

Date: February 27, 2019

To: Board of Directors

From: Doug Kelsey 

Subject: **RESOLUTION 19-02-14 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH STACY AND WITBECK, INC. FOR CONSTRUCTION SERVICES FOR CLEVELAND MAX STATION OPERATOR BREAK FACILITY AND SIGNAL AND COMMUNICATIONS BUILDING**

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 contract with Stacy and Witbeck, Inc. (“Stacy”) for Construction Services for the Cleveland MAX Station Operator Break Facility and Signal and Communications Building (“the Services”).

2. Type of Agenda Item

- Initial Contract
 Contract Modification
 Other _____

3. Reason for Board Action

Board approval is required for personal services contracts obligating TriMet to pay in excess of \$1,000,000.

4. Type of Action:

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

5. Background

Cleveland Avenue is a MAX light rail park-and-ride station in Gresham, located at the 26th and final stop eastbound on the current MAX Blue line. Service began here in 1986, when the original light rail opened for service. The Cleveland Station will be the final stop for Bus Rapid Transit service on the Division Transit Project, expected to open in the spring of 2021.

The station and park-and-ride are bordered to the north by NE 8th Avenue and an apartment complex. To the south is the platform and rails, with an apartment building, assisted living facility and a machine shop further south of the tracks. Commercial and industrial businesses lie to the east and west. There is also a multi-modal path that runs along the southern edge of the park-and-ride.

The light rail station at this location consists of a single island platform with rail on both sides, with a building containing both an operator breakroom and signal hut located on the platform. Chronic water leaks have caused significant water damage as well as mold in the wall cavities and ceiling of the building. Environmental assessments were conducted in the building in 2017. Based on these assessments TriMet concluded that it was cost prohibitive to perform the extensive remediation and re-building necessary to make the building safe for its intended uses. Further, the existing systems and communications equipment is also outdated, and cannot be remedied under the current conditions.

Included in the scope of work for this Project are the civil, building, and site work for the construction of a new operator break facility and signal and communication building. The work will also include demolition of the existing building and restoration of the platform. The design phase for this Project under a separate contract is largely completed, and the construction phase should begin shortly and is expected to continue through August 2020.

6. Procurement Process

TriMet originally conducted a competitive, Invitation to Bid (“ITB”) process in October 2018. As this process generated only one bid, TriMet made the decision to resolicit for these services. The second ITB was issued on January 2, 2019, with Bids due on January 30, 2019. The ITB was advertised on TriMet’s TriP\$ website and in the Portland Business Tribune. A pre-bid meeting for interested firms was held on January 11, 2019, at the Cleveland MAX Station and was attended by four (4) firms.

TriMet received two (2) bids in response to the ITB: Stacy and Witbeck, and Lorentz Bruun. As shown below, Stacy submitted the lowest responsive bid.

Bid Results		
Contractor	Stacy and Witbeck	Lorentz Bruun
Bid Price	\$2,697,123	\$3,374,406

TriMet’s independent cost estimate for the project was \$2,631,320. TriMet’s cost estimate was found to be fair and reasonable based on the competitive bids received. Stacy and Witbeck was found to be the lowest responsive and responsible bidder. Accordingly, staff recommends award of a contract to Stacy and Witbeck.

As is typical for construction work, unforeseen circumstances may occur that require changes to the scope of work for the Project. Therefore, the attached Resolution includes authority for potential future change orders allowing additional expenditures of up to \$269,712, or 10 percent of the contract amount.

7. **Diversity**

In its bid, Stacy indicated that it would utilize certified subcontractors for approximately 8.89% of the work. Since this is a low bid contract, TriMet has limited input into the subcontractors Stacy might select to work on the Project. However, TriMet will work with Stacy to determine if there are additional opportunities for it to engage certified firms and encourage Stacy to provide them with opportunities to work on this Project.

8. **Financial/Budget Impact**

The maximum potential amount of the contract will be \$2,966,835, which includes \$269,712 for possible change orders. The Services are covered under the Capital Projects budget for FY2020, and will be included in future budget requests.

9. **Impact if Not Approved**

TriMet could re-procure the contract, however, this option is not recommended because Stacy is a well-qualified firm and has offered fair and reasonable pricing. As this work has been solicited twice, reprocurement is unlikely to result in greater competition.

RESOLUTION 19-02-14

**RESOLUTION 19-02-14 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH STACY AND WITBECK, INC., FOR CONSTRUCTION
SERVICES FOR THE CLEVELAND MAX STATION OPERATOR BREAK
FACILITY AND SIGNAL AND COMMUNICATIONS BUILDING**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Stacy and Witbeck, Inc. (“Stacy”) for Construction Services for the Cleveland Max Station Operator Break Facility and Signal and Communications Building (“the Services”); and

WHEREAS, the total amount of the Contract exceeds \$1,000,000; and

WHEREAS, the TriMet Board of Directors (“Board”), by Resolution dated October 25, 2017, adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$1,000,000

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall conform with applicable laws;
2. That the General Manager or his designee is authorized to execute the Contract in the amount of \$2,697,123; and
3. That the General Manager or his designee is authorized to execute change orders to the Contract in a total amount not to exceed \$269,712 over the two-year term of this Contract.

Dated: February 27, 2019

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department