

Date: October 23, 2019

To: Board of Directors

From: Doug Kelsey

Subject: **RESOLUTION NO. 19-10-85 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH AECOM TECHNICAL SERVICES, INC. FOR CONSTRUCTION MANAGER, SAFETY SPECIALIST AND START-UP MANAGER SERVICES FOR THE DIVISION TRANSIT PROJECT**

1. Purpose of Item

This Resolution requests the TriMet Board of Directors (Board) to authorize the General Manager or his designee to execute a contract with AECOM Technical Services, Inc. (AECOM) for Construction Manager, Safety Specialist and Start-Up Manager Services (Contract) for the Division Transit Project (Project).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Type of Contract Procurement

- Low Bid / Invitation to Bid (ITB)
- Request for Proposals (RFP) (inc. CM/GC)
- Request for Qualifications (RFQ) (Personal Services)
- Other (inc. sole source) _____

4. Reason for Board Action

Board approval is required for personal services contracts obligating TriMet to pay in excess of \$500,000.

5. Type of Action

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

6. Background

The Division Transit Project (DTP) will operate along a 15-mile alignment between downtown Portland and the Gresham Transit Center. In downtown Portland, DTP will operate on the Downtown Transit Mall, cross the Willamette River via the Tilikum Crossing, and run on SE Division to the Gresham Transit Center. The alignment serves several major destinations

including Portland Community College's Southeast Campus and CLIMB Centers, Oregon Health & Sciences University, David Douglas High School and Portland State University.

DTP will provide high-quality transit service with 60-foot long articulated buses, and includes 42 stations providing light-rail like amenities. The Project will provide advanced traffic signalization and communication to provide more reliable and faster service than currently possible. The Project also includes sidewalk, intersection and bicycle facility improvements, to weave the Project into the character of the neighborhoods it will serve.

The Project has recently completed 90% design, and will be finalizing design by the end of October 2019. As a Federal Small Starts project, TriMet has been working closely with the FTA to secure approvals and funding for this project. Final grant application materials were completed and submitted at the end of August 2019, and federal funding approval is anticipated by the beginning of November 2019.

A Construction Manager/General Contractor (CM/GC), Raimore Construction, has been assisting TriMet's DTP team to review constructability, ensure cost certainty, and define the best construction approach. Construction is scheduled to begin in November 2019, starting with private and public utility relocation. The Project is scheduled for completion in the Spring of 2022, with revenue service starting in September 2022.

TriMet staff will continue providing construction management oversight, change control, inspections, and coordination services to ensure the successful delivery of the Project. However, the additional services of a Construction Manager, a Safety Specialist and a Start-Up Manager, procured through this RFQ process, are required to support the Project from November 2019 to December 2022.

7. Description of Procurement Process

A competitive Request for Qualifications (RFQ) process was used to select the contractor for the Project. The RFQ was issued on August 26, 2019, and proposals were due on September 16, 2019. The RFQ was advertised on TriMet's TriP\$ website. A total of 328 vendors were notified of the RFQ and 63 vendors viewed the solicitation. A pre-proposal meeting, attended by seven (7) firms, was held on September 5, 2019.

This RFQ was subject to the Brooks Act, also known as a Qualifications-Based Selection. A Qualifications-Based Selection process is utilized when selecting architects and engineers for design contracts. In this type of procurement, the agency must first select the most qualified firm, and then negotiate a fair and reasonable price for the required professional services. Price quotations are not permitted as a consideration in the selection process.

TriMet appointed an evaluation committee (EC) to review and evaluate the proposals. The EC consisted of staff from TriMet's Engineering and Construction Division, its Operations Planning and Development Department, and the City of Portland. EC members were selected based on their expertise, experience and knowledge related to the Project.

TriMet received two proposals, one from AECOM and the other from Mott MacDonald. The EC ranked the proposals in accordance with the procedures and criteria established in the RFQ, and determined that AECOM was the highest ranked proposer.

Final scores for the proposers are as follows:

Evaluation Criteria	Possible Points	AECOM	Mott MacDonald
Corporate Experience	15	13.25	10.75
Personnel Experience	40	34	30.25
Work Plan, Quality Control, and Diversity Plan	25	20	19.5
Availability and Track Record	10	9.5	5.75
Cost Estimating and Cost Controls	10	7.75	7.5
Total Score	100	84.5	73.75

After reviewing initial technical scores, the EC determined that interviews were not necessary. In accordance with a Qualifications-Based Selection process, TriMet engaged in negotiations with AECOM regarding labor, overhead and profit rates for AECOM and any subcontractors. TriMet staff determined that the negotiated rates are fair and reasonable in relation to the local market for this type of work and in comparison with other rates for similar services.

The attached Resolution authorizes the award of a contract with AECOM in an amount not to exceed \$1,100,000, over the three-year span of the Project.

8. Diversity

In its proposal, AECOM indicated it would utilize Disadvantaged Business Enterprise (DBE) sub-contractors for 45% of the proposed consultants. Both the proposed Safety Specialist and the proposed Start-Up Manager (made up of a team of two individuals from two separate firms) are D/M/WBE firms. AECOM staff is comprised of 40% women and 12% minorities.

9. Financial/Budget Impact

The maximum amount of the contract will be \$1,100,000, over a three-year term. The negotiated contract amount is accounted for under the annual Engineering and Construction budgets.

10. Impact if Not Approved

If the Board decides not to approve this contract, TriMet's alternative would be to hire staff to fill the three positions, resulting in significant delays in supporting the Division Transit Project. In addition, the Project requires highly specialized expertise and the need for the additional staff would not exist after the work is completed.

RESOLUTION NO. 19-10-85

**RESOLUTION NO. 19-10-85 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING
A CONTRACT WITH AECOM FOR CONSTRUCTION MANAGER,
SAFETY SPECIALIST & START-UP MANAGER SERVICES FOR THE
DIVISION TRANSIT PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with AECOM for a Construction Manager, Safety Specialist & Start Up Manager Services for the Division Transit Project (Contract); and

WHEREAS, the total amount of the Contract exceeds \$500,000; and

WHEREAS, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to approve personal services contracts obligating TriMet to pay in excess of \$500,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contract in an amount not to exceed \$1,100,000, over the expected three-year term of the contract.

Dated: October 23, 2019

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department

