

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
12	06/28/10	Open	Action	06/04/10

Subject: Delegating authority to the General Manager/CEO to approve Project Agreement between RT and Capitol Station 65, LLC. for the Richards Boulevard Light Rail Station for the Green Line to the River District Project

ISSUE

Whether or not to delegate authority to the General Manager/CEO to approve the Project Agreement between RT and Capitol Station 65, LLC. for the Richards Boulevard Light Rail Station for the Green Line to the River District; whether or not to delegate authority to the General Manager/CEO to execute any Contract Change Orders to RT's Design-Build Contract for work at the Richards Boulevard Light Rail Station; and whether or not to delegate authority to the General Manager/CEO to bind RT to subrecipient agreements to fund the Contract Change Orders.

RECOMMENDED ACTION

Adopt Resolution No. 10-06-_____, 1) Repealing Resolution 09-06-0094; 2) Delegating Authority to the General Manager/CEO to approve a Project Agreement with Capitol Station 65, LLC. for the Richards Boulevard Light Rail Station for the Green Line to the River District Project; 3) Delegating Authority to the General Manager/CEO to Execute Contract Change Orders to the Contract for Design Build of the Minimal Operable Segment (MOS1) for the Downtown-Natomas-Airport Rail Corridor Project with Stacy and Witbeck, Inc, for Work at the Richards Boulevard Light Rail Station; and 4) Delegating Authority to the General Manager/CEO to Bind RT into Subrecipient Agreements to Fund any Contract Change Orders with Stacy and Witbeck, Inc. for Work at the Richards Boulevard Light Rail Station.

FISCAL IMPACT

None as a result of this action. Funds within the total project budget will be redirected.

DISCUSSION

On June 22, 2009, the RT Board adopted resolution No. 09-06-0094 approving a Project Agreement (Agreement) between RT and Capitol Station 65, LLC. (Capitol) allocating responsibility for the design and construction of the Richards Boulevard Station of the Green Line to the River District project. Subsequent to that approval, additional details and interface responsibilities were identified and, as a result, that Agreement was not executed.

The new Agreement, which RT and Capitol are working to finalize, captures the additional details and responsibilities and builds on the original intent of the Agreement that, because the light rail station will be integrated with the Capitol development (Township 9), Capitol desires to take responsibility for the design and construction of the majority of the station area (excepting trackwork, overhead contact system, communication conduits and certain RT station fixtures such as fare vending machines, signs, etc). The purpose of the Agreement is to allocate responsibility

Approved:

Presented:

Final 6/23/10

General Manager/CEO

Greg Gamble, Director, Construction Management

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12	06/28/10	Open	Action	06/04/10

Subject: Delegating authority to the General Manager/CEO to approve Project Agreement between RT and Capitol Station 65, LLC. for the Richards Boulevard Light Rail Station for the Green Line to the River District Project

between RT and Capitol for the design and construction of the station and to establish time frames for completion of certain project milestones. RT and Capitol are still finalizing the allocation of responsibility between the parties and the timelines for completion of the work. To prevent delay to the Green Line to the River District Project, staff is requesting that the Board delegate authority to the General Manager/CEO to execute the final Project Agreement.

This Agreement anticipates that each party will perform as outlined, however, the Agreement also provides for the performance of one party's obligations by the other in the event that the first party does not meet the design or construction milestones set forth in the Agreement. At this point in time, Capitol has expressed concerns that it may not be able to perform its obligations in accordance with the agreement and, in order to minimize any resultant effect on RT's Design-Build contractor, staff requests that the Board delegate authority to the General Manager to execute any Contract Change Orders (CCO) to the Design-Build Contract that may be required in order for Stacy and Witbeck to perform the Capitol obligations.

The Capitol project is funded in part by a State of California Housing and Community Development (Proposition 1C) grant and in part by the City of Sacramento. It is possible that any CCOs to perform Capitol obligations could be funded from these grants and, as such, staff requests that the Board delegate authority to the General Manager/CEO to bind RT to any grant subrecipient agreements as may be necessary to fund CCOs for work at Richards Boulevard Station.

Staff recommends repealing in Resolution No. 09-06-0094, delegating authority to the General Manager/CEO to approve a Project Agreement between RT and Capitol Station 65, LLC, delegating authority to the GM/CEO to execute Contract Change Orders to the Design-Build Contract with Stacy and Witbeck, Inc. for work at the Richards Boulevard Light rail Station and authorizing the General Manager/CEO to bind RT to subrecipient agreements for work at the Richards Boulevard Light Rail Station.

RESOLUTION NO. 10-06-_____

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

June 28, 2010

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO APPROVE
THE PROJECT AGREEMENT WITH CAPITOL STATION 65, LLC.
FOR THE RICHARDS BOULEVARD LIGHT RAIL STATION FOR
THE GREEN LINE TO THE RIVER DISTRICT PROJECT**

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

THAT, Resolution 09-06-0094 is hereby repealed.

THAT, the Board hereby delegates authority to the General Manager/CEO to approve a Project Agreement between Capitol Station 65, LLC (therein "Capitol") and the Sacramento Regional Transit District (therein "RT"), whereby Capitol and RT allocate responsibility for design and construction of the Richards Boulevard Station for the Green Line to the River District project and the schedule for such work.

THAT, the General Manager/CEO is hereby delegated authority to execute any Contract Change Orders (CCO) to the Green Line to the River District design-build contract that may be required in order to perform the Capitol obligations, in the event that Capitol does not fulfill its obligations within the terms of said Project Agreement.

THAT, the General Manager/CEO is hereby delegated authority to bind RT to any agreements with the City of Sacramento, State of California, or Capitol as may be necessary for funding the CCO and to make budget adjustments to the project as necessary.

STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

RESOLUTION NO. 10-06-_____

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

June 28, 2010

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE
CONTRACT CHANGE ORDERS TO RT'S DESIGN-BUILD CONTRACT FOR ANY
CAPITOL STATION WORK**

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

THAT, the General Manager/CEO is hereby delegated authority to execute any
Contract Change Orders to the Green Line to the River District design-build contract that
may be required in order to perform the Capitol obligations, in the event that Capitol does
not fulfill its obligations within the terms of said Project Agreement.

STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

RESOLUTION NO. 10-06-_____

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

June 28, 2010

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO BIND INTO
SUBRECIPIENT AGREEMENTS TO FUND THE CHANGE ORDERS**

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

THAT, the General Manager/CEO is hereby delegated authority to bind RT to any agreements with the City of Sacramento, State of California, or Capitol as may be necessary for funding the Contract Change Orders and to make budget adjustments to the project as necessary.

STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary