

Date: April 23, 2025

To: Board of Directors

From: Sam Desue, Jr.



Subject: **RESOLUTION NO. 25-04-18 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION OF THE CONTRACT FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES WITH STACY WITBECK, INC. FOR THE MAX STATION REHABILITATION PROJECT**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a modification (Modification) of the contract for Construction Manager/General Contractor (CM/GC) services with Stacy Witbeck, Inc. (SWI), for the MAX Station Rehabilitation Project (Project).

2. Type of Agenda Item

- ☐ Initial Contract
- ☒ Contract Modification
- ☐ Other

3. Type of Contract Procurement

- ☐ Low Bid / Invitation to Bid (ITB)
- ☒ Request for Proposals (RFP) (inc. CM/GC)
- ☐ Request for Qualifications (RFQ) (Personal Services)
- ☐ Other (inc. sole source)

4. Reason for Board Action

Board authorization is required for all contracts and contract Modifications obligating TriMet to pay in excess of \$1,000,000.

5. Type of Action

- ☒ Resolution
- ☐ Ordinance 1st Reading
- ☐ Ordinance 2nd Reading
- ☐ Other

6. Background

The eastside MAX Blue Line stations were built in 1986, and have now been in service for over 30 years. Existing station facilities are in need of upgrades and rehabilitation to bring them up to a state of good repair and meet current TriMet standards. Previously, the Blue Line Station Rehabilitation (BLSR) Program accomplished upgrades at several MAX Blue

Line stations on Portland's eastside, including the NE 122nd Avenue, NE 162nd Avenue, and Gresham City Hall MAX stations.

This Resolution addresses only the NE 82nd Avenue MAX Station. The Project will rehabilitate the stairway and platform areas, renovate the existing shelter, install an additional shelter, update passenger amenities, and replace signage/wayfinding, lighting, security cameras, and railings.

At its December 2024 meeting, the Board approved Resolution No. 24-12-68, which authorized a CM/GC services contract with SWI for the Project, including pre-construction services in an amount not to exceed \$92,803. Subsequently, the contract was modified to authorize the purchase of long lead items in the amount of \$212,499. The contract was further modified to authorize early work, including construction of a temporary platform in the amount of \$690,440, allowing the station to remain open during construction. The previous contract modifications were approved because they were under the delegated authority threshold of \$1,000,000.

TriMet is now prepared to modify the CM/GC services contract to add the negotiated and agreed-upon Total Contract Price for construction services. This Resolution authorizes a contract Modification to add the amount of \$4,698,797, along with a Change Order Allowance of \$526,200 (approximately 11%), for Project construction services, for a total CM/GC service contract amount of \$6,220,739.

The previous modifications to the CM/GC services contract and the Modification proposed by this Resolution are shown below:

Pre-Construction Services – Resolution No. 24-12-68	\$92,803
Modification 1 – Long lead items procurement	\$212,499
Modification 2 – Temporary Platform	\$690,440
Subtotal	\$995,742
Modification 3 – Total Contract Price for Construction Services	\$4,698,797
Change Order Allowance (approximately 11%)	\$526,200
Amount Requested by this Resolution No. 25-04-18 (Subtotal)	\$5,224,997
Total Amount of Modified CM/GC Services Contract	\$6,220,739

7. Description of Procurement Process

The original CM/GC services contract was procured through a competitive Request for Proposals (RFP) process.

8. Diversity

SWI has 752 employees, of whom 17.6% are women and 36.4% minority. SWI proposes to utilize DBE subcontractors for approximately 14.85% of the work, and anticipates that subcontracting areas may include electrical, mechanical, fiber optics, telephones, structural, architectural, electrical testing, engineering studies, concrete, general commercial

construction, train flagging, security services and traffic control. TriMet staff will work with SWI to maximize subcontracting opportunities for businesses certified by Oregon's Certification Office for Business Inclusion and Diversity (COBID).

9. **Financial/Budget Impact**

The Modification amount is included in the Engineering & Construction Division's FY2025 Budget and proposed FY2026 Budget.

10. **Impact if Not Approved**

Although TriMet could terminate the CM/GC services contract and obtain bids for the remaining construction work, doing so would result in delay, price escalation and continued price uncertainty. Contract termination also is not recommended, because SWI has performed well on the Project and the CM/GC services contract requires "open book" negotiations that result in fair and reasonable pricing. The Board's approval of this Modification will ensure that the Project maintains its current schedule.

RESOLUTION NO. 25-04-18

**RESOLUTION NO. 25-04-18 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING
A MODIFICATION OF THE CONTRACT FOR CONSTRUCTION
MANAGER/GENERAL CONTRACTOR SERVICES WITH STACY
WITBECK, INC. FOR THE MAX STATION REHABILITATION PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a modification (Modification) of the contract for Construction Manager/General Contractor (CM/GC) services with Stacy Witbeck, Inc. (SWI) for the MAX Station Rehabilitation Project (Project); and

WHEREAS, by Resolution No. 22-05-35, dated May 25, 2022, the TriMet Board of Directors adopted a Statement of Policies requiring it to approve all contracts and contract modifications obligating TriMet to pay in excess of \$1,000,000; and

WHEREAS, the total amount of this Modification exceeds \$1,000,000;

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 Modification in the amount of \$4,698,797, and to execute change orders of up to \$526,200 (approximately 11% of the Modification amount), for a total authorized amount of \$6,220,739, through the Project's anticipated completion date of June 30, 2026.

Dated: April 23, 2025

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department