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JUNE 1, 2010

TO: BOARD OF DIRECTORS

THROUGH: ARTHUR T. LEAHY 
CHIEF EXECUTIVE OFFICER

FROM : DOUGLAS R. FAILING, P.E. 
INTERIM CHIEF PLANNING OFFICER

SUBJECT: WESTSIDE SUBWAY EXTENSION

ISSUE

In June 2007, the Board awarded a contract to a team of consultants headed by PB Americas Inc. for alternatives analysis, environmental clearance and related engineering for the Westside Subway Extension. The base contract included the Alternatives Analysis (AA) Study and the following three options:

1. Draft Environmental Impact Statement/Environmental Impact Report (EIS/R) and Advanced Conceptual Engineering (ACE)
2. Final EIS/R
3. Preliminary Engineering (PE)

The first option (Draft EIS/EIR & ACE) was approved for award by the Board in January 2009 and is approximately 80% complete at this time. In September 2010, the Board will consider approving the Draft EIS/EIR recommendations, adopting the Project's Locally Preferred Alternative (LPA) and exercising the remaining two contract options for the Final EIS/R and PE, respectively. The total amount for these two remaining contract options is expected to well exceed the cost of the base contract and first option combined.

This report provides a status of the Westside Subway contract activities to date, the rationale for proceeding with the award of the remaining two contract options and the steps that are being taken to award these options at the September Board Meeting.

DISCUSSION

In February 2007, we released a Request for Proposals (RFP) for the Westside Subway Extension environmental clearance and PE. The RFP was sent to a broad range of consultant firms and sought multi-disciplinary teams of consultants who were fully qualified to conduct planning, environmental and preliminary engineering for the Westside Extension Corridor. Our Disadvantaged Business Enterprise Department established a SBE goal of 25%.

The procurement was conducted as a standard Architect & Engineering, qualifications based, negotiated competitive process; following the Brooks Act, where cost is not a factor. Following the selection of the most technically qualified firm(s), price negotiations were conducted. Under the Brooks Act, in the event that an acceptable price cannot be negotiated with the highest technically rated firm, we cancel further negotiations with that firm and commence negotiations with the second highest technically rated firm. A new competitive procurement is only initiated if an acceptable price cannot be negotiated with any of the firms who have been determined to be technically qualified.

In response to the RFP, we received proposals from two teams of consultants who were determined to be technically qualified and based on an evaluation of the proposals received, the Board awarded the contract with options to the team headed by PB Americas, Inc. The firm has committed to a 23.41% overall DBE participation rate that is spread among six qualified DBE subcontractor firms. The base contract for the AA Study had a total cost of \$3.654 million. The first Contract Option for the DEIS/R and ACE was awarded in January 2009 and had a total cost of \$17.245 million.

We are now initiating negotiations for options 2 and 3 of the contract which cover the Final EIS/EIR and the Preliminary Engineering. In September 2010, the Draft EIS/R will be brought to the Board for the selection of the LPA and approval to start the Final EIS/R and PE. At that time, Options 2 and 3 of the contract are scheduled for Board approval to execute and are described below:

- Final Environmental Impact Statement/Report

The Statement of Work for the Final EIS/ will include responses to comments received on the Draft EIS/R as well as additional environmental analysis on the LPA and further identification of mitigation measures.

- Preliminary Engineering

The Statement of Work for the PE includes design drawings, cost estimates and specifications that will be necessary to support completion of the Final EIS/R.

This work will form the basis for the cost estimate that will be used in the Full Funding Grant Agreement with the FTA.

It will be important for this award to take place in September so that we can maintain our project schedule which calls for completion of environmental clearance by September 2011.

Current Project Status

In September 2009, the Board selected the Westside Subway Extension as one of its two Federal New Starts projects and we have been working to expedite completion of the environmental clearance process so that we can request entry into the New Starts funding program at the earliest possible date.

Currently, the Administrative Draft EIS/EIR has been completed and is under review by the FTA. Upon their approval, the document is scheduled to be circulated for public review in July, 2010. ACE plans to support the Draft EIS/R have been completed and also submitted to the FTA for their review. This summer we anticipate undertaking the FTA required Risk Assessment which will review these drawings and associated cost estimates.

Key project milestone dates include the following:

- July 2010 – Release of Draft EIS/EIR for public review
- August 2010 – Public Hearings
- September 2010 – Board Consideration of LPA and award of option for the Final EIS/EIR and Preliminary Engineering
- October 2010 – Request Approval from FTA to start Preliminary Engineering
- May 2011 – Release of Final EIS/EIR
- June 2011 – Board Certification of Final EIS/EIR
- September 2011 – FTA Record of Decision (completion of environmental clearance)

Next Steps

We will solicit cost proposals from PB Americas for Options #2 and #3 of the contract and negotiate a recommended price which will be brought to the Board for approval in September 2010.