

Public Contracting

TriMet Board Meeting

August 8, 2018

Governing Law and Rules

Public contracting is heavily rule driven

ORS 279

- 279A – “Public Contracting General Provisions”
- 279B – “Public Procurements”
- 279C – “Public Improvements and Related Contracts”

TriMet Contracting Rules

TriMet Contract Review Board Rules

- TriMet Board of Directors sometimes sits as the “Contract Review Board” to exercise certain statutory powers, e.g. approving exemptions from low bid

FTA Rules (e.g. Circular 4220.1F) for federally-funded contracts

Procurement Methods

- Invitation To Bid (Lowest Price)
 - **Responsiveness** – a bid that complies with the procurement procedures and requirements
 - **Responsibility** – a bidder who is qualified to perform the work
- Request for Proposals (Price + Qualifications)
 - **Selection Committee reviews proposal and scores based on RFP criteria and price**

Types of Contracts

1. Goods and Services

- Invitation To Bid (Lowest Price)
- Request for Proposals (Price + Qualifications)

2. Construction (“Public Improvement”)

- Invitation To Bid (Lowest Price)
 - » Good for simple projects where design is complete at time of bid (“Design, Bid, Build”)
- Request for Proposals (Price + Qualifications)
 - » Only after “exemption from low bid” approved by Board
 - » Need RFP to select alternative contracting methods, i.e. CM/GC and Design Build
 - » Good for more complex projects and projects where contractor input into design is wanted

3. Architecture and Engineering (“A&E”)

- “Brooks Act”/Qualifications-Based Selection (“QBS”)
- Price cannot be considered in selection- negotiated after selection

4. Personal Services Contracts

- “Services where the skill, ability, resources, knowledge, or expertise are of paramount importance”
- Non-A&E Personal Services Contracts can consider price in selection



Delivery Methods

Design Bid Build

Owner + Designer + Contractor

Design Build

Owner + (Designer + Contractor)

CMGC

(Owner + Contractor) + Designer



Justification

Design Bid Build

Default Delivery method by statute

Design Build

Specific Design Expertise or Risk

CMGC

Special Requirements Expertise, Risk



Outcomes

Design/Bid/Build

Smaller Capital Projects, success with bringing new firms to TM projects.

Design/Build

Park Ave Park & Ride, Tilikum Crossing

CM/GC

Division Transit, Orange Line, Second Shelter, Track Replacement

TriMet's DBE program & Workforce Diversity Program



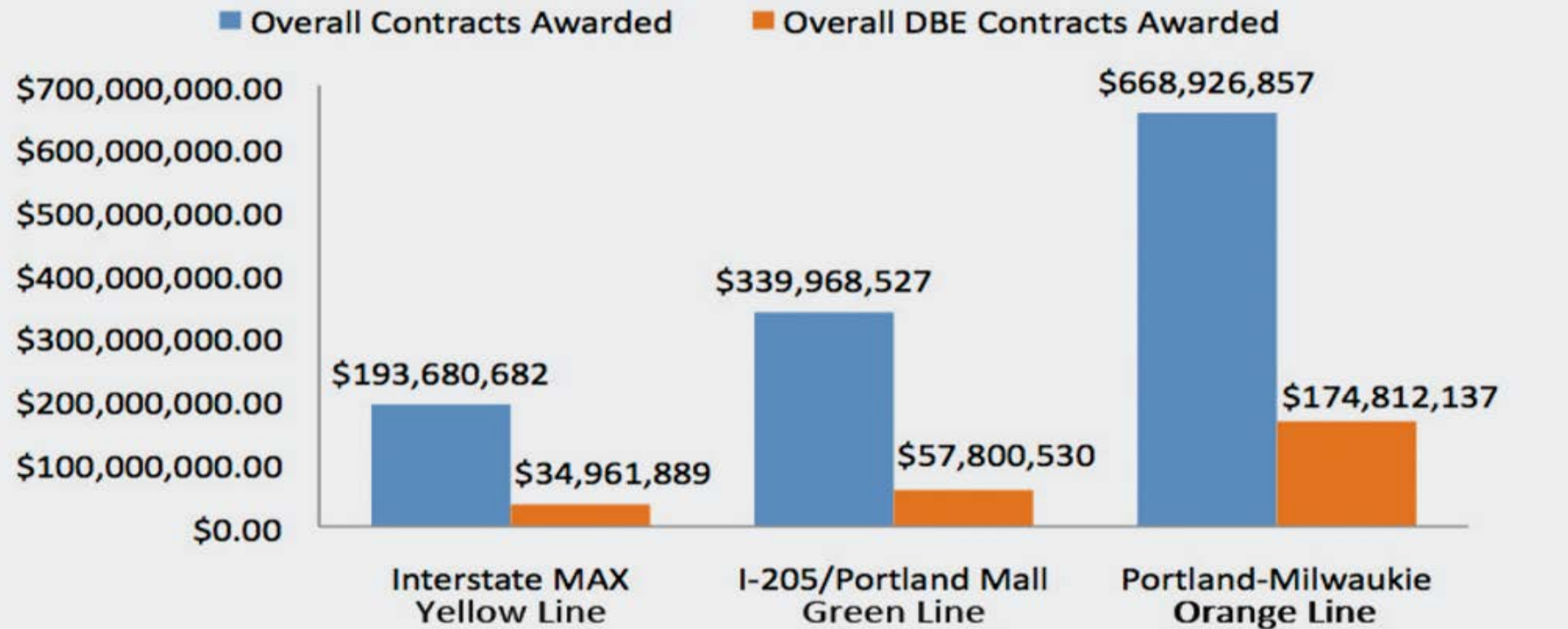
What is a DBE?

Disadvantaged Business Enterprises are small, for-profit business that are at least 51% owned by individuals who are socially and economically disadvantaged, as defined by the federal government.



TriMet's DBE Utilization Highlights

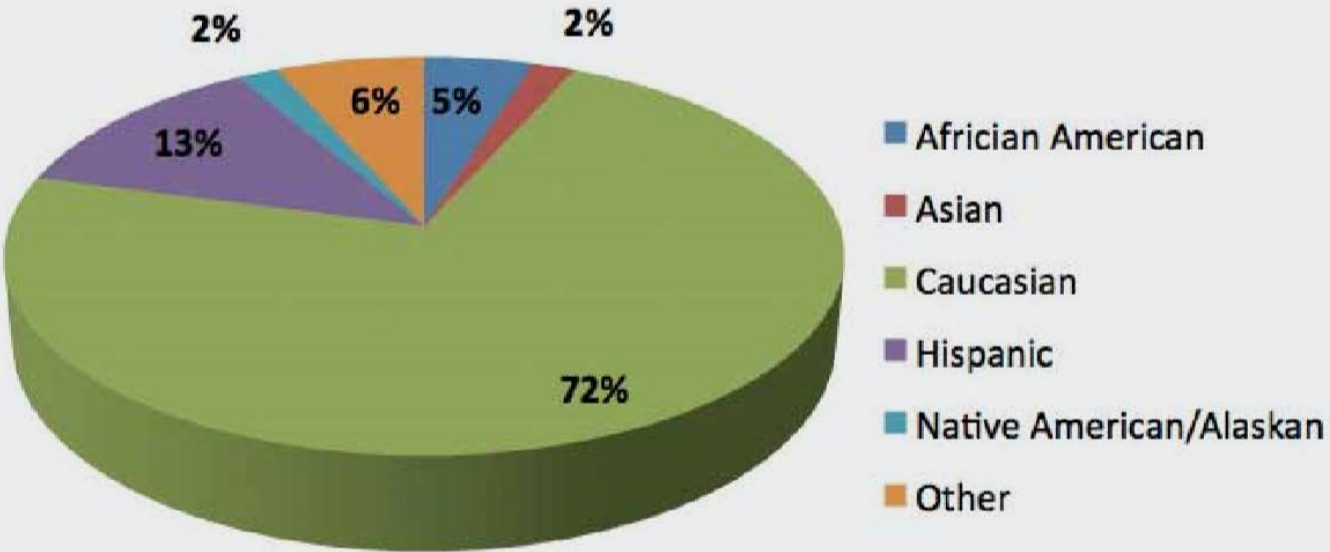
Project DBE Contracts Awarded to Date



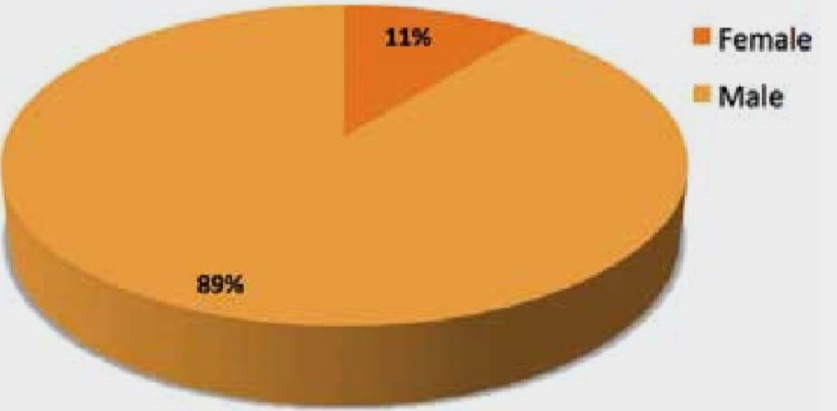
June 2015

Workforce Training & Hiring Program

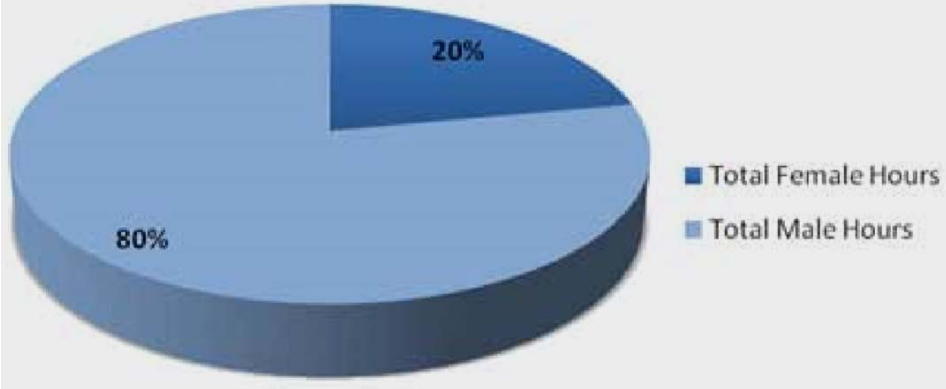
Orange Line Workforce by Ethnicity



Orange Line Workforce by Gender



Orange Line Apprentice Hours by Gender





For the record, TriMet is a race and gender neutral contracting agency

- **TriMet shall not use quotas, set-asides or preferences in the design or administration of this DBE program.**
- **Overall DBE Aspirational goal: TriMet, as the principal recipient of Federal-aid funds, must set an overall aspirational goal for DBE participation in U.S.DOT assisted contracts. TriMet's FTA aspirational goal has been set at 10.72%**



Leadership & Agency Culture

DBE Program Support Strategies

- Providing technical and business assistance to DBEs and other small businesses to ensure they are able to provide contracted work. Such assistance includes marketing support, fringe benefit package management and safety training.
- Dividing scopes of work into smaller packages to encourage DBE contractors to bid and work alongside larger firms as the smaller firms build marketable skills set.
- Assisting contractors to ensure their workforce reflects the community.
- Providing technical assistance and training on estimating, financing, business development and performance.

Next Steps

Business plan goal

- Grow Business inclusion and diversity efforts

Business plan metric

- Volume or value of contracts awarded to Disadvantaged Business Enterprises and/or Minority Business Enterprises

