

**PORT OF SEATTLE**  
**MEMORANDUM**

**COMMISSION AGENDA**

**Item No.** 5d

**Date of Meeting** December 13, 2011

**DATE:** December 6, 2011

**TO:** Tay Yoshitani, Chief Executive Officer

**FROM:** Ralph Graves, Managing Director, Capital Development Division

**SUBJECT:** Change Order #030 for the North Expressway Relocation, Phase 1, Final Paving Landscaping and Reclamation Project, Contract MC-0316561

**Amount of This Request:** 163 calendar days and \$17,178      **Total Project Cost:** \$4,341,081

**Source of Funds:** N/A.

**Est. State and Local Taxes:** \$412,403 of Total Project Cost

**Jobs Created:** 0

**ACTION REQUESTED:**

Request Commission authorization for the Chief Executive Officer to issue Change Order #030 for the North Expressway Relocation (NER), Phase 1, Final Paving Landscaping and Reclamation Project, to grant a time extension of 163 days for a revised contract completion date of November 18, 2011, and in the amount of \$17,178. No new funding is requested as funds have been previously authorized in the NER Phase 1 program budget.

**SYNOPSIS:**

In April of 2011, the electrical inspector from the Washington State Department of Labor and Industries (L&I) notified the contractor and the Port that he would not approve the new clock tower electrical system because the solar power panels were not manufactured with an Underwriters Laboratory (UL) label. The contractor had to get the solar power panels inspected and approved by an independent third party in order to obtain the final electrical permit approval from L&I. A change order is required to compensate the contractor for the costs incurred to resolve the electrical code issue and pay for the third-party inspection of the solar panels in the amount of \$17,178 and a time extension of 163 calendar days to address the additional time expended to complete this scope of work and obtain final electrical permit approval.

The funds to pay for this change order come from the project construction contingency funds previously authorized. No additional funding is being requested as a result of this change order.

## **COMMISSION AGENDA**

Tay Yoshitani, Chief Executive Officer

December 2, 2011

Page 2 of 3

### **BACKGROUND:**

This project is the last phase of a multi-phase North Expressway Relocation program to reconstruct the North Airport Expressway and extend Light Rail Transit (LRT) to the Airport in collaboration with Sound Transit. This project includes final paving of ramps near the parking garage entrance and the Airport LRT station, landscaping, art features and clock tower at the Airport north entrance, reclamation of staging and work area and miscellaneous work omitted or deferred from previous North Expressway Relocation Phase 1 contracts. This project completes the Port's obligation to Sound Transit to facilitate extending LRT to the Airport and to the City of SeaTac for landscaping of Port property and restoration of facilities along city streets.

The new "Emerald City" entrance to the Airport is a key component to the North Expressway Relocation program. This project includes various art components that have been selected by the artist team to provide the desired aesthetics for the north entrance. The photovoltaic system on the south side of the clock tower is part of the art components and uses polycrystalline silicon terrestrial photovoltaic cells that are a unique green color. These solar panels are only produced by a single manufacturer that is located in Germany. Approval was obtained for the solar panels to be supplied by this sole-source firm. Since the panels come from Germany, they are manufactured to comply with international electrical standards. Once the electrical installation was completed on the clock tower, the Port requested final approval by the electrical inspector from L&I. Final approval was denied because the solar panels were not UL labeled.

The Port first requested that the contractor try to obtain a variance from L&I to accept the solar panels based on the international electrical standards, which are equivalent to and have been used in lieu of UL listings in some cases. Several months were spent in obtaining the documentation for the variance. The state inspector ultimately decided that he would be unable to approve the installation based on the international electrical standards. The contractor and Port looked at other options and concluded that obtaining a third-party inspection would be the best way to get the solar panels accepted by L&I. Third-party inspection and certification took several months and then scheduling the state inspector for a final inspection took another month. The electrical permit was approved on November 18, 2011, completing the final work on the project.

### **FINANCIAL ANALYSIS:**

The funds to pay for this change order are part of the project construction contingency funds that were included in previously approved authorizations. No additional project funds are being requested as a result of this change order.

## **COMMISSION AGENDA**

Tay Yoshitani, Chief Executive Officer

December 2, 2011

Page 3 of 3

### **CONTRACT INFORMATION:**

The following information relates to the contract and competitive award:

Contract award date:	May 17, 2010
Original period of performance:	May 17, 2010, through January 12, 2011
Previous contract extensions:	147 Days
Contract extension in this Change Order #030:	163 Days
Contract Completion Date in Change Order #030:	November 18, 2011

### **FINANCIAL INFORMATION:**

Original contract amount:	\$3,892,800
Previous Change Orders Executed:	\$431,103
Current contract amount	\$4,323,903
This request, Change Order #030	\$17,178
Subtotal Construction Costs	\$4,341,081
Anticipated WSST @ 9.5%	\$412,403
Revised Contract Amount	\$4,753,484

### **PREVIOUS COMMISSION ACTION:**

On October 25, 2011, the Commission authorized the Chief Executive Officer to issue Change Order #023 for a time extension of 75 days and increase the contract amount by \$32,990 to provide additional landscaping plants at the North Airport entry feature.

On January 26, 2010, the Commission authorized the Chief Executive Officer to advertise for construction bids, award the contract and construct the NER Phase 1 project consisting of final paving, landscaping and reclamation (CIP C800034). The estimated cost of this project, \$5,880,000, is within the previously authorized budget.

On April 11, 2006, the Commission passed Resolution No. 3559, which authorized the Chief Executive Officer to execute an interlocal agreement with Sound Transit to establish the real property, financial and construction arrangement for the construction of the Airport Link Project. The Commission authorized an additional \$61,411,000 for a total project-wide authorization of \$78,282,000 and authorization to enter into contracts estimated at \$165,000,000.

### **OTHER DOCUMENTS ASSOCIATED WITH THIS REQUEST:**

None.