

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	11/10/14	Open	Action	10/28/14

Subject: Delegating Authority to the General Manager/CEO to execute Amendment(s) to the Settlement Agreement and Mutual Release for the Contract for Minimal Operable Segment (MOS1) for the Downtown-Natomas-Airport Rail Corridor with Stacy & Witbeck, Inc.

ISSUE

Whether or not to delegate authority to the General Manager/CEO to execute Amendment(s) to the Settlement Agreement and Mutual Release for the Contract for Design-Build of the Minimal Operable Segment (MOS1) for the Downtown-Natomas-Airport Rail Corridor with Stacy & Witbeck, Inc.

RECOMMENDED ACTION

Adopt Resolution 14-11-___ Delegating Authority to the General Manager/CEO to Execute Amendment(s) to the Settlement Agreement and Mutual Release for the Contract for Design-Build of the Minimal Operable Segment (MOS1) for the Downtown-Natomas-Airport Rail Corridor with Stacy & Witbeck, Inc.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	1,392,422
Budget Source:	Capital (Downtown-Natomas-Airport Light Rail Extension)	Next FY:	\$	
Funding Source:	Revenue Bonds, State Transit Assistance	Annualized:	\$	
Cost Cntr/GL Acct(s) or Capital Project #:	910800 404.08	Total Amount:	\$	
Total Budget:	\$ 49,762,000			

DISCUSSION

On April 14, 2014, the Board approved the First Amendment to the Settlement Agreement and Mutual Release (Agreement) for the Contract for Design-Build of the Minimal Operable Segment (MOS1) for the Downtown-Natomas-Airport Rail Corridor Project with Stacy and Witbeck, Inc. (Contractor). That First Amendment provided for the release of a portion of the final payment to Contractor in the amount of \$1,030,796, with a revised final payment amount of \$1,892,422.

Since the execution of the First Amendment, Contractor has made progress in addressing incomplete work. Resolution of the Track-to-Earth resistance testing at the 7th & Richards Station is the most significant work activity related to the completion. The Contractor has scheduled the corrective work and expects to perform final verification testing within the next few weeks.

In light of the progress, staff desires to release additional monies from the final payment to the Contractor. Staff estimates that the remaining work is conservatively worth approximately

Approved:

Presented:

Final 11/3/14

General Manager/CEO

AGM, Engineering & Construction

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\$250,000 and believes that withholding \$500,000 as final payment will adequately protect RT's interests in the completion of work. Staff will evaluate the final verification testing report and make a recommendation to the General Manager/CEO on how much of the final payment should be released, up to a maximum of \$1,392,422.

Staff recommends delegating authority to the General Manager/CEO to execute amendment(s) to the Settlement Agreement to release up to \$1,392,422 to Contractor.

RESOLUTION NO. 14-11-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

November 10, 2014

DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE AMENDMENT(S) TO THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE FOR DESIGN-BUILD OF THE CONTRACT FOR MINIMAL OPERABLE SEGMENT (MOS1) FOR THE DOWNTOWN-NATOMAS-AIRPORT RAIL CORRIDOR WITH STACY & WITBECK, INC.

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the General Manager/CEO is hereby authorized to execute Amendment(s) to the Settlement Agreement and Mutual Release for the Contract for Design-Build of the Minimal Operable Segment (MOS1) for the Downtown-Natomas-Airport Rail Corridor with Stacy and Witbeck, Inc. to release up to \$1,392,422 of the remaining retention funds prior to completion all required work.

PHILLIP R. SERNA, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary