

**Date:** June 24, 2015

**To:** Board of Directors

**From:** Neil McFarlane 

**Subject:** RESOLUTIONS 15-06-40 AND 15-06-41 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A NEW CONTRACT WITH NORTHWEST ENFORCEMENT, INC. FOR FLAGGING SERVICES AND A MODIFICATION TO AN EXISTING CONTRACT WITH NORTHWEST ENFORCEMENT, INC. FOR SECURITY AND FLAGGING SERVICES, FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT

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**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 new contract with Northwest Enforcement, Inc. (“NEI”) for flagging services, and a modification to an existing contract with NEI for flagging and security services. Both of these contracts are for the Portland-Milwaukie Light Rail Project (“Project”).

**2. Type of Agenda Items**

- 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 \$500,000.

**4. Type of Action:**

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

**5. Background**

TriMet’s Rail Activation Plan for the Project includes a public safety and outreach campaign prior to the start of revenue service. Under this safety plan, TriMet is engaging in a series of preview rides and operator training runs where the light rail vehicles operate on the new alignment at full speed. The safety plan anticipated a limited number of flaggers, known as “safety ambassadors,” at certain locations to educate and protect the public as they become accustomed to the new light rail trains.

As final details for the preview rides were developed, TriMet decided it was prudent to place a safety ambassador at every pedestrian-rail interface throughout the testing period. TriMet believes the target audience-- young people, students, neighbors and businesses along the alignment—will be well served by these safety ambassadors, to ensure public safety and the safe operation of buses and trains during testing and training.

In order to implement the safety plan, TriMet has thus far utilized an existing contract with NEI to deploy the safety ambassadors. The NEI contract is for a variety of security services, including security patrols, fencing, and flagging, among other things. It was established as a task order-based contract, with a not to exceed amount of \$459,463. Because the scale of the safety ambassador program has increased beyond the scope originally contemplated, it has become necessary to establish a contract solely for safety ambassador services. In the interim, until the new contract is in place, Resolution 15-06-41 would authorize TriMet to modify the existing contract with NEI from \$459,463 to \$850,000 to pay for continued safety ambassador services, and to continue to perform the other security services under that contract.

For the new safety ambassador contract, TriMet issued an Invitation to Bid (“ITB”) on May 21, 2015, and received three bids in response, as follows:

NEI	\$577,100.00
D&H Flagging	\$607,050.00
C.O.A.T. Flagging	\$613,142.50

TriMet staff performed a cost analysis of NEI’s proposed price and determined that the costs are fair and reasonable. Resolution 15-06-40 would authorize TriMet to enter into a new contract with NEI in the amount of \$577,100, plus a 10 percent allowance if necessary, to complete the safety plan. Work under the contract with NEI will be ordered by task orders, which will be based on the hourly rates in the bid documents.

## **6. Procurement Process**

Due to the fact that existing NEI contract called for a variety of security services to be provided, it was procured through a competitive Request for Proposal process. The new contract was procured through a competitive ITB process, as described above.

## **7. Diversity**

NEI is a certified Disadvantaged Business Enterprise (DBE) firm, and will subcontract some of the work under the new contract to D&H Flagging, which is also a DBE firm. Therefore, 100% of the work performed under these contracts will be done by DBE firms.

## **8. Financial/Budget Impact**

Both the new contract and the modification are included within the Project budget.

## **9. Impact if Not Approved**

If not approved, TriMet would be required to terminate the use of safety ambassadors, which are a critical component of the Project safety plan.

RESOLUTION 15-06-40

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A NEW CONTRACT WITH NORTHWEST ENFORCEMENT, INC. FOR FLAGGING SERVICES FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Northwest Enforcement, Inc. for flagging services for the Portland Milwaukie Light Rail Project ("Contract"); and

WHEREAS, the total amount of the Contract shall exceed \$500,000; and

WHEREAS, the TriMet Board of Directors ("Board"), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$500,000;

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

1. That the Contract shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contract in an amount not to exceed \$577,100.
3. That the General Manager or his designee is authorized to execute modifications to the Contract in an amount not to exceed \$57,710.

Dated: June 24, 2015

Attest:

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

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

Approved as to Legal Sufficiency:

  
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Legal Department

**RESOLUTION 15-06-41**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO AN EXISTING CONTRACT WITH NORTHWEST ENFORCEMENT, INC. FOR SECURITY AND FLAGGING SERVICES FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification with Northwest Enforcement, Inc. for security and flagging services for the Portland-Milwaukie Light Rail Project ("Modification"); and

**WHEREAS**, the total amount of the contract as revised by the Modification shall exceed \$500,000; and

**WHEREAS**, the TriMet Board of Directors ("Board"), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$500,000;

**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 in an amount not to exceed \$390,537.

Dated: June 24, 2015

Attest:

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

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

Approved as to Legal Sufficiency:

  
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Legal Department