

**Date:** March 22, 2017

**To:** Board of Directors

**From:** Neil McFarlane *Neil McFarlane*

**Subject:** RESOLUTION 17-03-20 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH EMERIO DESIGN, LLC FOR THE POWELL LIFT RELOCATION PROJECT

**1. Purpose of Item**

The purpose of this item is to request that the TriMet Board of Directors (Board) authorize the General Manager to execute a modification to the contract with Emerio Design, LLC (Emerio) for the Powell LIFT Relocation Project (Project).

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other \_\_\_\_\_

**3. Reason for Board Action**

Board authorization is required because the proposed modification increases the contract amount beyond the amount previously authorized by the Board.

**4. Type of Action**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**5. Background**

Due to upcoming bus fleet expansion, TriMet must make changes to some of its existing bus maintenance facilities to expand its ability to store and maintain the growing fleet. To allow for expansion of the Powell Garage facility, TriMet is planning to relocate the Powell LIFT paratransit operation from the Powell Garage site to the nearby Powell Park & Ride site. The need for LIFT service is also growing, and in addition to facilitating reconfiguration of the Powell garage facility, the relocation of LIFT will allow for storage of more LIFT vehicles.

At its April 2016 meeting, the Board approved Resolution 16-04-22, authorizing TriMet to execute a contract with Emerio in the amount of \$800,000 for architectural and engineering work on the Project. The scope of work for Project design has since increased, due to items

discovered during the course of design and also refinements requested by both internal and external Project stakeholders. Examples include the discovery of high voltage underground PGE power lines, which necessitated the consideration of other building locations; moving the vehicle wash building for more efficient operation; and re-designing the access road to accommodate LIFT vehicle turning requirements. The added work scope has resulted in a need to increase the Contract amount from \$800,000.00 to \$925,000. Emerio has performed strong work thus far and has worked well with TriMet to solve unexpected issues as they have arisen.

**6. Procurement Process**

The contract was procured via a competitive Request for Proposals process.

**7. Diversity**

Emerio is a certified Disadvantaged Business Enterprise (DBE) and Minority Business Enterprise (MBE) in the State of Oregon. At the time of the initial Contract award, Emerio expected to be able to achieve approximately 60 percent M/W/ESB participation from both its work and subcontracting work. Currently, Emerio is achieving approximately 43 percent M/W/ESB participation.

**8. Financial/Budget Impact**

The Project is included in the FY 2017-18 general fund budget. The increased contract amount is within TriMet's fair cost estimate for the work and also within TriMet's Project budget.

**9. Impact if Not Approved**

At this point, Emerio has done good work in progressing design to nearly 100 percent completion. TriMet's alternative would be to hire additional staff or procure another architecture and engineering consultant to complete the design and perform design services during construction. Either alternative would be inefficient, increase project costs, and likely impact the Project schedule.

**RESOLUTION 17-03-20**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH EMERIO DESIGN, LLC FOR THE POWELL LIFT RELOCATION PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification with Emerio Design, LLC for architectural and engineering services for the Powell LIFT Relocation Project (Modification); and

**WHEREAS**, the total amount of the Modification shall exceed the contract amount originally authorized by the TriMet Board of Directors (Board); and

**WHEREAS**, the Board, by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve personal services contracts obligating TriMet to pay in excess of \$150,000;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Modification shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Modification and increase the contract amount from \$800,000 to \$925,000.

Dated: March 22, 2017

Attest:

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Recording Secretary

Approved as to Legal Sufficiency:

  
\_\_\_\_\_  
Legal Department