

**Date:** August 8, 2018

**To:** Board of Directors

**From:** Doug Kelsey 

**Subject:** RESOLUTION 18-08-59 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH STACY AND WITBECK, INC. FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE STEEL BRIDGE TRANSIT IMPROVEMENTS AND TRACK REHABILITATION 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 modification to the contract with Stacy and Witbeck, Inc. (SWI) for construction manager/general contractor (CM/GC) services for the Steel Bridge Transit Improvements and Track Rehabilitation Project (Project).

**2. Type of Agenda Item**

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

**3. Reason for Board Action**

Board approval is required because this amendment will increase the value of the agreement 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**

The Steel Bridge is owned by Union Pacific Railroad and is leased to the Oregon Department of Transportation (ODOT). TriMet subleases a portion of the bridge through an agreement with ODOT. Under this agreement, TriMet is required to maintain the transit related facilities on the bridge. Given the age of the bridge and its high use by multiple forms of traffic (including light and heavy rail, cars, bikes and pedestrians), maintenance and repair of the existing facilities has become difficult and increasingly ineffective. An assessment by TriMet has determined that improvements are necessary to increase the reliability of the bridge, as well as the speed and reliability of light rail vehicles that utilize the bridge.

In addition to these improvements, critical track rehabilitation work is necessary at multiple locations throughout the system. The locations include NE Holladay (between 9<sup>th</sup> and 11<sup>th</sup>); Providence Park; 10<sup>th</sup> and Morrison; Hatfield Government Center; the Jackson Terminus; multiple crossings in Gresham; and the Banfield Curves (near 97<sup>th</sup>).

At its August 2016 meeting, the Board approved Resolution 16-08-53, authorizing an exemption from the low bid procurement requirement for the Project. While preparing the Request for Proposals, TriMet staff became aware of the additional track rehabilitation work. In order to increase efficiency, TriMet staff requested a new exemption from low bid requirement for the Project with the additional scope considered. At its February 2017 meeting, the Board approved Resolution 17-02-10 granting the request. 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. Subsequently, at its May 2017 meeting, the Board approved Resolution 17-05-46, authorizing a Contract with SWI for preconstruction services in an amount not-to-exceed \$126,090, and at its March 28, 2018 meeting, the Board approved Resolution 18-03-31, authorizing a modification to include construction services for Package 1 with SWI in an amount not to exceed \$1,562,290.

Pre-construction services and Package 1 construction are now complete, and TriMet is prepared to modify the contract to add construction services for Package 2, which includes the Hillsboro MAX improvements work at Hatfield Government Center. The contract amount also includes an allowance to add authority for SWI to include deferred maintenance work in the crossings at 3<sup>rd</sup> Ave/Washington Street and 4<sup>th</sup> Ave/Washington Street, and an allowance to add conduit and foundations at the rail crossing of Washington Street at Adams Ave. to support the Rail Pedestrian Safety Enhancements Project (RPSE). SWI has performed satisfactorily thus far and there have been no major safety incidents or disputes. The attached Resolution authorizes a modification to SWI's Contract, as follows:

<b>*Total Authority Amount Approved (Res 18-03-31)</b>	<b>\$1,949,071</b>
Construction Services Modification (Package 2)	\$1,954,364
Construction Fee (Package 2)	\$97,718
<b>Contract Amount of Modification (Package 2)</b>	<b>\$2,052,082</b>
Change Order Allowance (7.5 percent of Construction)	\$150,000
Allowance for Crossing Repairs on Washington Street	\$75,000
Allowance for Conduit & Foundations for RPSE	\$20,000
<b>Total Additional Authority Amount Requested</b>	<b>\$2,297,082</b>

\*Previously authorized by the Board

Competitive pricing of Package 2 construction tasks has been ensured through open book price negotiations with TriMet and competitive bidding of work scopes as appropriate, in accordance with TriMet's CM/GC practices.

There are a total of 9 construction packages anticipated for this Project. The exact locations and scope included in each package may vary slightly, but in general the packages will include:

- Package 1 (*Complete*) – Steel Bridge East End Civil/Drainage & Providence Park
- Package 2 – Hillsboro MAX Improvements (Hatfield Government Center)
- Package 3 – Surface and Lining
- Package 4 – Lloyd Center Crossover
- Package 5 – Steel Bridge (East & West Spans) & Lift Span

- Package 6 – 97<sup>th</sup> Avenue Curves
- Package 7 – Banfield Curves & Jackson Terminus Track 1
- Package 8 – 10<sup>th</sup> & Morrison (Streetcar)
- Package 9 – Crossing Panel Replacements

The attached Resolution authorizes construction services Package 2 with SWI. Future packages will be brought to the Board upon satisfactory completion of negotiations.

**6. Procurement Process**

The contract was procured through a competitive RFP process.

**7. Diversity**

In its original proposal, SWI stated that it expected to obtain M/W/ESB/SDV participation of approximately 18 percent through subcontracting opportunities, including permit coordination, site security, construction survey, metal fabrication, and train signal modifications. For package 1, SWI expected to achieve 17.2% utilization. They achieved 18.44%. For package 2, SWI expects to achieve 18.1% utilization. TriMet will work with SWI to maximize M/W/ESB/SDV participation when negotiating subsequent packages.

**8. Financial/Budget Impact**

The funding being requested by the attached Resolution for Package 2 is accounted for in the FY 2018-2019 Capital budget.

**9. Impact if Not Approved**

Under the terms of the CM/GC contract, TriMet could terminate the CM/GC arrangement and then re-procure for the balance of the work. However, SWI has performed well on the Project thus far, and re-procuring this work would extend the schedule and potentially jeopardize the Project budget.

**RESOLUTION 18-08-59**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH STACY AND WITBECK, INC. FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE STEEL BRIDGE TRANSIT IMPROVEMENTS AND TRACK REHABILITATION PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification with Stacy and Witbeck, Inc. for construction manager/general contractor services for the Steel Bridge Transit Improvements And Track Rehabilitation Project (Contract Modification); and

**WHEREAS**, the total amount of the Contract Modification shall exceed the amount previously authorized by the Board; and

**WHEREAS**, the TriMet Board of Directors (Board), by Resolution dated October 25, 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 his designee is authorized to execute the Contract Modification in an amount not to exceed \$2,052,082.
3. That the General Manager or his designee is further authorized to execute Change Orders to the Contract in an Amount not to exceed \$245,000.

Dated: August 8, 2018

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

Attest:

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

Approved as to Legal Sufficiency:

  
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Legal Department