

Date: July 26, 2017

To: Board of Directors

From: Neil McFarlane *Neil McFarlane*

Subject: RESOLUTION 17-07-58 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING CONTRACTS WITH ENVIRONMENTAL BUSINESS SOLUTIONS INC. AND RIGERT LANDSCAPING CO. FOR VEGETATED STORMWATER FACILITY LANDSCAPE MAINTENANCE, REHABILITATION, AND ON-CALL SERVICES

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 contracts with Environmental Business Solutions Inc. (EBS) and Rigert Landscaping Co. (Rigert) for vegetated stormwater facility landscape maintenance, rehabilitation, and on-call services (Services).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

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

4. Type of Action

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

5. Background

TriMet has approximately 53 vegetated stormwater facilities within its service district that require routine landscape maintenance and rehabilitation services on a quarterly and as needed basis.

Quarterly Services to be provided include, but are not limited to: clearing, grubbing, tree limbing/pruning/removal, shrub pruning, new plant/bulb installation (to replace dead or damaged plants), trimming, removal of sediment and trash, watering, and weeding. On-call

Services may include mulching, new planting, tree pruning/removal, pesticide application, excavation/sediment removal, and erosion control measures; and are usually the result of severe weather, which causes die off of vegetation and/or damage (i.e., fallen trees, uprooted shrubbery, etc.).

Contracted firms provide all the labor, tools, machinery, materials, transportation, and equipment necessary for, and reasonably incidental to, the completion of all work associated with these Services. TriMet employees do not provide assistance to or perform any work associated with vegetated stormwater facility landscape maintenance.

6. Procurement Process

Prior to issuance of the solicitation, Procurement & Contracts staff reached out to 30 certified Disadvantaged Business Enterprise (DBE), Minority owned Business Enterprise (MBE), Woman owned Business Enterprises (WBE), Emerging Small Business (ESB), and Service Disabled Veteran Business Enterprise (SDVBE) firms informing them of this opportunity and encouraging them to submit bids. In addition to the outreach, staff decided to make two separate awards instead of one to two different contractors to maximize the number of opportunities for certified firms.

On June 7, 2017, TriMet issued an Invitation To Bid (ITB) for the Services. On June 28, 2017, TriMet received four bids as follows:

Bid Results - Vegetated Stormwater Facility Landscape Maintenance, Rehabilitation and On-Call Services (BO170262LJ)

Region	Vendor & Region Preference	Vendor & Region Preference
	Rigert Landscaping Co.	CityLife EcoDesign Inc.
Eastside	\$1,507,500.00 2	\$1,111,120.00 1
Westside	\$743,500.00 1	N/A
	Verde Landscaping	Environmental Business Solutions Inc.
Eastside	\$1,709,900.00 1	\$417,000.00 1
Westside	\$1,144,000.00 2	\$388,600.00 2

CityLife EcoDesign Inc. and EBS are both certified Emerging Small Businesses and Verde Landscaping is a non-profit organization.

Following receipt of bids, but prior to the issuance of the Notice of Intent to Award, staff performed a responsibility determination and determined that both EBS and Rigert were responsive and responsible.

The proposed contracts with EBS and Rigert will have a base term of one-year with four one-year options, for a maximum five-year term. Contract pricing is based on firm fixed rates for quarterly maintenance/rehabilitation services, and hourly rates for on-call (task order based) work in addition to a 10% mark-up for materials and equipment. No price increases are allowed during the base term of the contract; any rate increases during the renewal terms (option years) will be subject to TriMet approval, and will be capped at the Consumer Price Index (CPI) All-Urban Workers, for the Portland-Salem area. The estimated contract amounts are:

EBS

- Initial one-year base term – \$ 83,400.00
- 5-year contract total – \$417,000.00

Rigert

- Initial one-year base term – \$148,700.00
- 5-year contract total – \$743,500.00

Five-year Total of All Contracts = \$1,160,500.00 (15.85% less than the ICE)

The actual contract amounts will be based on the agency's actual requirements, which will vary annually according to the frequency of maintenance/rehabilitation activities and the number of on-call services performed by each firm.

The total amount of the two contracts of \$1,160,500 compares favorably to TriMet's independent cost estimate (ICE) for this procurement of \$1,344,460 for a 5-year contract term. The ICE was based on pricing from TriMet's current contracts, plus escalation.

7. Diversity

EBS is a certified ESB and their workforce is 72% minority and 11% female. The total employee count of the company is 18. EBS will perform the majority of the work with its own employees, but did note that it will likely use subcontracted certified firms for approximately 8-10% of the work.

Rigert is a small business with 20 employees, but is not registered with the State of Oregon as a certified firm. Their workforce is 85% minority and 5% female. Rigert will perform the work with its own employees so there are no subcontracting opportunities.

8. Financial/Budget Impact

The cost of the Services is budgeted as an element of the FY2018 Safety, Security, and Environmental Services operating budget.

9. Impact if Not Approved

If this Resolution is not approved, the only alternative would be to hire in-house staff to perform the Services and procure the necessary equipment and tools. This alternative is not recommended because the Services are not constantly in demand and hiring in-house staff would be more expensive than these two contracts on an annual basis.

RESOLUTION 17-07-58

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING CONTRACTS WITH ENVIRONMENTAL BUSINESS SOLUTIONS INC. AND RIGERT LANDSCAPING CO. FOR VEGETATED STORMWATER FACILITY LANDSCAPE MAINTENANCE, REHABILITATION, AND ON-CALL SERVICES

WHEREAS, TriMet has authority under ORS 267.200 to enter into contracts with Environmental Business Solutions Inc. and Rigert Landscaping Co. for vegetated stormwater facility landscape maintenance, rehabilitation, and on-call services (Contracts); and

WHEREAS, the total amount of each Contract shall exceed \$500,000; and

WHEREAS, the TriMet Board of Directors (Board), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$500,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contracts shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contracts for a combined amount not to exceed \$1,160,500 plus Consumer Price Index escalation for five year terms.

Dated: July 26, 2017

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department