

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING) RESOLUTION NO. 95-2214
AMENDMENT TO A CONTRACT WITH)
THE WASHINGTON STATE DEPARTMENT) Introduced by Mike Burton,
OF TRANSPORTATION TO PROVIDE THE) Executive Officer
SERVICES OF AN EXPERT REVIEW PANEL)
FOR INDEPENDENT TECHNICAL REVIEW)
OF THE SOUTH/NORTH HIGH CAPACITY)
TRANSIT STUDY)

WHEREAS, Metro is the lead agency in studying alternatives for high capacity transit in the South/North corridor; and

WHEREAS, The South/North Expert Review Panel has provided a volunteer, independent review of the technical analysis created by project staff since its inception in 1992; and

WHEREAS, This independent review of technical data helps project staff provide better data to decision makers; and

WHEREAS, This independent review of technical data creates confidence in the public community that the analysis is technically sound; and

WHEREAS, State of Washington law requires high capacity transit studies to use the Expert Review Panel process for all high capacity transit projects to be funded by the State of Washington; and

WHEREAS, An Expert Review Panel is now recommended to be a part of the local planning process for federally funded transportation projects; and

WHEREAS, The South/North project will complete an Environmental Impact Study for the entire corridor from Clackamas County, Oregon to Clark County, Washington to ensure federal approval and funding of the corridor as one project; and

WHEREAS, It is necessary to continue the services of the Expert Review Panel during the Environmental Impact Study phase of the project; and

WHEREAS, Funding for Expert Review Panel expenses are no longer available from the State of Washington; and

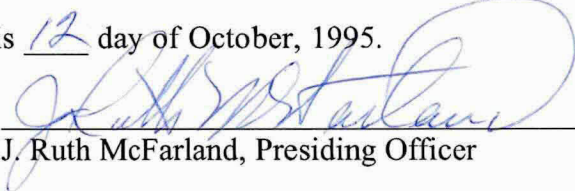
WHEREAS, Metro currently funds 60 percent of the expenses of the South/North Expert Review Panel; and

WHEREAS, \$71,000 remain unspent of the current authorization of \$139,000 for Expert Review Panel expenses; and

WHEREAS, Expenses for the Expert Review Panel through the Environmental Impact Study phase of the project (from July 1, 1995 through December 31, 1996) are estimated to be \$156,000; now, therefore,

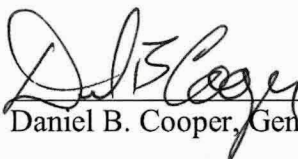
BE IT RESOLVED, The contract with the Washington State Department of Transportation (No. 903-406) be amended to change Metro's percentage of responsibility to 100 percent of costs incurred for the Expert Review Panel from July 1, 1995 through December 31, 1996 not to exceed \$156,000 as written in Exhibit A.

ADOPTED by the Metro Council this 12 day of October, 1995.



J. Ruth McFarland, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2214 FOR THE PURPOSE OF APPROVING AN AMENDMENT TO A CONTRACT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO PROVIDE THE SERVICES OF AN EXPERT REVIEW PANEL FOR INDEPENDENT TECHNICAL REVIEW OF THE SOUTH/NORTH HIGH CAPACITY TRANSIT STUDY

Date: September 19, 1995

Presented by Andy Cotugno

FACTUAL BACKGROUND AND ANALYSIS

The South/North Expert Review Panel has been providing an independent review of technical data for the South/North High Capacity Transit project since its inception in 1993. The Panel was a requirement of State of Washington law for high capacity transit projects to receive State of Washington transportation funds. The purpose of the Panel is to ensure accurate and adequate technical information is provided to decision-makers on which to base their decisions.

In response to the Intermodal Surface Transportation and Efficiency Act of 1992, new federal regulations on transportation planning now encourage an Expert Review Panel process in order to qualify for federal funding of transportation projects.

The Panel will continue to review draft technical reports individually and then meet as a group in the Portland area, generally over a two-day period, to discuss the technical analysis. At the conclusion of the meeting, Panel staff prepares a list of recommendations on how the reports should be changed or improved. Panel members are not paid for their participation at meetings or time reviewing the technical data. There are expenses, however, in providing staff support to the committee and reimbursing the expenses of holding committee meetings.

The State of Washington has previously supported a portion of funding Panel expenses through a portion of gas tax revenues. The Washington State Legislature has now dedicated these funds to other projects. Because the Panel provides valuable input into the South/North light rail analysis and because of the need to accommodate new federal recommendations and continue to meet State of Washington requirements, full funding of Panel expenses is needed.

Panel expenses through the Environmental Impact Study process from July 1, 1995 to December 31, 1996 are estimated to be \$156,000. There is \$71,000 available in the current Panel account that can be carried over to cover a portion of these expenses. To meet expected expenses through the end of the Environmental Impact Study process, authorization of an additional \$85,000 is needed. Contract #903-406 would be amended to extend Panel services to December 31, 1996 and to provide for Metro to reimburse Panel expenses up to \$156,000 for the remainder of the contract. The total contract amount, including costs already reimbursed dating back to October 4, 1993, will become \$223,816.

CHANGE ORDER SUMMARY

CHANGE ORDER NO: 1 INITIATION DATE: 9/11/95
CONTRACT NO: 903406 PROJECT: Reimbursement of ERP Expenses
CONTRACTOR: Washington State DOT VENDOR #
PROPOSED BY: Leon Skiles
PROJECT MANAGER/DEPARTMENT

FINANCIAL IMPACT

BUDGET CODE/TITLE: 140 122200 528100 45670

Original Contract Sum: \$ 138,816.00

Net Change Orders to Date: \$ 0

Contract Sum Prior to this C/O: \$ 138,816.00

This Change Order Request: \$ 85,000.00

New Contract Sum, Post C/O: \$ 223,816.00

Fiscal Year -
Appropriation \$

Contract, Paid to Date: \$ 67,816

Est. Appropriation Remaining: \$ 156,000

EFFECTIVE DATE(S): 7/1/95 - 12/31/96

REVIEW & APPROVAL:

AS 9/17/95 RS 9/19/95
DIVISION MANAGER DATE

AL Ingram
DEPARTMENT DIRECTOR DATE

FISCAL DATE

BUDGET (MULTI-YEAR ONLY) DATE

DIRECTOR GENERAL SERVICES DATE

LEGAL DATE

**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
HIGH CAPACITY TRANSPORTATION - EXPERT REVIEW PANEL**

THE FIRST AMENDMENT TO GC-9978 entered into by the Washington State Department of Transportation (hereinafter referred to as the "Department") and Metro-Portland, (hereinafter referred to as "Metro"), WITNESSES THAT:

Delete the existing language in Sections 1 through 3 of GC-9978 and replace them as follows:

Section 1. Purpose of Agreement. The purpose of this Agreement is to provide for Metro reimbursement of the expenses incurred by the Department in paying the Bi-State Expert Review Panel costs.

Section 2. Scope of Project. The Department and Metro have agreed upon the following issues:

- A. The Department has budgeted \$156,000 for all expenses of the Bi-State Expert Review Panel for the time of performance of this agreement: and
- B. Metro is responsible for 100% reimbursement up to a maximum of \$156,000 of Expert Review Panel costs paid by the Department;
- C. Metro will reimburse the department for Expert Review Panel expenses incurred based on invoices from the Washington State Department of Transportation which includes copies of panel bills paid. Billings will be made by the Department on an incremental basis, either monthly or quarterly.

Section 3. Time of Performance. The Project period of this Agreement shall be October 4, 1993 to December 31, 1996.

A copy of this Amendment shall be attached to and made a part of the original Agreement. Any references in such Agreement to the "Agreement" shall mean "Agreement as amended". All other terms and conditions of the original Agreement shall remain in full force and effect. This document may be simultaneously executed in several counterparts each of which shall be deemed original having identical legal effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment the date and year last written below.

**WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION**

METRO

By: _____

JAMES SLAKEY, Director
Public Transportation and
Rail Division

By: _____

Title: _____

Date: _____

Date: _____

Approved as to form:

By:  _____

Assistant Attorney General