

Date: February 28, 2018

To: Board of Directors

From: Shelley Devine, Interim General Manager

Subject: RESOLUTION 18-02-15 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH HOWARD S. WRIGHT FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE WASHINGTON PARK STATION IMPROVEMENTS PROJECT

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 modification to the contract with Balfour Beatty Construction, LLC dba Howard S. Wright (HSW) for construction manager/general contractor (CM/GC) services for the Washington Park Station Improvements Project (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 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

This Project upgraded and rehabilitated TriMet's Washington Park Station, which is TriMet's only enclosed, underground light rail station. The Washington Park Station opened in 1998 as part of the Westside MAX line. After nearly 20 years of service, the lighting, walls, ceiling, and information displays were all in need of repairs.

At its March 2017 meeting, the Board approved Resolution 17-03-23, authorizing a modification to the CM/GC Contract with HSW to add construction services and a Guaranteed Maximum Price for the Project. After the modification was executed, the total amount of the

Contract was \$1,582,958. The contract amount included pre-construction services, a construction fee, construction costs, and a change order allowance of 7.4% for all work associated with the Project.

Construction of the Project was successfully completed on December 31, 2017. In the last month of construction, differing site conditions were encountered. In addition, some of the work required powering down the light rail system at night. Because of the uncertainty these issues created and in order to reduce risk, TriMet and HSW agreed that TriMet would pay HSW for the affected work on a time and materials basis. TriMet believed that it was likely that the work would be completed within the contract amount. However, the cost of this work exceeded the authorized contract amount by \$44,219 (2.8 percent). The attached Resolution authorizes TriMet to modify the contract to add \$44,219 in order to make final payment to HSW. With the additional funds being requested, the final contract value would be as follows:

Pre-construction Services	\$19,250
Construction Services Mod #1	\$1,382,858
Construction Fee	\$62,896
Change Order Allowance (7.4 percent)	\$117,954
Subtotal (Resolution 17-03-23)	\$1,582,958
Added Change Order Allowance (2.8 percent)	\$44,219
TOTAL	\$1,627,177

6. Procurement Process

The contract was procured through a competitive RFP process.

7. Diversity

HSW obtained M/W/ESB/SDBVE participation of 45 percent for the Project, far in excess of the approximately 15 percent HSW set out in its proposal.

8. Financial/Budget Impact

The requested amount is included within the Project budget.

9. Impact if Not Approved

The Project has been successfully completed. In order to control cost and reduce risk, TriMet and HSW agreed to price some work items on a time and materials basis. Approval of this Resolution is required to allow TriMet to make final payment to HSW as owed.

RESOLUTION 18-02-15

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH HOWARD S. WRIGHT FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE WASHINGTON PARK STATION IMPROVEMENTS PROJECT

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification with Balfour Beatty Construction, LLC dba Howard S. Wright for construction manager/general contractor services for the Washington Park Station Improvements Project (Contract Modification); and

WHEREAS, the total amount of the Contract Modification shall exceed the amount originally authorized by the TriMet Board of Directors (Board); and

WHEREAS, the TriMet Board, by Resolution dated October 27, 2017, adopted a Statement of Policies requiring the Board to authorize contract modifications obligating TriMet to pay in excess of the amount previously authorized by the Board;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract Modification shall be in conformance with applicable laws.
2. That the General Manager or the General Manager's designee is authorized to execute the Contract Modification in an amount not to exceed \$44,219.

Dated: February 28, 2018

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department