

Date: May 25, 2016

To: Board of Directors

From: Neil McFarlane 

Subject: **RESOLUTION 16-05-28 OF THE TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON (TRIMET)  
AUTHORIZING A SERIES OF ON-CALL CONTRACTS FOR  
CONSTRUCTION MANAGEMENT SERVICES FOR BUILDINGS  
CONSTRUCTION AND CIVIL CONSTRUCTION**

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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 series of on-call contracts for Construction Management Services for Buildings Construction and Civil Construction.

**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 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**5. Background**

TriMet’s Capital Projects division has a wide variety of ongoing construction projects, ranging from new construction to upkeep of its existing system. To support these projects, Capital Projects staff has a need for task-based, on-call consultant services to assist with construction management work at peak times or for specialized workloads. A TriMet Project Manager will be assigned to each project, but depending on size, schedule, complexity, and available internal staff resources, additional support staff may be necessary, and would be provided under these contracts. Because of the amount of work required, multiple contracts for diverse construction support positions are needed. Expected work under the contracts includes positions such as resident engineer, office engineer, field engineer, and inspector. Funding for these contracts will come from TriMet’s budget for the specific project being supported.

## 6. Procurement Process

On March 18, 2016, TriMet issued a Request for Proposals (“RFP”) for these services. The RFP sought qualifications of each firm, including corporate experience, staff experience, work plan, diversity plan, the availability of key personnel in Portland, and cost estimating and cost controls.

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 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 April 11, 2016, TriMet received seven proposals in response to the RFP. Proposers could propose on Construction Management Services for buildings projects, civil projects, or both. TriMet received three proposals for Buildings Construction, from AECOM Technical Services, Inc. (“AECOM”); Wenaha Group, Inc.; and Shiels Obletz Johnsen, Inc. (“SOJ”); and seven proposals for civil construction, from AECOM; David Evans and Associates, Inc.; DL Design Group, Inc.; Harper Houf Peterson Righellis, Inc. (“HHPR”), SOJ, T.Y. Lin International, Inc. (“T.Y. Lin”), and Wenaha Group, Inc. The EC ranked the proposers in accordance with the procedures and criteria established in the RFP. After completing the review, scores were as follows:

### **Buildings Construction**

<b>Criteria</b>	<b>Possible Points</b>	<b>AECOM</b>	<b>Wenaha Group, Inc.</b>	<b>SOJ</b>
Corporate Experience	15	11	12	11
Staff Experience	35	26	26	24
Work Plan and Diversity Plan	25	22	22	18
Availability in Portland	15	12	12	12
Cost Estimating & Cost Controls	10	8	7	7
<b>Total</b>	<b>100</b>	<b>79</b>	<b>79</b>	<b>72</b>

Based on the extent of work expected to be needed, TriMet believes having three firms under contract is appropriate. Accordingly, TriMet proposes to award a contract to AECOM,

Wenaha Group, Inc. and SOJ for Buildings Construction.

**Civil Construction**

<b>Criteria</b>	<b>Possible Points</b>	<b>AECOM</b>	<b>HHPR</b>	<b>David Evans and Associates</b>	<b>T.Y.Lin</b>	<b>Wenaha Group, Inc.</b>	<b>DL Design</b>	<b>SOJ</b>
Corporate Experience	15	14	14	14	13	12	11	12
Personnel Experience	35	28	28	28	28	25	24	23
Work Plan and Diversity Plan	25	22	22	21	22	22	21	18
Availability in Portland	15	12	12	12	12	12	11	12
Cost Estimating & Cost Controls	10	8	8	8	8	7	8	7
<b>Total</b>	<b>100</b>	<b>84</b>	<b>84</b>	<b>83</b>	<b>83</b>	<b>78</b>	<b>75</b>	<b>72</b>

Based on the extent of work expected to be needed, TriMet believes having four firms under contract is appropriate. Accordingly, TriMet proposes to award a contract to AECOM, HHPR, David Evans and Associates, and T.Y. Lin for Civil Construction.

TriMet will negotiate each task order in accordance with federal Brooks Act requirements to ensure that the selected consultant has the demonstrated competence and qualification for the work, and is able to perform the work at a fair price. TriMet staff will take into account personnel, level of expertise of a particular firm, availability, and Disadvantaged Business Enterprise (“DBE”)/subcontractor utilization plan as key factors in assigning a task.

**7. Diversity**

Because these are task-order contracts, the DBE percentage expected to be achieved by each firm will vary depending upon the specifics of the work assigned. Further, TriMet will work with each firm at the time task orders are issued to identify DBE opportunities. However, the selected firms indicated that they expect to achieve DBE participation as follows:

- AECOM indicated it expects to achieve approximately 20 percent DBE participation under its two contracts.
- Wenaha Group, Inc. is a certified DBE firm, and indicated it expects to achieve approximately 30 percent DBE participation under its contract.
- HHPR indicated it expects to achieve 10 to 20 percent DBE participation under its contract.
- T.Y. Lin indicated it expects to achieve 16 to 20 percent DBE participation under its contract.
- David Evans and Associates indicated it expects to achieve approximately 10 percent DBE participation under its contract.
- SOJ indicated it does not expect to subcontract any work under this contract.

**8. Financial/Budget Impact**

TriMet will order work via task orders. Task orders will only be issued when sufficient budget exists to do so, and will be charged to the particular project budget for which the work is being performed. 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 contracts in an amount not to exceed \$600,000 over three years. Because these are task order contracts, TriMet will only make payment for work actually assigned and performed.

**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 these contracts is of small scale and often needs to be performed under short deadlines to respond to immediate needs. Having on-call firms available on a task-order basis will expedite the work and will reduce overall costs by eliminating the procurement and administrative process for multiple, separate contracts.

**RESOLUTION 16-05-28**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A SERIES OF ON-CALL CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES FOR BUILDINGS CONSTRUCTION AND CIVIL CONSTRUCTION**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a series of contracts for Construction Management Services for Buildings Construction and Civil Construction (“Contracts”); and

**WHEREAS**, the total amount of the Contracts 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 Contracts shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contracts.

Dated: May 25, 2016

Attest:

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

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

Approved as to Legal Sufficiency:

  
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Legal Department