

Date: March 24, 2021

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 21-03-11 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH WSP USA, INC. FOR DESIGN SERVICES FOR THE DIVISION TRANSIT PROJECT

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to grant additional contract authority to execute a modification to the contract (Modification) with WSP USA, Inc. (WSP) for Design Services for TriMet’s Division Transit 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 previously authorized amount.

4. Type of Action

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

5. Background

The Division Transit Project will provide high-capacity transit service to the 15-mile Division Street corridor between downtown Portland and Gresham. The Project is projected to cost approximately \$175 million, about one-half of which has been provided by the Federal Transit Administration (FTA). Early construction work began in January 2020 in accordance with previous Board authority, and FTA’s regulations concerning pre-award authority. On February 23, 2020, TriMet received \$87,413,950 of the Project funding from the FTA through a Single Year Grant Agreement (SYGA).

Previously, at its May 24, 2017 meeting, the Board approved Resolution 17-05-47, authorizing TriMet to execute a contract with WSP in the amount of \$8,200,000 for design

services for the Project. At its August 14, 2019 meeting, the Board approved Resolution 19-08-65, authorizing TriMet to increase contract authority with WSP in the amount of \$2,070,000, to accommodate completion of the 100% design scope and provide Design Services During Construction (DSDCs).

Due to the complex nature of the Division Street underground utilities, the unforeseen magnitude of related design changes, and the high number of required Design Exceptions, the Project has expended the remaining design budget faster than anticipated. With 18 months of construction remaining, additional funds are required to address the anticipated remaining design work.

The Project team has been diligent in its efforts to deliver a well-managed and accountable working relationship with WSP, while attempting to anticipate unforeseen conditions within the Division corridor. In collaboration with WSP, the Project team has developed a plan and budget intended to meet the remaining Design Services During Construction (DSDCs) needs of the Project.

This Resolution would increase the Board approved contract authority by \$1,700,000, from \$10,270,000 to a new authority of \$11,970,000. The Project team considers these additional design costs to be fair and reasonable.

	Initial Contract Authority (Resolution 17-05-47)	\$8,200,000
	DSDC Authority (Resolution 19-08-65)	\$2,070,000
	Proposed Additional DSDC Authority	\$1,700,000
	Total Revised Contract Authority	\$11,970,000.

6. Procurement Process

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

7. Diversity

In its proposal, WSP indicated that it expected to be able to achieve approximately 20 percent (20%) DBE participation on the contract by subcontracting certain aspects of its design work. This includes DBE coordination, landscape architecture, electrical engineering, survey, field investigation, utilities engineering, civil engineering and CAD support. To date, WSP has achieved 26.5% DBE participation and expects to maintain that level with the anticipated additional work.

8. Financial/Budget Impact

The additional design work for the Project will be covered by the Division Transit Project's available grant-based contingency.

9. Impact if Not Approved

If this Resolution is not approved, TriMet would need to hire additional engineering and technical staff to complete the design work, because TriMet does not have the technical resources in-house. Hiring additional design staff is not a preferred option and would cause significant delay in the completion of the work. WSP's work under this contract satisfies the need for highly specialized expertise, and fulfills a short-term staffing need that will not exist after this work is complete. Moreover, WSP has performed well on the project to date.

RESOLUTION NO. 21-03-11

**RESOLUTION NO. 21-03-11 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
MODIFICATION TO THE CONTRACT WITH WSP USA, INC. FOR DESIGN
SERVICES FOR THE DIVISION TRANSIT PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a modification of a contract (Modification) with WSP USA, Inc. for Design Services for the Division Transit Project; and

WHEREAS, the total amount of the Modification exceeds the contract amount previously authorized by the TriMet Board of Directors (Board); and

WHEREAS, by Resolution dated October 25, 2017, the Board adopted a Statement of Policies requiring it to approve personal services contracts obligating TriMet to pay in excess of \$500,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the contract Modification in the amount of \$1,700,000, increasing the total authorized contract amount from \$10,270,000 to \$11,270,000, through the September 30, 2022, anticipated termination date of the contract.

Dated: March 24, 2021

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skillman

Legal Department