


Date: May 23, 2018
To: Board of Directors
From: Doug Kelsey 
Subject: RESOLUTION 18-05-43 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH STACY AND WITBECK, INC. FOR GIDEON OVERCROSSING CONSTRUCTION MANAGER/GENERAL CONTRACTOR 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 Stacy and Witbeck, Inc. (Stacy and Witbeck) for the Gideon Overcrossing Construction Manager/General Contractor (CM/GC) Services Project (Project).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

As is typical for CM/GC services, this contract will be structured with an initial personal services contract for pre-construction services only, which will be subsequently modified to include construction services. The amount of the initial pre-construction services contract will be \$91,025. While the pre-construction services contract amount is under the Board approval threshold of \$500,000, TriMet is bringing the contract to the Board at this time because the anticipated addition of construction services will exceed the Board approval threshold for goods and services contracts. Staff will return to the Board for authorization to modify the contract to include construction services.

4. Type of Action

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

5. Background

This Project provides CM/GC services for an accessible pedestrian and cyclist overcrossing over the Union Pacific Railroad and TriMet MAX tracks between SE 14th Avenue and SE 13th Place in Portland and restores an important connection in Southeast Portland's Hosford-Abernethy neighborhood that was eliminated due to the addition of the Orange Line MAX tracks.

This overcrossing was originally part of the Portland-Milwaukie Light Rail project, but was deferred in 2010 when federal funding for the project came in below expectations. With the strong support of the surrounding community and the City of Portland, TriMet successfully secured approval from the Federal Transit Administration (FTA) to construct the new pedestrian and bicycle overcrossing using remaining Portland-Milwaukie Light Rail Transit Project funds. The City of Portland will be the ultimate owner, end user/operator, and maintainer of all assets designed and constructed.

At its December 13, 2017, meeting, the Board approved Resolution 17-12-85 authorizing an exemption from the low bid procurement requirement for the Project. 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.

6. Procurement Process

The RFP was issued on March 26, 2018, and proposals were due on April 18, 2018. A total of 243 vendors were notified of the RFP.

Prior to issuing the RFP, vendor outreach was performed through advance emails targeted to DBEs and other smaller firms. Additional outreach was performed through notification sent to the Builders Exchange of Washington, Contractor Plan Center, North America Procurement Council, Oregon Daily Journal of Commerce, Salem Contractors Exchange, Seattle Daily Journal of Commerce, and Spokane Regional Plan Center; and through a pre-proposal meeting attended by six firms on April 2, 2018.

TriMet appointed an evaluation committee (EC) to review and evaluate the proposals, which was comprised of staff from Shiels Oblatz Johnsen, Inc. (TriMet's Project Manager), TriMet's Capital Projects and Construction Division and Office of Diversity and Transit Equity, and the City of Portland. EC members were selected based on their expertise, experience and knowledge related to the Project. TriMet received a total of three proposals from Stacy and Witbeck, Hamilton Construction Co. (Hamilton), and Raimore Construction (Raimore). The EC ranked the technical proposals in accordance with the procedures and criteria established in the RFP. After completing the initial review process, the EC determined that one firm (Stacy and Witbeck) was in the competitive range for an interview. After the interview, the EC determined that Stacy and Witbeck was the highest ranked proposer.

Final full scores for the proposers are as follows:

Firm	Possible Points	Stacy and Witbeck	Hamilton	Raimore
Proposer Experience and Past Performance	25	23.5	18.17	16.17
Proposed CM/GC Project Team Staff	45	41	36.83	31
Project Approach, Work Plan, and Schedule	45	43.17	34	29.83
Contracting Plan and DBE Program	15	11.33	11.5	12.17
Project Management	25	23	20.17	16.33
Subtotal	155	142	120.67	105.5
Pre-construction Services Price		\$91,025	\$110,455	\$82,000
Construction Services Fee		\$325,472	\$290,000	\$172,500
Total Price		\$416,497	\$400,455	\$254,500
Total Price Score	45	27.5	28.6	45
Total Score	200	169.5	149.27	150.5

Accordingly, TriMet proposes to award a contract to Stacy and Witbeck for pre-construction services in the amount of \$91,025. At the completion of pre-construction services, TriMet will negotiate a modification price for construction work on the Project. Assuming the parties can come to agreement on an acceptable construction price, TriMet will seek Board authorization to modify the contract to add construction services, which may be added in phases.

7. Diversity

In its proposal, Stacy and Witbeck indicated it would utilize Disadvantaged Business Enterprise (DBE) contractors in the areas of concrete, doors & finish hardware, electrical, painting, saw cutting, steel supply and erection, train flagging, trucking and utilities. However, the proposal did not meet the Agency's aspirations for DBE participation for this project. As a result, this authorization is limited to the preconstruction service only and not the entire work scope. TriMet will ensure that Stacy and Witbeck maximizes the DBE opportunities to meet TriMet's expectations prior to authorization of any construction services contract.

8. Financial/Budget Impact

The Project is included in the FY 2018-19 Capital Program budget.

9. Impact if Not Approved

If the Board decides not to approve this contract, TriMet could re-procure the contract. However, TriMet received three responses through the RFP process, and advertising the contract a second time it is unlikely to lead to additional or more favorable proposals. Furthermore, Stacy and Witbeck is well qualified to perform this work.

RESOLUTION 18-05-43

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH STACY AND WITBECK, INC. FOR GIDEON OVERCROSSING CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Stacy and Witbeck, Inc. for the Gideon Overcrossing Construction Manager/General Contractor Services Project (Contract); and

WHEREAS, the total amount of the Contract when modified for construction services will 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 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 \$91,025.

Dated: May 23, 2018

Attest:

Presiding Officer

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department