

Date: March 28, 2018

To: Board of Directors

From: Doug Kelsey 

Subject: RESOLUTION 18-03-31 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH STACY AND WITBECK, INC. FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE STEEL BRIDGE TRANSIT IMPROVEMENTS AND TRACK REHABILITATION 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 Stacy and Witbeck, Inc. (SWI) for construction manager/general contractor (CM/GC) services for the Steel Bridge Transit Improvements and Track Rehabilitation Project (the Project).

2. Type of Agenda Item

- Initial Contract
 Contract Modification
 Other _____

3. Reason for Board Action

Board approval is required for goods and services contracts obligating TriMet to pay in excess of \$1,000,000.

4. Type of Action

- Resolution
 Ordinance 1st Reading
 Ordinance 2nd Reading
 Other _____

5. Background

The Steel Bridge is owned by Union Pacific Railroad and is leased to the Oregon Department of Transportation (ODOT). TriMet subleases a portion of the bridge through an agreement with ODOT. Under this agreement, TriMet is required to maintain the transit related facilities on the bridge. Given the age of the bridge and its high use by multiple forms of traffic (including light and heavy rail, cars, bikes and pedestrians), maintenance and repair of the existing facilities has become difficult and increasingly ineffective. An assessment by TriMet has determined that improvements are necessary to increase the reliability of the bridge, as well as the speed and reliability of light rail vehicles that utilize the bridge.

In addition to these improvements, track rehabilitation work is necessary at multiple locations throughout the system. The locations include NE Holladay (between 9th and 11th); Providence Park; 10th and Morrison; Hatfield Government Center; the Jackson Terminus; multiple crossings in Gresham, and the Banfield Curves (near 97th).

At its August 2016 meeting, the Board approved Resolution 16-08-53, authorizing an exemption from the low bid procurement requirement for the Project. While preparing the Request for Proposals, TriMet staff became aware of the additional track rehabilitation work. In order to increase efficiency, TriMet staff requested a new exemption from low bid requirement for the Project with the additional scope considered. At its February 2017 meeting, the Board approved Resolution 17-02-10 granting the request. This exemption allowed TriMet to utilize a competitive Request for Proposal (RFP) process to select the most qualified contractor to provide CM/GC services for the Project. Subsequently, at its May 2017 meeting, the Board approved Resolution 17-05-46, authorizing a Contract with SWI for preconstruction services in an amount not-to-exceed \$126,090.

Pre-construction services are now complete, and TriMet is prepared to modify the contract to add construction services for Package 1, which includes Steel Bridge Phase I and Providence Park Track Rehabilitation. The contract amount also includes an allowance to add authority for SWI to relocate OCS poles and a signal cabinet for the Press Blocks Project, a new development adjacent to the SW 18th/Yamhill MAX platform. These costs would be reimbursed to TriMet through an existing agreement with the developer. SWI has performed satisfactorily thus far and there have been no major safety incidents or disputes. The attached Resolution authorizes a modification to SWI's Contract, as follows:

*Current Contract Amount for Preconstruction Services	\$126,090
Construction Services Modification	\$1,367,810 (Package 1)
Construction Fee	\$68,390
Contract Amount after Modification	\$1,562,290
Change Order Allowance (10 percent of Construction)	\$136,781
Allowance for OCS & Cabinet Relocation at Press Blocks	\$250,000
Total Authority Amount Requested	\$1,949,071

*Previously authorized by the Board

Competitive pricing of Package 1 construction tasks has been ensured through open book price negotiations with TriMet and competitive bidding of work scopes as appropriate, in accordance with TriMet's CM/GC practices.

There are a total of 9 construction packages anticipated for this Project. The exact locations and scope included in each package may vary slightly, but in general the packages will include:

- Package 1 – Steel Bridge East End Civil/Drainage & Providence Park
- Package 2 – Hatfield Government Center
- Package 3 – Surface and Lining
- Package 4 – Lloyd Center Crossover
- Package 5 – Steel Bridge (East & West Spans) & Lift Span
- Package 6 – 97th Avenue Curves
- Package 7 – Banfield Curves & Jackson Terminus Track 1
- Package 8 – 10th & Morrison (Streetcar)
- Package 9 – Crossing Panel Replacements

The attached Resolution authorizes Construction Services Package 1 with SWI. Future packages will be brought to the Board upon satisfactory completion of negotiations

6. Procurement Process

The contract was procured through a competitive RFP process.

7. Diversity

In its original proposal, SWI stated that it expected to obtain M/W/ESB/SDBVE participation of approximately 18 percent through subcontracting opportunities, including permit coordination, site security, construction survey, metal fabrication, and train signal modifications. For package 1, SWI expects to achieve 17.2% utilization. TriMet will work with SWI to maximize M/W/ESB/SDBVE participation when negotiating subsequent packages.

8. Financial/Budget Impact

The funding being requested by the attached Resolution for Package 1 is accounted for in the FY18-19 Capital budget.

9. Impact if Not Approved

Under the terms of the CM/GC contract, TriMet could terminate the CM/GC arrangement and then re-procure for the balance of the work. However, SWI has performed well on the Project thus far, and re-procuring this work would extend the schedule and potentially jeopardize the Project budget.

RESOLUTION 18-03-31

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH STACY AND WITBECK, INC. FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE STEEL BRIDGE TRANSIT IMPROVEMENTS AND TRACK REHABILITATION PROJECT

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification with Stacy and Witbeck, Inc. for construction manager/general contractor services for the Steel Bridge Transit Improvements And Track Rehabilitation Project (Contract Modification); and

WHEREAS, the total amount of the Modification for construction services shall exceed \$1,000,000; and

WHEREAS, the TriMet Board of Directors (Board), by Resolution dated October 25, 2017, adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$1,000,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract Modification shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute Contract Modification in the amount of \$1,562,290.
3. That the General Manager or his designee is further authorized to execute Change Orders to the Modified Contract in an Amount not to exceed \$386,781

Dated: March 28, 2018

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department