

Date: January 28, 2015

To: Board of Directors

From: Neil McFarlane *Neil McFarlane*

Subject: RESOLUTION 15-01-01 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH PAVEMENT SERVICES, INC. FOR CONCRETE PAVEMENT MAINTENANCE PROGRAM DESIGN SERVICES

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 contract with Pavement Services, Inc. (“PSI”) for Concrete Pavement Maintenance Program Design Services.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

Board approval is required for personal services contracts obligating TriMet to pay in excess of \$150,000.

4. Type of Action:

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

5. Background

TriMet has more than 650 fixed-route buses and 250 LIFT buses that use concrete bus yards and transit centers on a daily basis. TriMet has numerous other concrete pavement park and ride facilities. TriMet has a major investment in these concrete pavement assets and needs professionally qualified concrete design services to provide ongoing inspections and tests in support of a concrete Pavement Management System (“PMS”). The PMS program has three objectives: (1) establish existing pavement conditions; (2) develop a prioritized maintenance and rehabilitation plan to manage pavement maintenance expenditures; and (3) maintain and update the PMS database and provide on-going reporting to TriMet. The PMS program for concrete pavement management is an element of TriMet's overall asset management programs.

6. Procurement Process

This procurement was subject to the Brooks Act, also known as Qualifications Based Selection. The Brooks Act is a federal statute enacted in 1972, which establishes the procurement process by which architects and engineers are selected for design contracts with federal agencies and agencies utilizing federal grant funds. In a Brooks Act procurement, the agency must select the most qualified firm, and then negotiate a fair and reasonable price for the required professional services. Price quotations are not permitted as a consideration in the selection process.

On September 17, 2014, TriMet issued a Request for Proposals (“RFP”) for Concrete Pavement Maintenance Program Design Services. The RFP sought firms with qualifications and experience in concrete pavement evaluation and design services.

On October 8, 2014 TriMet received two (2) proposals in response to the RFP, from GeoDesign, Inc., and PSI. An evaluation committee was appointed to review and evaluate the proposals, which was comprised of staff from TriMet’s Facilities Management, Environmental Services, and Transit Equity and Diversity departments. Proposal evaluations addressed (1) qualifications/experience of the firm; (2) qualifications/experience of key individuals offered for the services; (3) work plan approach, including diversity plan (see next section); (4) availability of key personnel in Portland; and (5) cost estimating and cost controls. After evaluating the proposals, the scores were as follows:

Evaluation Criteria	Possible Points	GeoDesign, Inc.	PSI
Corporate Experience	20	15	19
Staff Experience	35	29	32
Work Plan (incl. Diversity Plan)	25	13	13
Availability/Local Presence	10	10	10
Cost Estimating and Controls	10	5	9
Total Score	100	72	83

PSI is based in Portland and specializes in pavement engineering and testing services for public agencies including the Oregon Department of Transportation and cities and counties in the Portland region.

In accordance with the Brooks Act, the direct labor costs and overall contract value were negotiated by TriMet after selection of the highest-ranked firm. The negotiated costs are within TriMet's fair cost estimate for these services. The proposed contract is for a base period of one year, with up to four (4) option years, as follows:

Base Contract	\$138,456
Option Year 1	\$72,334
Option Year 2	\$81,843
Option Year 3	\$84,708
Option Year 4	\$87,673
estimated total 5-year contract amount	\$ 465,014

Estimated prices for each year reflect estimated scope of services for that year. All services to be performed under this contract will be based on task orders, with specific services determined by TriMet staff, and with costs subject to negotiation as the work is required.

Staff requests by this Resolution that the Board authorize the General Manager to execute the base term contract, and at his discretion, future modifications to the base contract for option years two through five, upon satisfactory negotiation of option year pricing. The estimated total five-year contract amount is \$465,014, with total contract costs to be based upon the agency's actual requirements.

7. Diversity

TriMet's RFP required proposers to include in their work plan, a diversity plan addressing workforce diversity and Disadvantaged Business Enterprise ("DBE") subcontracting plan.

PSI is certified as an Emerging Small Business ("ESB") by the State of Oregon Office of Minority, Women and Emerging Small Business. ESB certification is for Oregon small businesses seeking contracting opportunities for state, county and city government and special district contracting opportunities. PSI's workforce diversity is 40% female and 20% minority. PSI identified DBE subcontracting opportunities for computer-aided drafting, concrete drilling, and traffic flagging, and estimated probable DBE subcontracting participation of 15% during this contract. TriMet and PSI will seek to maximize DBE opportunities as each task order is negotiated.

8. Financial/Budget Impact

These services are budgeted under the Maintenance division, Facilities Management department.

9. Impact if Not Approved

The Board could opt not to approve the contract. However, staff has determined PSI's proposal to be fully responsive and responsible, and their pricing fair and reasonable. An alternative to hire TriMet professional engineers on staff, qualified to perform the concrete pavement inspections and tests, would not be cost-effective, as this work is not continuous on a full-time staff basis. An option to not approve the services would deprive TriMet of information needed to optimally manage its concrete pavement yards and park and ride facilities.

RESOLUTION 15-01-01

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH PAVEMENT SERVICES, INC. FOR CONCRETE PAVEMENT MAINTENANCE PROGRAM DESIGN SERVICES

WHEREAS, TriMet has authority under ORS 267.200 to enter into a one-year contract with four additional one-year options with Pavement Services, Inc. ("PSI") for Concrete Pavement Maintenance Program Design Services ("Contract"); and

WHEREAS, the total amount of the Contract shall exceed \$150,000; and

WHEREAS, the TriMet Board of Directors (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 Contract shall be in conformance with applicable laws.
2. That the General Manager is authorized to execute the Contract.

Dated: January 28, 2015

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department