

**Date:** December 9, 2015

**To:** Board of Directors

**From:** Neil McFarlane *Neil McFarlane*

**Subject:** RESOLUTION 15-12-75 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH STONES LIMITED, INC. FOR SHELTER COLUMN CLADDING FOR THE MILWAUKIE/MAIN STREET STATION OF THE PORTLAND-MILWAUKIE LIGHT RAIL TRANSIT PROJECT

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**1. Issue or Purpose of the Item.**

The purpose of this item is to request that the TriMet Board of Directors (“Board”) authorize the General Manager to execute a modification to the contract with Stones Limited, Inc. (“Stones Limited”) for shelter column cladding for the Milwaukie/Main Street Station of the Portland-Milwaukie Light Rail Project (“PMLR Project”).

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other \_\_\_\_\_

**3. Reason for Board Action.**

Board authorization is required because the proposed modification increases the contract amount beyond the amount previously authorized by the Board.

**4. Type of Action:**

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

**5. Background.**

TriMet’s public art program, which was formalized in March 1997 by the TriMet Board of Directors (Resolution 97-03-21), states that the program will be funded at 1.5 percent of the cost of capital construction projects that have total budgets greater than \$100,000.

TriMet’s public art program has continued on the PMLR Project, in collaboration with the Regional Arts and Culture Council, the Clackamas County Arts Alliance, and communities along the alignment. The Project’s public art program is guided by the Public Art Advisory Committee

("PAAC"), a group of volunteer community members and local arts professionals, which conducted a competitive Request for Qualifications process to select artists for the PMLR Project.

Pursuant to a competitive Request for Qualifications ("RFQ") process initiated by the TriMet public art program, TriMet selected a pool of qualified artists from which to award commissions. TriMet subsequently entered into contracts with a number of those artists, including Stones Limited, the company controlled by the artist Brian Goldbloom. On July 25, 2012, the Board approved Resolution 12-07-70, authorizing contracts with several artists, including Stones Limited, whose contract was authorized in the amount of \$275,000.

Under its contract, Stones Limited created a shelter column cladding design specifically for the Milwaukie/Main St Station in the City of Milwaukie that closely resembles vine maple trees. This creates an element of distinction in the station area, and provides hand-carved granite cladding for all the shelter columns at that station. The shelter column cladding is an important part of the station art and amenities, providing a unique character and a meaningful identity for the station. A narrative description, rendering, and photos of the art are attached to this memo as Attachment A.

Because the PMLR Project was completed under budget, the Federal Transit Administration approved adding back 14 second shelters at all PMLR light rail stations, and at its September 2015 meeting, the Board approved Resolution 15-09-61 authorizing a contract to procure the second shelters. This Resolution would authorize TriMet to modify the contract with Stones Limited to provide the shelter cladding treatment for the four additional shelter columns at the Milwaukie/Main St Station. TriMet negotiated the modification amount with Stones Limited, and finds it to be fair and reasonable. The cost per column is slightly higher than the cost under the original contract, to reflect an increase in material costs and a more accurate assessment of the time required to perform the work. This Resolution would authorize TriMet to increase the contract value by \$75,400, from \$275,000 to \$350,400 for the additional work.

#### **6. Procurement Process**

This contract was procured through a competitive RFQ process, as described above.

#### **7. Diversity**

Due to the nature of this work, there are no subcontracting opportunities available. The Contractor is a small business located in Amboy, Washington, but does not meet Disadvantaged Business Enterprise ("DBE") criteria.

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

Funding for the modification is included in the Project's Full Funding Grant Agreement.

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

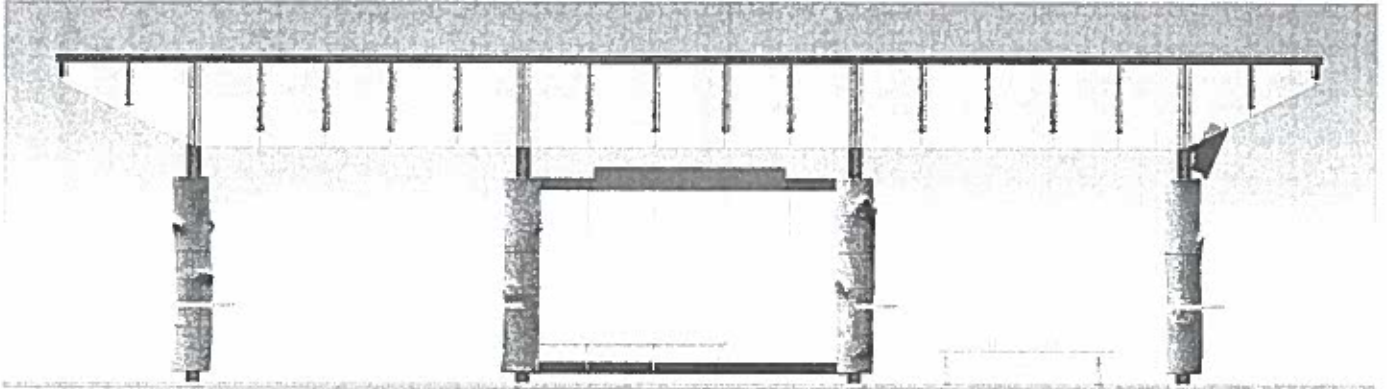
This artist was selected by a formal selection process, has performed well under the existing contract, and is prepared to fabricate the additional cladding for the new shelter to match that installed at the existing shelter. Without the column cladding, the new shelter would appear unfinished. Thus, approval of the Resolution is the only recommended option.

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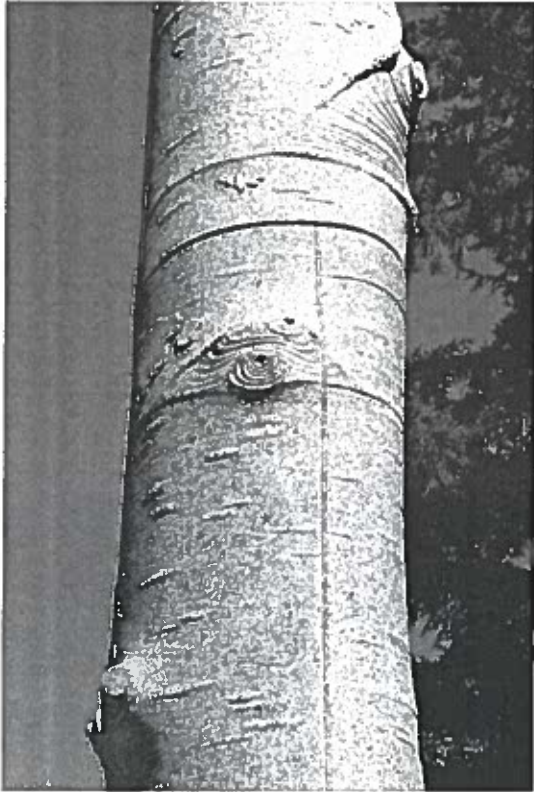
ATTACHMENT A TO BOARD MEMO

Stones Limited, Inc. (Artist Brian Goldbloom)

The columns of the Milwaukie/Main Street Station shelters will be clad in highly-crafted, hand-carved granite that will give them the appearance of being held up by oversized vine maple trees, a tree that is native to this region.



Design Rendering



Column Example

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**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a modification to the contract with Stones Limited, Inc. for shelter column cladding for the Milwaukie/Main Street Station of the Portland-Milwaukie Light Rail Project (“Modification”); and

**WHEREAS**, the total amount of the Modification shall exceed the contract amount originally authorized by the TriMet Board of Directors (“Board”); and

**WHEREAS**, the 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 Modification shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Modification.

Dated: December 9, 2015

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

Attest:

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

Approved as to Legal Sufficiency:

  
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Legal Department