

Date: April 27, 2016
To: Board of Directors
From: Neil McFarlane *Neil McFarlane*
Subject: RESOLUTION 16-04-24 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH DAVID EVANS AND ASSOCIATES, INC. FOR RAIL PEDESTRIAN SAFETY ENHANCEMENT DESIGN 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 a contract with David Evans and Associates, Inc. (“DEA”) for Rail Pedestrian Safety Enhancement Design Services (“Project”).

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 \$150,000.

4. Type of Action:

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

5. Background

The TriMet Capital Projects program includes an annual work element to rehabilitate and improve selected rail crossings on the MAX system. This ongoing work is part of TriMet’s continuous improvement program and its commitment to public safety and rail reliability.

The purpose of this Resolution is to award a contract to a consultant to provide engineering design and construction support services for the multi-year pedestrian crossing improvement program. The contract is expected to extend thru the fiscal year 2020.

6. Procurement Process

On February 9, 2016, TriMet issued a Request for Proposals (“RFP”) for these services. The RFP sought qualifications of each firm, including individual experience, work plan, diversity plan, and the availability of key personnel in Portland.

This procurement was subject to the Brooks Act, also known as Qualifications Based Selection. The Brooks Act is a federal statute enacted in 1972, which establishes the procurement process by which architects and engineers are selected for contracts with federal agencies and agencies utilizing federal grant funds. In a Brooks Act procurement, the agency must 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, which was comprised of staff from TriMet’s Capital Projects division, Safety and Security division, and office of Diversity and Transit Equity. EC members were selected based on their expertise, experience and knowledge related to the services to be provided. On March 8, 2016, TriMet received eight proposals in response to the RFP. After initial review, the EC determined that four proposers, AECOM Technical Services, Inc. (“AECOM”); DEA; HDR Engineering, Inc. (“HDR”); and T.Y. Lin International (“T.Y. Lin”), were within the competitive range. After completing the evaluation of the proposals in accordance with the procedures and criteria established in the RFP, the EC determined that DEA was the highest ranked proposer. Final scores for the competitive range were as follows:

Criteria	Possible Points	AECOM	DEA	HDR	T.Y. Lin
Corporate Experience	20	13	14	13	13
Staff Experience	35	35	35	32	33
Work Plan and Diversity Plan	25	19	22	20	20
Availability in Portland	10	8	8	8	7
Cost Estimating & Cost Controls	10	7	7	7	8
Total	100	82	86	80	81

Accordingly, TriMet proposes to award a contract to DEA.

7. Diversity

DEA indicated it expects to achieve approximately 20 percent Minority/Women/Emerging Small Business (“M/W/ESB”) participation under this contract, depending on the nature of the actual work assigned, from subcontracting work such as CAD support, permitting, electrical, and communications work. DEA will specify M/W/ESB subcontracting opportunities as each task order is negotiated, at which time the M/W/ESB utilization will become a fixed commitment.

8. Financial/Budget Impact

TriMet will order work via the issuance of task orders. Task orders will be issued only when sufficient budget exists to do so, and will be billed to the Rail Pedestrian Safety Enhancements program. In accordance with Qualifications-Based Selection, the direct labor costs and overall contract value were negotiated after selection of the consultant. TriMet staff has determined that the negotiated rates are fair and reasonable, in relation to the local market for this type of work. The attached Resolution authorizes the award of a contract to DEA for up to four years, in an amount not to exceed \$4,500,000.

9. Impact if Not Approved

TriMet could elect to award separate contracts as work is identified. However, much of the work to be performed under this contract is of small scale and often needs to be performed under short deadlines to respond to immediate needs. Using one firm on a task-order basis will promote consistency in crossing treatments where appropriate and will help expedite the work and reduce overall costs by eliminating the procurement and administrative process for multiple, separate contracts.

RESOLUTION 16-04-24

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH DAVID EVANS AND ASSOCIATES, INC. FOR RAIL PEDESTRIAN SAFETY ENHANCEMENT DESIGN SERVICES

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with David Evans and Associates, Inc. for Rail Pedestrian Safety Enhancement Design Services (“Contract”); and

WHEREAS, the total amount of the Contract shall exceed \$150,000; and

WHEREAS, the TriMet Board of Directors (“Board”), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve personal services contracts obligating TriMet to pay in excess of \$150,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contract.

Dated: April 27, 2016

Attest:

Presiding Officer

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department