected through a competitive Request for Qualifications process and administratively contracted in November 2016 to provide the first phase of regulatory plan review and inspection services for the City's review and permitting of this Project (Contract #8584). WC-3 continues to provide plans review and construction inspection services to the City on the LLE Project under this contract.

BACKGROUND

Council last authorized Amendment No. 7 (Attachment B) to the WC-3 contract for plans review and inspections of the Lynnwood Link Extension Project in Shoreline via the Council consent calendar on November 1, 2021, and it was executed November 4, 2021. Amendments 6 and 7 are included in that meeting's staff report and can be found online at: [Authorizing the City Manager to Execute Amendment No. 7 to Contract #8584 with West Coast Code Consultants for Regulatory Plan Review and Inspection Services for Light Rail Facilities.](#)

The staff report from the March 25, 2019, Council meeting includes the original contract and previous Amendments No. 1-5 as attachments and can be found online at: [Authorizing the City Manager to Execute Amendment No. 5 to Contract #8584 with West Coast Code Consultants for Regulatory Plan Review and Inspection Services for Light Rail Facilities.](#)

DISCUSSION

At the time of Amendment No. 7, City staff expected building plans and permit reviews to wrap up in 2022 and the majority of the construction activities requiring City inspection to be completed by mid-July 2023. Some inspection and permit closeout work were expected to continue into 2023 and possibly 2024, but not a significant amount. Since that time, the LLE Project construction schedule was significantly impacted by the five month-long concrete worker strike in King County as well as being adjusted to account for pandemic-related impacts. Construction activities on the LLE project are over 75% complete and expected to be substantially complete by November 2023. Sound Transit is determining if adjustments to the revenue service dates (when the trains open for public service) are needed, and those decisions are expected at the December 15, 2022, Sound Transit Board meeting.

This delay, combined with more design revisions and deferred submittals than originally estimated, means that additional review and inspection time is now estimated in order to reach completion of the project by revenue service. Ongoing challenges with inspection scheduling by the contractors as well as special inspections and correction process adjustments have also led to more time spent on inspections than originally estimated.

Amendment No. 8 addresses the work not identified at the time of the last contract amendment, refines cost estimates to provide services to the LLE Project, and accounts for higher-than-expected inflation. Remaining permit review and construction services to be provided by WC-3 on the LLE Project include review of special inspection reports, deferred submittals, design revisions, and ongoing building and site inspections. Additional final field corrections, paperwork necessary to document compliance with permit conditions, and issuance of the Certificate of Occupancy will also need to be completed prior to start of revenue service.

An increase in this contract amount by \$173,976.67 will assure the remaining review and inspection services can be provided for the LLE Project. The remaining balance as of October 2022 under this contract is expected to be expended by the first quarter or early second quarter of 2023. This proposed increase is estimated to be sufficient to cover these services through the end of 2024, with approximately one month of funds as contingency. The new total not-to-exceed amount proposed is \$1,732,275.57.

COUNCIL GOAL(S) ADDRESSED

This contract amendment supports ongoing City partnership and collaboration with Sound Transit in their design process for the LLE project, which furthers completion of “Council Goal 3 – Continue preparation for regional mass transit in Shoreline.” Specifically, this contract supports continued implementation of Action Step 2 – “Work collaboratively with Sound Transit on the Lynnwood Link Extension Project, including negotiation of remaining project agreements and coordination of project construction, inspection, and ongoing permitting.”

RESOURCE/FINANCIAL IMPACT

This contract amendment does not impact the budget at this time. Sufficient budget authority is available in the 2023-2024 Light Rail Stations Budget adopted by Council November 21, 2022. The work performed by WC-3 under this service contract is revenue-backed by Sound Transit through the end of the existing Expedited Permitting, Reimbursement, and Construction Services agreement (#8629), which was approved for amendment at the November 21, 2022, Council meeting. City staff is negotiating an additional amendment to the Reimbursement agreement with Sound Transit that will be brought to Council in first quarter of 2023 to fund the balance of the Light Rail Program expenditures for City services in support of the LLE Project through to revenue service.

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ATTACHMENTS

Attachment A – Proposed Amendment No. 8 to WC-3 Services Agreement
Attachment B – Amendment No. 7 to WC-3 Services Agreement



**EIGHTH AMENDMENT TO CONTRACT FOR SERVICES
(ORIGINAL CONTRACT NUMBER: 8584)**

Whereas an agreement was entered into by and between the City of Shoreline, Washington, and West Coast Code Consultants, Inc. (WC-3) on November 1, 2016; and said agreement was last amended on November 4, 2021.

Whereas the parties desire to amend said agreement once again in order to reflect a change of circumstances, to wit: (a) to increase the contract compensation amount to \$2,004,308.28 and (b) to amend the compensation rates in Exhibit A, as amended.

Now, therefore, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Existing Agreement Amended:

The City and WC-3 entered into an agreement on November 1, 2016 identified as: Regulatory Construction Inspection Services.

The City and WC-3 have amended this agreement on seven (7) occasions with amendments dated July 28, 2017, December 12, 2017, March 29, 2018, February 15, 2019, March 28, 2020, December 17, 2020, and November 4, 2021.

The parties hereby amend the original agreement as amended.

2. Amendment to Existing Agreement: The agreement is amended in the following respect(s):

Section 2(A) Compensation. Exhibit A, as amended, is further amended as provided in Exhibit A-6, attached.

Section 2(A) Compensation. Total compensation amount is increased by \$173,976.67, for a new not to exceed maximum of \$1,732,275.57.

Section 3(A) Term. The term of this Agreement shall be amended to expire at midnight on 31st day of December 2024.

3. Terms and Conditions of Existing Agreement Remain the Same: The parties agree that, except as specifically provided in this amendment, the terms and conditions of the existing agreement continue in full force and effect.

EXECUTED, this the day of December, 2022.

CITY OF SHORELINE

CONSULTANT

Name:

Name: Martha J. Gillis

Title:

Title: NW Regional Manager



EXHIBIT A-6 **COMPENSATION & RATES**

The original contract Exhibit A Compensation and Rates section as Amended by Exhibit A-1, A-4, and A-5 Compensation and Rates sections, with the following additions or changes.

Building Inspection:

1) *Hourly inspection rate updated, and demolition inspections added as follows:*

The following inspection services are provided using an hourly rate of \$138 per hour. For IBC Building, IEBC Building, NFPA130 Building, Demolition, Plumbing, Mechanical, and Energy. Portal to portal charges apply with a minimum charge of 1 hour.

WC-3 Structural Observation:

2) *Hourly rates for structural observation updated as follows:*

The following review services are provided using an hourly inspection rate of \$176 per hour for structural inspection of building structures by a WC-3 Washington State licensed engineer. Portal to portal charges apply with a minimum charge of 1 hour.

Staff, Staff Responsibilities, and Rates:

3) *Hourly billing rates updated for consistency with current market standard:*

Staff	Staff Responsibilities	Rate
Senior Project Manager	Responsible for overall management of the project and contractual issues.	\$ <u>176</u> per hour
Project Manager	Responsible for being the lead project coordinator, coordinating WC-3 staff, attending meetings, writing meeting minutes, invoicing, and for WC-3's structural observation.	\$ <u>176</u> per hour
Plan Reviewer	Responsible for the reviews Milestone Design submittals, producing review letter regarding code compliance, performing rechecks, and for coordinating with the Project Manager.	\$ <u>176</u> per hour
Administrative Assistant	Responsible for assisting with completing meeting minutes, assisting with invoicing, word processing, processing submittals, and for general support to the Senior Project Manager and Project Manager.	\$ <u>99</u> per hour



Plan Review Hourly Review Rates:

4) *Plan review hourly rates updated as follows:*

Hourly rates apply if a third and subsequent review comments are needed, or if a review is requested after approval of documents has occurred. Hourly rates include all labor required for completion of these services and are assessed at the hourly rate of \$176 per hour with a minimum charge of 1 hour.

NOTE: All rates are effective January 1, 2023. Rates are reviewed annually and will be adjusted accordingly.